

By: Holland, Eaton

To: Apportionment and  
Elections

## HOUSE BILL NO. 560

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR  
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN  
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, THAT  
4 SUCH PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT;  
5 TO PROVIDE THAT WHEN MORE THAN ONE PERSON HAS QUALIFIED AS A  
6 CANDIDATE FOR AN OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE  
7 HELD THREE WEEKS PRIOR TO THE GENERAL ELECTION AND THE CANDIDATE  
8 WHO RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL  
9 HAVE HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION  
10 BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF  
11 THE VOTES CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT  
12 THE TWO CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE  
13 PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL  
14 ELECTION BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE  
15 PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR  
16 QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE  
17 PRINTING OF NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7,  
18 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-159,  
19 23-15-173, 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403,  
20 23-15-411, 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559,  
21 23-15-561, 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605,  
22 23-15-673, 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807,  
23 23-15-811, 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885,  
24 23-15-891, 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085  
25 AND 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
26 TO REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH  
27 PROVIDES FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION  
28 POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972,  
29 WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO  
30 REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
31 FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO  
32 REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH  
33 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND  
34 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES  
35 OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES  
36 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES  
37 FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY  
38 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND  
39 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE

40 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597  
41 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
42 CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY  
43 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE  
44 EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A  
45 TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO  
46 REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
47 FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL  
48 VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL  
49 SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972,  
50 WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO  
51 REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH  
52 PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND  
53 UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI  
54 CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM  
55 CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083,  
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN  
57 CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE  
58 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

59

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

61 SECTION 1. (1) For purposes of this act, the following  
62 words shall have the meaning ascribed herein unless the context  
63 shall otherwise require:

64 (a) "Preferential election" shall mean an election held  
65 for the purpose of determining those candidates whose names will  
66 be placed on the general or regular election ballot. Any person  
67 who meets the qualifications to hold the office he seeks may be a  
68 candidate in the preferential election without regard to party  
69 affiliation or lack of party affiliation.

70 (b) "General election" or "regular election" shall mean  
71 an election held for the purpose of determining which candidate  
72 shall be elected to office.

73 (c) "Political party" shall mean a party defined as a  
74 political party by the provisions of Sections 23-15-1059 and  
75 23-15-1061, Mississippi Code of 1972.

76 (2) All qualified electors of the State of Mississippi may

77 participate, without regard to party affiliation or lack of party  
78 affiliation, in any appropriate preferential, general or regular  
79 election.

80 SECTION 2. The general election in 2003 and every general  
81 election thereafter shall be held on the first Tuesday after the  
82 first Monday of November of the appropriate year. When more than  
83 one (1) person has qualified or been certified as a candidate for  
84 any office, a preferential election for such office shall be held  
85 three (3) weeks prior to such general or regular election.

86 SECTION 3. Any person who has qualified in the manner  
87 provided by law as a candidate for election under Sections 1  
88 through 11 of this act shall have the right to withdraw his name  
89 as a candidate by giving notice of his withdrawal in writing to  
90 the secretary of the appropriate election commission at any time  
91 prior to the printing of the official ballots, and in the event of  
92 his withdrawal the name of such candidate shall not be printed on  
93 the ballot.

94 SECTION 4. When only one (1) person shall have qualified or  
95 been certified as a candidate for any office, such person's name  
96 shall be placed only on the general or regular election ballot and  
97 shall not be placed on the ballot for a preferential election.

98 SECTION 5. When more than one (1) person has qualified or  
99 been certified as a candidate for any office, a preferential  
100 election for such office shall be held three (3) weeks prior to  
101 such general or regular election, and any candidate who receives a  
102 majority of the votes cast in such preferential election shall  
103 have his name, and his name only, placed on the ballot in the  
104 general or regular election. Except as provided in Section 6 of

105 this act, if no person shall receive a majority of the votes cast  
106 at such preferential election, then the two (2) persons receiving  
107 the highest number of votes in the preferential election shall  
108 have their names placed on the ballot in the general or regular  
109 election as candidates for such office.

110       SECTION 6. (1) When there is a tie in the preferential  
111 election between the candidates receiving the highest vote, then  
112 only those candidates shall be placed on the ballot as candidates  
113 in the general election.

114       (2) When there is a tie in the preferential election between  
115 the candidates receiving the next highest vote and there is not a  
116 tie for the highest vote, candidates receiving the next highest  
117 vote and the one receiving the highest vote, no one having  
118 received a majority, shall have their names placed on the ballot  
119 as candidates in the general or regular election.

120       (3) In the event that (a) there are more than two (2)  
121 candidates in the preferential election, and (b) no candidate in  
122 such election receives a majority of the votes cast at such  
123 preferential election, and (c) there is not a tie in such  
124 preferential election that would require the procedure prescribed  
125 in subsection (2) of this section to be followed, and (d) one (1)  
126 of the two (2) candidates who receives the highest number of votes  
127 in such preferential election withdraws or is otherwise unable to  
128 participate in the general or regular election, then the remaining  
129 candidate of the two (2) who receives the highest vote in the  
130 preferential election and the candidate who receives the third  
131 highest vote in such election shall be placed on the ballot as  
132 candidates in the general or regular election.

133        SECTION 7. All candidates receiving the highest number of  
134 votes for any office in the general or regular election shall  
135 thereby be declared elected to such office, subject to the  
136 requirements of Sections 140, 141 and 143, Mississippi  
137 Constitution of 1890.

138        SECTION 8. (1) All candidates upon entering the race for  
139 election to any office, except municipal officers, shall, not  
140 later than 5:00 p.m. sixty (60) days prior to any general or  
141 regular election, file their intent to be a candidate and pay to  
142 the secretary of the proper executive committee of their political  
143 party or the appropriate election commission for each election the  
144 following amounts:

145            (a) Candidates for Governor and United States Senator,  
146 the sum of Three Hundred Dollars (\$300.00);

147            (b) Candidates for United States Representatives,  
148 Lieutenant Governor, Attorney General, Secretary of State, State  
149 Treasurer, Auditor of Public Accounts, Commissioner of Insurance,  
150 Commissioner of Agriculture and Commerce, State Highway  
151 Commissioner and State Public Service Commissioner, the sum of Two  
152 Hundred Dollars (\$200.00);

153            (c) Candidates for district attorney, the sum of One  
154 Hundred Dollars (\$100.00);

155            (d) Candidates for State Senator and State  
156 Representative whose district is composed of more than one (1)  
157 county, or parts of more than one (1) county, the sum of Fifteen  
158 Dollars (\$15.00);

159            (e) Candidates for State Senator or State  
160 Representative whose district is composed of one (1) county or

161 less, and candidates for sheriff, chancery clerk, circuit clerk,  
162 tax assessor, tax collector, county attorney, county  
163 superintendent of education and board of supervisors, the sum of  
164 Fifteen Dollars (\$15.00); and

165 (f) Candidates for county surveyor, county coroner,  
166 justice court judge and constable, the sum of Ten Dollars  
167 (\$10.00).

168 (2) No person shall be denied a place upon the ballot for  
169 any office for which he desires to be a candidate because of his  
170 inability to pay the assessment above set out.

171 SECTION 9. (1) Candidates for offices set out in Section 8  
172 of this act under paragraphs (a), (b), (c) and (d) shall file  
173 their intent to be a candidate with the secretary of the state  
174 executive committee of the political party with which the  
175 candidate is affiliated or with the secretary of the state  
176 election commission if not affiliated with a political party.

177 (2) Candidates for offices set out in Section 8 of this act  
178 under paragraphs (e) and (f) shall file their intent to be a  
179 candidate with the secretary of the county executive committee of  
180 the political party with which the candidate is affiliated, or  
181 with the county election commission if not affiliated with a  
182 political party.

183 Not later than fifty-five (55) days prior to the general  
184 election, the respective executive committee shall certify to the  
185 appropriate election commission all candidates who have filed,  
186 within the time prescribed herein, with such committee their  
187 intent to be a candidate.

188 SECTION 10. (1) Necessary ballots for use in elections

189 shall be printed as provided for in Section 23-15-351, Mississippi  
190 Code of 1972. The ballots shall contain the names of all  
191 candidates who have filed their intention to be a candidate in the  
192 manner and within the time prescribed herein. Such names shall be  
193 listed alphabetically on the ballot without regard to party  
194 affiliation, if any, with indication of the political party, if  
195 any, with which such candidate qualified placed in parentheses  
196 following the name of the candidate.

197 (2) The county election commissioners may also have printed  
198 upon the ballot any local issue election matter that is authorized  
199 to be held on the same date as the general election pursuant to  
200 Section 23-15-375, Mississippi Code of 1972; provided, however,  
201 that the ballot form of such local issue must be filed with the  
202 election commissioners by the appropriate governing authority not  
203 less than sixty (60) days previous to the election.

204 SECTION 11. (1) All candidates upon entering the race for  
205 election to any municipal office shall, not later than 5:00 p.m.  
206 sixty (60) days prior to any municipal general or regular  
207 election, file their intent to be a candidate and pay to the  
208 secretary of the municipal executive committee of their political  
209 party or to the municipal election commission for each election  
210 the amount of Ten Dollars (\$10.00).

211 (2) Candidates for municipal office shall file their intent  
212 to be a candidate with the secretary of the municipal executive  
213 committee of the political party with which the candidate is  
214 affiliated, or with the secretary of the municipal election  
215 commission if not affiliated with a political party.

216 (3) Such election shall be held on the date provided for in

217 Section 23-15-173, Mississippi Code of 1972; and in the event a  
218 preferential election shall be necessary, such preferential  
219 election shall be held three (3) weeks prior thereto. At such  
220 election, or elections, the municipal election commissioners shall  
221 perform the same duties as are specified by law and performed by  
222 the county election commissioners with regard to state and county  
223 general and preferential elections. Except as otherwise provided  
224 by law, all municipal elections shall be held and conducted as is  
225 provided by law for state and county elections.

226 (4) Provided, however, that in municipalities operating  
227 under a special or private charter which fixes a time for holding  
228 elections other than the time fixed herein, the preferential  
229 election shall be three (3) weeks prior to the general election as  
230 fixed by the charter.

231 (5) No person shall be denied a place upon the ballot for  
232 any office for which he desires to be a candidate because of his  
233 inability to pay the assessment above set out.

234 (6) Not later than fifty-five (55) days prior to the general  
235 election, the respective municipal executive committees shall  
236 certify to the municipal election commission all candidates who  
237 have filed, within the time prescribed herein, with such executive  
238 committees their intent to be a candidate.

239 SECTION 12. Sections 1 through 11 of this act shall apply to  
240 all elections to public office except elections for judicial  
241 office as defined in Section 23-15-975, Mississippi Code of 1972,  
242 and special elections.

243 SECTION 13. Nothing in Sections 1 through 11 of this act  
244 shall prohibit special elections to fill vacancies in either house



245 of the Legislature from being held as provided in Section  
246 23-5-201, Mississippi Code of 1972. In all elections conducted  
247 under the provisions of Section 23-15-851, Mississippi Code of  
248 1972, the commissioners shall have printed on the ballot the name  
249 of any candidate who shall have been requested to be a candidate  
250 for the office by a petition filed with said commissioners not  
251 less than ten (10) working days prior to the election and signed  
252 by not less than fifty (50) qualified electors.

253       SECTION 14. The state executive committee of any political  
254 party is hereby authorized to make and promulgate reasonable rules  
255 and regulations for the affairs of said political party and may  
256 authorize the county executive committee of said party to have a  
257 new registration of the members of that party, if the county  
258 executive committee thinks it is for the best welfare of the party  
259 to do so.

260       SECTION 15. It shall be the duty of the state executive  
261 committee of each political party to furnish to the election  
262 commissioners of each county the names of all state and state  
263 district candidates who have qualified as provided in Sections 8  
264 and 9 of this act.

265       SECTION 16. The chairmen of the state and county election  
266 commissioners, respectively, shall transmit to the Secretary of  
267 State a tabulated statement of the vote cast in each county in  
268 each state and district election, which statement shall be filed  
269 by the Secretary of State and preserved among the records of his  
270 office.

271       SECTION 17. Candidates for the Office of Public Service  
272 Commissioner and for State Highway Commissioner and for other

273 officers to be elected from each Supreme Court district, and  
274 representatives in Congress and for district attorneys and for  
275 other officers to be elected by districts, shall be voted for by  
276 all the counties within their respective districts, and all said  
277 district candidates except senatorial candidates in districts  
278 composed of one (1) county shall be under the supervision and  
279 control of the state election commissioners, which commissioners  
280 shall discharge, in respect to such state district elections, all  
281 the powers and duties imposed upon them in connection with  
282 elections of candidates for other state offices.

283 SECTION 18. Section 21-7-7, Mississippi Code of 1972, is  
284 amended as follows:

285 21-7-7. The governing body of any such municipality shall be  
286 a council, known and designated as such, consisting of seven (7)  
287 members. One (1) of the members shall be the mayor, having the  
288 qualifications as prescribed by Section 21-3-9, who shall have  
289 full rights, powers and privileges of other councilmen. The mayor  
290 shall be nominated and elected at large; the remaining councilmen  
291 shall be nominated and elected one (1) from each ward into which  
292 the city shall be divided. However, if the city be divided into  
293 less than six (6) wards, the remaining councilmen shall be  
294 nominated and elected at large. The councilmen, including the  
295 mayor, shall be elected for a term of four (4) years to serve  
296 until their successors are elected and qualified in accordance  
297 with the provisions of Section 11, House Bill No. \_\_\_\_\_, 2000  
298 Regular Session, said term commencing on the first Monday of  
299 January after the municipal election first following the adoption  
300 of the form of government as provided by this chapter.

301           The compensation for the members of the council shall, for  
302 the first four (4) years of operation, under this chapter, be  
303 fixed by the board of mayor and aldermen holding office prior to  
304 the change in form of government. Thereafter the amount of  
305 compensation for each such member may be increased or decreased by  
306 the council, by council action taken prior to the election of  
307 members thereof for the ensuing term, such action to become  
308 effective with the ensuing terms.

309           SECTION 19. Section 21-8-7, Mississippi Code of 1972, is  
310 amended as follows:

311           21-8-7. (1) Each municipality operating under the  
312 mayor-council form of government shall be governed by an elected  
313 council and an elected mayor. Other officers and employees shall  
314 be duly appointed pursuant to this chapter, general law or  
315 ordinance.

316           (2) Except as otherwise provided in subsection (4) of this  
317 section, the mayor and councilmen shall be elected by the voters  
318 of the municipality at a general or regular municipal election  
319 held on the first Tuesday after the first Monday in June as  
320 provided in Section 11, House Bill No. \_\_\_\_\_, 2000 Regular Session,  
321 and shall serve for a term of four (4) years beginning on the  
322 first Monday of July next following his election.

323           (3) The terms of the initial mayor and councilmen shall  
324 commence at the expiration of the terms of office of the elected  
325 officials of the municipality serving at the time of adoption of  
326 the mayor-council form.

327           (4) (a) The council shall consist of five (5), seven (7) or  
328 nine (9) members. In the event there are five (5) councilmen, the

329 municipality shall be divided into either five (5) or four (4)  
330 wards. In the event there are seven (7) councilmen, the  
331 municipality shall be divided into either seven (7), six (6) or  
332 five (5) wards. In the event there are nine (9) councilmen, the  
333 municipality shall be divided into seven (7) or nine (9) wards.  
334 If the municipality is divided into fewer wards than it has  
335 councilmen, the other councilman or councilmen shall be elected  
336 from the municipality at large. The total number of councilmen  
337 and the number of councilmen elected from wards shall be  
338 established by the petition or petitions presented pursuant to  
339 Section 21-8-3. One (1) councilman shall be elected from each  
340 ward by the voters of that ward. Councilmen elected to represent  
341 wards must be residents of their wards at the time of  
342 qualification for election, and any councilman who removes his  
343 residence from the municipality or from the ward from which he was  
344 elected shall vacate his office. However, any candidate for  
345 councilman who is properly qualified as a candidate under  
346 applicable law shall be deemed to be qualified as a candidate in  
347 whatever ward he resides if his ward has changed after the council  
348 has redistricted the municipality as provided in subparagraphs  
349 (c)(ii) and (iii) of this subsection (4), and if the wards have  
350 been so changed, any person may qualify as a candidate for  
351 councilman, using his existing residence or by changing his  
352 residence, not less than fifteen (15) days prior to the  
353 preferential election or special election, as the case may be,  
354 notwithstanding any other residency or qualification requirements  
355 to the contrary.

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

357 adoption of the mayor-council form of government shall designate  
358 the geographical boundaries of the wards within one hundred twenty  
359 (120) days after the election in which the mayor-council form of  
360 government is selected. In designating the geographical  
361 boundaries of the wards, each ward shall contain, as nearly as  
362 possible, the population factor obtained by dividing the  
363 municipality's population as shown by the most recent decennial  
364 census by the number of wards into which the municipality is to be  
365 divided.

366 (c) (i) It shall be the mandatory duty of the council  
367 to redistrict the municipality by ordinance, which ordinance may  
368 not be vetoed by the mayor, within six (6) months after the  
369 official publication by the United States of the population of the  
370 municipality as enumerated in each decennial census, and within  
371 six (6) months after the effective date of any expansion of  
372 municipal boundaries; however, if the publication of the most  
373 recent decennial census or effective date of an expansion of the  
374 municipal boundaries occurs six (6) months or more prior to the  
375 preferential election in a municipality, then the council shall  
376 redistrict the municipality by ordinance not less than sixty (60)  
377 days prior to such preferential election.

378 (ii) If the publication of the most recent  
379 decennial census occurs less than six (6) months prior to the  
380 preferential election in a municipality, then the council shall  
381 redistrict the municipality by ordinance not later than twenty  
382 (20) days prior to the preferential election.

383 (iii) If the publication of the most recent  
384 decennial census is not received by the council in time to

385 redistrict the municipality at least twenty (20) days prior to the  
386 preferential election, then the council shall redistrict the  
387 municipality by ordinance not later than twenty (20) days prior to  
388 a special preferential election provided for hereafter in this  
389 subparagraph. If the census is not received in time to redistrict  
390 the municipality, as provided above, the mayor and councilmen  
391 shall be elected by the voters of the municipality at a special  
392 general or regular municipal election held on the fourth Tuesday  
393 after the first Monday in June, and a special preferential  
394 election shall be held on the second Tuesday after the first  
395 Monday in June, notwithstanding other provisions of law to the  
396 contrary.

397 (d) If annexation of additional territory into the  
398 municipal corporate limits of the municipality shall occur less  
399 than six (6) months prior to the preferential election in a  
400 municipality the council shall, by ordinance adopted within three  
401 (3) days of the effective date of such annexation, assign such  
402 annexed territory to an adjacent ward or wards so as to maintain  
403 as nearly as possible substantial equality of population between  
404 wards; any subsequent redistricting of the municipality by  
405 ordinance as required by this chapter shall not serve as the basis  
406 for representation until the next regularly scheduled election for  
407 municipal councilmen.

408 (e) If the council shall have failed to redistrict the  
409 municipality as herein required, the members of the council shall  
410 not receive any further salaries until the council shall have  
411 adopted such ordinance and the checks for such salaries for said  
412 periods shall not be issued.

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

415 (6) The mayor shall maintain an office at the city hall.  
416 The councilmen shall not maintain individual offices at the city  
417 hall; provided, however, that in municipalities with populations  
418 of one hundred ninety thousand (190,000) and above, councilmen may  
419 have individual offices in the city hall. Clerical work of  
420 councilmen in the performance of the duties of their office shall  
421 be performed by municipal employees or at municipal expense, and  
422 councilmen shall be reimbursed for the reasonable expenses  
423 incurred in the performance of the duties of their office.

424 SECTION 20. Section 21-15-1, Mississippi Code of 1972, is  
425 amended as follows:

426 21-15-1. All officers elected at the general or regular  
427 municipal election provided for in Section 11, House Bill No.  
428 \_\_\_\_\_, 2000 Regular Session, shall qualify and enter upon the  
429 discharge of their duties on the first Monday of July after such  
430 general election, and shall hold their offices for a term of four  
431 (4) years and until their successors are duly elected and  
432 qualified.

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

435 23-15-21. It shall be unlawful for any person who is not a  
436 citizen of the United States or the State of Mississippi to  
437 register or to vote in any \* \* \* special, preferential or general  
438 election in the state.

439 SECTION 22. Section 23-15-31, Mississippi Code of 1972, is  
440 amended as follows:

441           23-15-31. All of the provisions of this subarticle shall be  
442 applicable, insofar as possible, to municipal, preferential,  
443 general and special elections; and wherever therein any duty is  
444 imposed or any power or authority is conferred upon the county  
445 registrar or county election commissioners \* \* \* with reference to  
446 a state and county election, such duty shall likewise be imposed  
447 and such power and authority shall likewise be conferred upon the  
448 municipal registrar or municipal election commission \* \* \* with  
449 reference to any municipal election.

450           SECTION 23. Section 23-15-129, Mississippi Code of 1972, is  
451 amended as follows:

452           23-15-129. The commissioners of election and the registrars  
453 of the respective counties are hereby directed to make an  
454 administrative division of the pollbook for each county  
455 immediately following any reapportionment of the Mississippi  
456 Legislature or any realignment of supervisors districts, if  
457 necessary. Such an administrative division shall form  
458 subprecincts whenever necessary within each voting precinct so  
459 that all persons within a subprecinct shall vote on the same  
460 candidates for each public office. Separate pollbooks for each  
461 subprecinct shall be made. The polling place for all subprecincts  
462 within any given voting precinct shall be the same as the polling  
463 place for the voting precinct. Additional managers may be  
464 appointed for subprecincts in the discretion of the commissioners  
465 of election \* \* \*.

466           SECTION 24. Section 23-15-153, Mississippi Code of 1972, is  
467 amended as follows:

468           23-15-153. (1) At the following times the commissioners of



469 election shall meet at the office of the registrar and carefully  
470 revise the registration books and the pollbooks of the several  
471 voting precincts, and shall erase from those books the names of  
472 all persons erroneously on the books, or who have died, removed or  
473 become disqualified as electors from any cause; and shall register  
474 the names of all persons who have duly applied to be registered  
475 and have been illegally denied registration:

476 (a) On the Tuesday after the second Monday in January  
477 1987 and every following year;

478 (b) On the first Tuesday in the month immediately  
479 preceding the preferential election for congressmen in the years  
480 when congressmen are elected;

481 (c) On the first Monday in the month immediately  
482 preceding the preferential election for state, state district,  
483 legislative, county and county district offices in the years in  
484 which those offices are elected; and

485 (d) On the second Monday of September preceding  
486 the \* \* \* regular special election day in years in which a general  
487 election is not conducted.

488 Except for the names of those persons who are duly qualified  
489 to vote in the election, no name shall be permitted to remain on  
490 the registration and pollbooks. Except as otherwise provided by  
491 Section 23-15-573, no person shall vote at any election whose name  
492 is not on the pollbook.

493 (2) Except as provided in subsection (3) of this section,  
494 and subject to the following annual limitations, the commissioners  
495 of election shall be entitled to receive a per diem in the amount  
496 of Seventy Dollars (\$70.00), to be paid from the county general

497 fund, for every day or period of no less than five (5) hours  
498 accumulated over two (2) or more days actually employed in the  
499 performance of their duties for the necessary time spent in the  
500 revision of the registration books and pollbooks as required in  
501 subsection (1) of this section:

502 (a) In counties having less than ten thousand (10,000)  
503 qualified electors, not more than thirty-five (35) days per year;

504 (b) In counties having ten thousand (10,000) qualified  
505 electors but less than twenty thousand (20,000) qualified  
506 electors, not more than fifty (50) days per year;

507 (c) In counties having twenty thousand (20,000)  
508 qualified electors but less than fifty thousand (50,000) qualified  
509 electors, not more than sixty-five (65) days per year;

510 (d) In counties having fifty thousand (50,000)  
511 qualified electors but less than seventy-five thousand (75,000)  
512 qualified electors, not more than eighty (80) days per year;

513 (e) In counties having seventy-five thousand (75,000)  
514 qualified electors but less than one hundred thousand (100,000)  
515 qualified electors, not more than ninety-five (95) days per year;

516 (f) In counties having one hundred thousand (100,000)  
517 qualified electors but less than one hundred twenty-five thousand  
518 (125,000) qualified electors, not more than one hundred ten (110)  
519 days per year;

520 (g) In counties having one hundred twenty-five thousand  
521 (125,000) qualified electors but less than one hundred fifty  
522 thousand (150,000) qualified electors, not more than one hundred  
523 twenty-five (125) days per year;

524 (h) In counties having one hundred fifty thousand

525 (150,000) qualified electors but less than one hundred  
526 seventy-five thousand (175,000) qualified electors, not more than  
527 one hundred forty (140) days per year;

528 (i) In counties having one hundred seventy-five  
529 thousand (175,000) qualified electors but less than two hundred  
530 thousand (200,000) qualified electors, not more than one hundred  
531 fifty-five (155) days per year;

532 (j) In counties having two hundred thousand (200,000)  
533 qualified electors or more, not more than one hundred seventy  
534 (170) days per year.

535 (3) The commissioners of election shall be entitled to  
536 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
537 be paid from the county general fund, not to exceed ten (10) days  
538 for every day or period of no less than five (5) hours accumulated  
539 over two (2) or more days actually employed in the performance of  
540 their duties for the necessary time spent in the revision of the  
541 registration books and pollbooks prior to any special election.  
542 For purposes of this subsection, the regular special election day  
543 shall not be considered a special election. The annual  
544 limitations set forth in subsection (2) of this section shall not  
545 apply to this subsection.

546 (4) Subject to the following limitations, the commissioners  
547 of election shall be entitled to receive a per diem in the amount  
548 of Seventy Dollars (\$70.00), to be paid from the county general  
549 fund, for every day or period of no less than five (5) hours  
550 accumulated over two (2) or more days actually employed in the  
551 performance of their duties in the conduct of an election:

552 (a) In counties having less than ten thousand (10,000)

553 qualified electors, not more than fifteen (15) days per election;

554           (b) In counties having ten thousand (10,000) qualified  
555 electors but less than twenty-five thousand (25,000) qualified  
556 electors, not more than twenty-five (25) days per election;

557           (c) In counties having twenty-five thousand (25,000)  
558 qualified electors but less than fifty thousand (50,000) qualified  
559 electors, not more than thirty-five (35) days per election;

560           (d) In counties having fifty thousand (50,000)  
561 qualified electors but less than seventy-five thousand (75,000)  
562 qualified electors, not more than forty-five (45) days per  
563 election;

564           (e) In counties having seventy-five thousand (75,000)  
565 qualified electors but less than one hundred thousand (100,000)  
566 qualified electors, not more than fifty-five (55) days per  
567 election;

568           (f) In counties having one hundred thousand (100,000)  
569 qualified electors but less than one hundred fifty thousand  
570 (150,000) qualified electors, not more than sixty-five (65) days  
571 per election;

572           (g) In counties having one hundred fifty thousand  
573 (150,000) qualified electors but less than two hundred thousand  
574 (200,000) qualified electors, not more than seventy-five (75) days  
575 per election; and

576           (h) In counties having two hundred thousand (200,000)  
577 qualified electors or more, not more than eighty-five (85) days  
578 per election.

579           It is the intention of the Legislature that the conduct of an  
580 election as required by law and as compensated in this subsection

581 is a separate and distinct function from the purging and revision  
582 of the registration and pollbooks as required by subsection (1) of  
583 this section and the compensation for those revisions provided by  
584 subsection (2) of this section.

585 (5) The commissioners of election shall be entitled to  
586 receive only one (1) per diem payment for those days when the  
587 commissioners of election discharge more than one (1) duty or  
588 responsibility on the same day.

589 (6) The county commissioners of election may provide copies  
590 of the registration books revised pursuant to this section to the  
591 municipal registrar of each municipality located within the  
592 county.

593 SECTION 25. Section 23-15-159, Mississippi Code of 1972, is  
594 amended as follows:

595 23-15-159. (1) When the commissioners of election meet for  
596 the purpose of revising the registration and pollbooks of the  
597 several voting precincts, they may erase therefrom the names of  
598 all persons who have not voted in at least one (1) election,  
599 whether it be a general, preferential or special election, or  
600 primary election, whether on a county, state or federal level, in  
601 the last four (4) successive years.

602 (2) In erasing or removing the names of persons due to  
603 failure to vote in at least one (1) election for four (4)  
604 successive years, the notice procedure hereinafter provided shall  
605 have been completed prior to such erasure or removal.

606 (a) Ninety (90) days before such erasure or removal,  
607 the commissioners of election shall examine the registration books  
608 and pollbooks of the several voting precincts and shall suspend

609 the registration of all electors who have not voted in at least  
610 one (1) general, preferential or special election, or primary  
611 election, whether on the county, state or federal level, during  
612 the last four (4) successive years.

613 (b) Within sixty (60) days after such suspension, the  
614 commissioners of election shall mail notice by first class mail to  
615 each elector whose registration is suspended, at his last known  
616 address, stating substantially as follows: "You are hereby  
617 notified that, according to state law, your registration as a  
618 qualified elector will be canceled for having failed to vote  
619 within the past four (4) successive years, unless within thirty  
620 (30) days of the date this notice is postmarked you continue your  
621 registration by applying in writing to the commissioners of  
622 election." The commissioners shall furnish each elector so  
623 notified with the name and address of the commissioners of  
624 elections printed on the face thereof which may be used by the  
625 elector in notifying the commissioners of elections of the  
626 elector's desire to continue the elector's registration. The  
627 commissioners shall affix sufficient postage to such return card  
628 so as to insure proper delivery to the commissioners.

629 (c) The commissioners shall cancel the registration of  
630 all electors thus notified who have not applied for continuance  
631 within the prescribed time period, and the names of all such  
632 electors shall be removed from the list of qualified electors on  
633 the date designated for erasure. Provided, however, the names of  
634 electors who have been removed from the list of qualified electors  
635 shall be compiled and be made a part of a list entitled "Names of  
636 those purged from the registration books," said list to be

637 attached to the registration books. A copy of said list shall be  
638 furnished to the appropriate municipal election commissioners  
639 within the county, and the persons whose names are contained  
640 thereon shall be removed from the registration books.

641 (d) Any elector whose registration has been thus  
642 canceled may, at any election, cast a vote by affidavit ballot in  
643 the same manner as set forth in Section 23-15-573. Such affidavit  
644 ballot shall be counted at the election in which it is cast, if  
645 not otherwise disqualified, and the name of such person shall be  
646 reentered on the registration books if such person is not  
647 otherwise disqualified. As an alternative to casting such a  
648 ballot, any elector whose registration has been canceled pursuant  
649 to this subsection may reregister in the manner provided for  
650 original registration.

651 (3) Notwithstanding the provisions of this section, no  
652 person who has been registered by any federal registrar shall be  
653 removed except in conformity with any federal law, rules or  
654 regulations providing for the removal of names from the  
655 registration books.

656 (4) No years in which a person has not voted prior to  
657 January 1, 1984, shall be used in calculating the four-year period  
658 provided for in this section.

659 SECTION 26. Section 23-15-173, Mississippi Code of 1972, is  
660 amended as follows:

661 23-15-173. \* \* \* A general municipal election shall be held  
662 in each city, town or village on the first Tuesday after the first  
663 Monday of June 1985, and every four (4) years thereafter, for the  
664 election of all municipal officers elected by the people.

665 \* \* \*

666 SECTION 27. Section 23-15-197, Mississippi Code of 1972, is  
667 amended as follows:

668 23-15-197. (1) Times for holding \* \* \* general elections  
669 for congressional offices shall be as prescribed in Sections \* \* \*  
670 23-15-1033 and 23-15-1041.

671 (2) Times for holding elections for the office of judge of  
672 the Supreme Court shall be as prescribed in Section 23-15-991 and  
673 Sections 23-15-974 through 23-15-985.

674 (3) Times for holding elections for the office of circuit  
675 court judge and the office of chancery court judge shall be as  
676 prescribed in Sections 23-15-974 through 23-15-985 and Section  
677 23-15-1015.

678 (4) Times for holding elections for the office of county  
679 election commissioners shall be as prescribed in Section  
680 23-15-213.

681 SECTION 28. Section 23-15-313, Mississippi Code of 1972, is  
682 amended as follows:

683 23-15-313. If there be any political party, or parties, in  
684 any municipality which shall not have a party executive committee  
685 for such municipality, such political party, or parties, shall  
686 select temporary executive committees to serve until executive  
687 committees shall be regularly elected, said selection to be in the  
688 following manner, to wit: The chairman of the county executive  
689 committee of the party desiring to select a municipal executive  
690 committee shall, upon petition of five (5) or more members of that  
691 political faith, call a mass meeting of the electors of their  
692 political faith, residing in the municipality, to meet at some



693 convenient place within said municipality, at a time to be  
694 designated in the call, and at such mass convention the members of  
695 that political faith shall select an executive committee which  
696 shall serve until the next \* \* \* election. The public shall be  
697 given notice of such mass meeting as provided in the next  
698 succeeding section.

699 SECTION 29. Section 23-15-367, Mississippi Code of 1972, is  
700 amended as follows:

701 23-15-367. \* \* \* The size, print and quality of paper of the  
702 official ballot is left to the discretion of the officer charged  
703 with printing the official ballot \* \* \*. It is the duty of the  
704 Secretary of State, with the approval of the Governor, to furnish  
705 the election commission of each county a sample of the official  
706 ballot, not less than fifty (50) days prior to the election, the  
707 general form of which shall be followed as nearly as  
708 practicable \* \* \*.

709 SECTION 30. Section 23-15-375, Mississippi Code of 1972, is  
710 amended as follows:

711 23-15-375. Local issue elections may be held on the same  
712 date as any regular or general election. A local issue election  
713 held on the same date as the regular or general election shall be  
714 conducted in the same manner as the regular or general election  
715 using the same poll workers and the same equipment. A local issue  
716 may be placed on the regular or general election ballot pursuant  
717 to the provisions of Section 10 of House Bill No. \_\_\_\_\_, 2000  
718 Regular Session. The provisions of this section and Section 10 of  
719 House Bill No. \_\_\_\_\_, 2000 Regular Session, with regard to local  
720 issue elections shall not be construed to affect any statutory

721 requirements specifying the notice procedure and the necessary  
722 percentage of qualified electors voting in such an election which  
723 is needed for adoption of the local issue. Whether or not a local  
724 issue is adopted or defeated at a local issue election held on the  
725 same day as a regular or general election shall be determined in  
726 accordance with relevant statutory requirements regarding the  
727 necessary percentage of qualified electors who voted in such local  
728 issue election, and only those persons voting for or against such  
729 issue shall be counted in making that determination. As used in  
730 this section "local issue elections" include elections regarding  
731 the issuance of bonds, local option elections, elections regarding  
732 the levy of additional ad valorem taxes and other similar  
733 elections authorized by law that are called to consider issues  
734 that affect a single local governmental entity. As used in this  
735 section "local issue" means any issue that may be voted on in a  
736 local issue election.

737 SECTION 31. Section 23-15-403, Mississippi Code of 1972, is  
738 amended as follows:

739 23-15-403. The board of supervisors of any county in the  
740 State of Mississippi and the governing authorities of any  
741 municipality in the State of Mississippi are hereby authorized and  
742 empowered, in their discretion, to purchase or rent any voting  
743 machine or machines which shall be so constructed as to fulfill  
744 the following requirements: It shall secure to the voter secrecy  
745 in the act of voting; it shall provide facilities for voting for  
746 all candidates of as many political parties or organizations as  
747 may make nominations, and for or against as many questions as  
748 submitted; it shall \* \* \* permit the voter to vote for \* \* \* as

749 many persons for an office as he is lawfully entitled to vote for,  
750 but not more; it shall prevent the voter from voting for the same  
751 person more than once for the same office; it shall permit the  
752 voter to vote for or against any question he may have the right to  
753 vote on, but no other; \* \* \* it shall correctly register or record  
754 and accurately count all votes cast for any and all persons and  
755 for or against any and all questions; it shall be provided with a  
756 "protective counter" or "protective device" whereby any operation  
757 of the machine before or after the election will be detected; it  
758 shall be provided with a counter which shall show at all times  
759 during an election how many persons have voted; it shall be  
760 provided with a mechanical model, illustrating the manner of  
761 voting on the machine, suitable for the instruction of voters; it  
762 may also be provided with one (1) device for each party for voting  
763 for all the presidential electors of that party by one (1)  
764 operation, and a ballot therefor containing only the words  
765 "Presidential Electors For" preceded by the name of that party and  
766 followed by the names of the candidates thereof for the offices of  
767 President and Vice President, and a registering device therefor  
768 which shall register the vote cast for said electors when thus  
769 voted collectively; provided, however, that means shall be  
770 furnished whereby the voter can cast a vote for individual  
771 electors when permitted to do so by law.

772 SECTION 32. Section 23-15-411, Mississippi Code of 1972, is  
773 amended as follows:

774 23-15-411. The officer who furnishes the official ballots  
775 for any polling place where a voting machine is to be used shall  
776 also provide two (2) sample ballots or instruction ballots, which

777 sample or instruction ballots shall be arranged in the form of a  
778 diagram showing such portion of the front of the voting machine as  
779 it will appear after the official ballots are arranged thereon or  
780 therein for voting on election day. Such sample ballots shall be  
781 open to the inspection of all voters on election day in all  
782 preferential and general or regular elections where voting  
783 machines are used.

784 SECTION 33. Section 23-15-463, Mississippi Code of 1972, is  
785 amended as follows:

786 23-15-463. The board of supervisors of any county in the  
787 State of Mississippi and the governing authorities of any  
788 municipality in the State of Mississippi are hereby authorized and  
789 empowered, in their discretion, to purchase or rent voting devices  
790 and automatic tabulating equipment used in an electronic voting  
791 system which meets the requirements of Section 23-15-465, and may  
792 use such system in all or a part of the precincts within its  
793 boundaries or in combination with paper ballots in any  
794 election \* \* \*. It may enlarge, consolidate or alter the  
795 boundaries of precincts where an electronic voting system is used.

796 The provisions of Sections 23-15-461 through 23-15-485 shall be  
797 controlling with respect to elections where an electronic voting  
798 system is used, and shall be liberally construed so as to carry  
799 out the purpose of this chapter. The provisions of the election  
800 law relating to the conduct of elections with paper ballots,  
801 insofar as they are applicable and not inconsistent with the  
802 efficient conduct of elections with electronic voting systems,  
803 shall apply. Absentee ballots shall be voted as now provided by  
804 law.

805 SECTION 34. Section 23-15-465, Mississippi Code of 1972, is  
806 amended as follows:

807 23-15-465. No electronic voting system consisting of a  
808 marking or voting device in combination with automatic tabulating  
809 equipment shall be acquired or used in accordance with Sections  
810 23-15-461 through 23-15-485 unless it shall:

811 (a) Provide for voting in secrecy when used with voting  
812 booths;

813 (b) Permit each voter to vote at any election for all  
814 persons and offices for whom and for which he is lawfully entitled  
815 to vote; to vote for as many persons for an office as he is  
816 entitled to vote for; to vote for or against any question upon  
817 which he is entitled to vote; and the automatic tabulating  
818 equipment shall reject choices recorded on his ballot card or  
819 paper ballot if the number of choices exceeds the number which he  
820 is entitled to vote for the office or on the measure;

821 (c) Permit each voter at presidential elections by one  
822 (1) mark or punch to vote for the candidates of that party for  
823 President, Vice President and their presidential electors, or to  
824 vote individually for the electors of his choice when permitted by  
825 law;

826 (d) Permit each voter \* \* \* to vote for the candidates  
827 of one or more parties and for independent candidates;

828 \* \* \*

829 (e) Permit each voter to vote for persons whose names  
830 are not on the printed ballot or ballot labels;

831 (f) Prevent the voter from voting for the same person  
832 more than once for the same office;

833           (g) Be suitably designed for the purpose used, of  
834 durable construction, and may be used safely, efficiently and  
835 accurately in the conduct of elections and counting ballots;

836           (h) Be provided with means for sealing the voting or  
837 marking device against any further voting after the close of the  
838 polls and the last voter has voted;

839           (i) When properly operated, record correctly and count  
840 accurately every vote cast;

841           (j) Be provided with a mechanical model for instructing  
842 voters, and be so constructed that a voter may readily learn the  
843 method of operating it;

844           (k) Be safely transportable, and include a light to  
845 enable voters to read the ballot labels and instructions.

846           SECTION 35. Section 23-15-507, Mississippi Code of 1972, is  
847 amended as follows:

848           23-15-507. No optical mark reading system shall be acquired  
849 or used in accordance with this chapter unless it shall:

850           (a) Permit each voter to vote at any election for all  
851 persons and no others for whom and for which they are lawfully  
852 entitled to vote; to vote for as many persons for an office as  
853 they are entitled to vote for; to vote for or against any  
854 questions upon which they are entitled to vote;

855           (b) The OMR tabulating equipment shall be capable of  
856 rejecting choices recorded on the ballot if the number of choices  
857 exceeds the number which the voter is entitled to vote for the  
858 office or on the measure;

859           (c) Permit each voter at presidential elections by one  
860 (1) mark to vote for the candidates of that party for President,

861 Vice President and their presidential electors, or to vote  
862 individually for the electors of their choice when permitted by  
863 law;

864 (d) Permit each voter \* \* \* to vote for the candidates  
865 of one or more parties and for independent candidates;

866 \* \* \*

867 (e) Permit each voter to vote for persons whose names  
868 are not on the printed ballot;

869 (f) Be suitably designed for the purpose used, of  
870 durable construction, and may be used safely, efficiently and  
871 accurately in the conduct of elections and the counting of  
872 ballots;

873 (g) Be provided with means for sealing the ballots  
874 after the close of the polls and the last voter has voted;

875 (h) When properly operated, record correctly and count  
876 accurately all votes cast; and

877 (i) Provide the voter with a set of instructions that  
878 will be so displayed that a voter may readily learn the method of  
879 voting.

880 SECTION 36. Section 23-15-511, Mississippi Code of 1972, is  
881 amended as follows:

882 23-15-511. The ballots shall, as far as practicable, be in  
883 the same order of arrangement as provided for paper ballots that  
884 are to be counted manually, except that such information may be  
885 printed in vertical or horizontal rows. Nothing in this chapter  
886 shall be construed as prohibiting the information being presented  
887 to the voters from being printed on both sides of a single ballot.

888 In those years when a special election shall occur on the same

889 day as the general election, the names of candidates in any  
890 special election and the general election shall be placed on the  
891 same ballot by the commissioners of elections or officials in  
892 charge of the election, but the general election candidates shall  
893 be clearly distinguished from the special election  
894 candidates \* \* \*.

895 Ballots shall be printed in plain clear type in black ink and  
896 upon clear white materials of such size and arrangement as to be  
897 compatible with the OMR tabulating equipment. Absentee ballots  
898 shall be prepared and printed in the same form and shall be on the  
899 same size and texture as the regular official ballots, except that  
900 they shall be printed on tinted paper; or the ink used to print  
901 the ballots shall be of a color different from that of the ink  
902 used to print the regular official ballots. Arrows may be printed  
903 on the ballot to indicate the place to mark the ballot, which may  
904 be to the right or left of the names of candidates and  
905 propositions. The titles of offices may be arranged in vertical  
906 columns on the ballot and shall be printed above or at the side of  
907 the names of candidates so as to indicate clearly the candidates  
908 for each office and the number to be elected. In case there are  
909 more candidates for an office than can be printed in one (1)  
910 column, the ballot shall be clearly marked that the list of  
911 candidates is continued on the following column. The names of  
912 candidates for each office shall be printed in vertical columns,  
913 grouped by the offices which they seek. \* \* \* The party  
914 designation, if any, of each candidate \* \* \* shall be printed  
915 following his name, as provided for in Section 10, House Bill No.  
916 \_\_\_\_\_, 2000 Regular Session.



917 Two (2) sample ballots, which shall be facsimile ballots of  
918 the official ballot and instructions to the voters, shall be  
919 provided for each precinct and shall be posted in each polling  
920 place on election day.

921 A separate ballot security envelope or suitable equivalent in  
922 which the voter can place his ballot after voting shall be  
923 provided to conceal the choices the voter has made. Absentee  
924 voters will receive a similar ballot security envelope provided by  
925 the county in which the absentee voter will insert their voted  
926 ballot, which then can be inserted into a return envelope to be  
927 mailed back to the election official. Absentee ballots will not  
928 be required to be folded when a ballot security envelope is  
929 provided.

930 SECTION 37. Section 23-15-559, Mississippi Code of 1972, is  
931 amended as follows:

932 23-15-559. The provisions of Section \* \* \* 23-15-173 fixing  
933 the time for the holding of \* \* \* general elections shall not  
934 apply to any municipality operating under a special or private  
935 charter where the governing board or authority thereof, on or  
936 before June 25, 1952, shall have adopted and spread upon its  
937 minutes a resolution or ordinance declining to accept such  
938 provisions, in which event \* \* \* general elections shall be held  
939 at the time fixed by the charter of such municipality.

940 The provisions of Section 23-15-859 shall be applicable to  
941 all municipalities of this state, whether operating under a code  
942 charter, special charter or the commission form of government,  
943 except in cases of conflicts between the provisions of such  
944 section and the provisions of the special charter of a

945 municipality or the law governing the commission form of  
946 government, in which cases of conflict the provisions of the  
947 special charter or the statutes relative to the commission form of  
948 government shall apply.

949 SECTION 38. Section 23-15-561, Mississippi Code of 1972, is  
950 amended as follows:

951 23-15-561. (1) It shall be unlawful during any \* \* \*  
952 election for any candidate for any elective office or any  
953 representative of such candidate or any other person to publicly  
954 or privately put up or in any way offer any prize, cash award or  
955 other item of value to be raffled, drawn for, played for or  
956 contested for in order to encourage persons to vote or to refrain  
957 from voting in any election.

958 (2) Any person who shall violate the provisions of  
959 subsection (1) of this section shall, upon conviction thereof, be  
960 punished by a fine in an amount not to exceed Five Thousand  
961 Dollars (\$5,000.00).

962 (3) Any candidate who shall violate the provisions of  
963 subsection (1) of this section shall, upon conviction thereof, in  
964 addition to the fine prescribed above, be punished by:

965 (a) Disqualification as a candidate in the race for the  
966 elective office; or

967 (b) Removal from the elective office, if the offender  
968 has been elected thereto.

969 SECTION 39. Section 23-15-573, Mississippi Code of 1972, is  
970 amended as follows:

971 23-15-573. No person whose name does not appear upon the  
972 pollbooks shall be permitted to vote in an election; but if any

973 person offering to vote in any election whose name does not appear  
974 upon the pollbook shall make affidavit before one (1) of the  
975 managers of election in writing that he is entitled to vote, or  
976 that he has been illegally denied registration, his vote may be  
977 prepared by him and handed to the proper election officer who  
978 shall enclose the same in an envelope with the written affidavit  
979 of the voter and seal it and mark plainly upon it the name of the  
980 person offering to vote. In canvassing the returns of the  
981 election, \* \* \* the election commissioners shall examine the  
982 records and allow the ballot to be counted, or not, as shall  
983 appear to be legal.

984 SECTION 40. Section 23-15-593, Mississippi Code of 1972, is  
985 amended as follows:

986 23-15-593. When the ballot box is opened and examined by  
987 the \* \* \* county election commissioners \* \* \* and it is found that  
988 there have been failures in material particulars to comply with  
989 the requirements of Section 23-15-591 and Section 23-15-895 to  
990 such an extent that it is impossible to arrive at the will of the  
991 voters at such precinct, the entire box may be thrown out unless  
992 it be made to appear with reasonable certainty that the  
993 irregularities were not deliberately permitted or engaged in by  
994 the managers at that box, or by one (1) of them responsible for  
995 the wrong or wrongs, for the purpose of electing or defeating a  
996 certain candidate or candidates by manipulating the election or  
997 the returns thereof at that box in such manner as to have it  
998 thrown out; in which latter case \* \* \* the county election  
999 commission \* \* \* shall conduct such hearing and make such  
1000 determination in respect to said box as may appear lawfully just,

1001 subject to a judicial review of said matter as elsewhere provided  
1002 by this chapter. Or the \* \* \* election commission, or the court  
1003 upon review, may order another election to be held at that box  
1004 appointing new managers to hold the same.

1005 SECTION 41. Section 23-15-595, Mississippi Code of 1972, is  
1006 amended as follows:

1007 23-15-595. The box containing the ballots and other records  
1008 required by this chapter shall, as soon as practical after the  
1009 ballots have been counted, be delivered by one (1) of the precinct  
1010 managers to the clerk of the circuit court of the county and said  
1011 clerk shall, in the presence of the manager making delivery of the  
1012 box, place upon the lock of such box a metal seal similar to the  
1013 seal commonly used in sealing the doors of railroad freight cars.

1014 Such seals shall be numbered consecutively to the number of  
1015 ballot boxes used in the election in the county, and the clerk  
1016 shall keep in a place separate from such boxes a record of the  
1017 number of the seal of each separate box in the county. The board  
1018 of supervisors of the county shall pay the cost of providing such  
1019 seals. Upon demand of a county election commissioner the boxes  
1020 and their contents shall be delivered to the county election  
1021 commission, and after such commission has finished the work of  
1022 tabulating returns and counting ballots as required by law the  
1023 said commission shall return all papers and ballots to the box of  
1024 the precinct where such election was held, and it shall make  
1025 redelivery of such boxes and their contents to the circuit clerk  
1026 who shall reseal said boxes. Upon every occasion said boxes shall  
1027 be reopened and each resealing shall be done as provided in this  
1028 chapter.

1029 SECTION 42. Section 23-15-601, Mississippi Code of 1972, is  
1030 amended as follows:

1031 23-15-601. When the result of the election shall have been  
1032 ascertained by the managers they, or one (1) of their number, or  
1033 some fit person designated by them, shall, by noon of the \* \* \*  
1034 day following the election, deliver to the commissioners of  
1035 election, at the courthouse, a statement of the whole number of  
1036 votes given for each person and for what office; and the  
1037 commissioners of election shall, on the first or second day after  
1038 the preferential election and after the general election, canvass  
1039 the returns, ascertain and declare the result, and announce the  
1040 names of the candidates who have received a majority of the votes  
1041 cast for representative in the Legislature of districts composed  
1042 of one (1) county or less, or other county office, board of  
1043 supervisors, justice court judge and constable, and shall also  
1044 announce the names of those candidates for the above mentioned  
1045 offices that are to be submitted to the general election.

1046 The vote for state and state district offices shall be  
1047 tabulated by precincts and certified to and returned to the state  
1048 election commissioners, such returns to be mailed by registered  
1049 letter or any safe mode of transportation within thirty-six (36)  
1050 hours after the returns are canvassed and the results ascertained.

1051 The state election commissioners shall meet a week from the day  
1052 following the preferential election held for state and district  
1053 offices, and shall proceed to canvass the returns and to declare  
1054 the results and announce the names of the candidates for the  
1055 different offices who have received a majority of the votes cast  
1056 and the names of those candidates whose names are to be submitted

1057 to the general election. The state election commissioners shall  
1058 also meet a week from the day on which the general election is  
1059 held and receive and canvass the returns for state and district  
1060 offices voted on in such general election. An exact and full  
1061 duplicate of all tabulations by precincts, as certified under this  
1062 section, shall be filed with the circuit clerk of the county who  
1063 shall safely preserve the same in his office.

1064 SECTION 43. Section 23-15-605, Mississippi Code of 1972, is  
1065 amended as follows:

1066 23-15-605. The Secretary of State, immediately after  
1067 receiving the returns of a general election, not longer than  
1068 thirty (30) days after the election, shall sum up the whole number  
1069 of votes given for each candidate other than for state offices,  
1070 ascertain the person or persons having the largest number of votes  
1071 for each office, and declare such person or persons to be duly  
1072 elected; and thereupon all persons chosen to any office at the  
1073 election shall be commissioned by the Governor; but if it appears  
1074 that two (2) or more candidates for any district office where the  
1075 district is composed of two (2) or more counties, standing highest  
1076 on the list and not elected, have an equal number of votes, the  
1077 election shall be forthwith decided between the candidates having  
1078 an equal number of votes by lot, fairly and publicly drawn, under  
1079 the direction of the Governor and Secretary of State.

1080 SECTION 44. Section 23-15-673, Mississippi Code of 1972, is  
1081 amended as follows:

1082 23-15-673. (1) For the purposes of this subarticle, the  
1083 term "absent voter" shall mean and include the following:

1084 (a) Any enlisted or commissioned members, male or

1085 female, of the United States Army, or any of its respective  
1086 components or various divisions thereof; any enlisted or  
1087 commissioned members, male or female, of the United States Navy,  
1088 or any of its respective components or various divisions thereof;  
1089 any enlisted or commissioned members, male or female, of the  
1090 United States Air Force, or any of its respective components or  
1091 various divisions thereof; any enlisted or commissioned members,  
1092 male or female, of the United States Marines, or any of its  
1093 respective components or various divisions thereof; or any persons  
1094 in any division of the armed services of the United States, who  
1095 are citizens of Mississippi;

1096 (b) Any member of the Merchant Marine and the American  
1097 Red Cross who is a citizen of Mississippi;

1098 (c) Any disabled war veteran who is a patient in any  
1099 hospital and who is a citizen of Mississippi;

1100 (d) Any civilian attached to and serving outside of the  
1101 United States with any branch of the armed forces or with the  
1102 Merchant Marine or American Red Cross, and who is a citizen of  
1103 Mississippi;

1104 (e) Any citizen of Mississippi temporarily residing  
1105 outside the territorial limits of the United States and the  
1106 District of Columbia.

1107 (2) The spouse and dependents of any absent voter as set out  
1108 in paragraphs (a), (b), (c) and (d) of subsection (1) of this  
1109 section shall also be included in the meaning of absent voter and  
1110 may vote an absentee ballot as provided in this subarticle if also  
1111 absent from the county of their residence on the date of the  
1112 election and otherwise qualified to vote in Mississippi.

1113           (3) For the purpose of this subarticle, the term "election"  
1114 shall mean and include the following sets of elections: special  
1115 and runoff special elections, preferential and general  
1116 elections, \* \* \* or general elections without preferential  
1117 elections, whichever \* \* \* is applicable.

1118           SECTION 45. Section 23-15-713, Mississippi Code of 1972, is  
1119 amended as follows:

1120           23-15-713. For the purpose of this subarticle, any duly  
1121 qualified elector may vote as provided in this subarticle if  
1122 he \* \* \* falls within the following categories:

1123           (a) Any qualified elector who is a bona fide student,  
1124 teacher or administrator at any college, university, junior  
1125 college, high, junior high, or elementary grade school whose  
1126 studies or employment at such institution necessitates his absence  
1127 from the county of his voting residence on the date of any \* \* \*  
1128 election, or the spouse and dependents of said student, teacher or  
1129 administrator if such spouse or dependent(s) maintain a common  
1130 domicile, outside of the county of his voting residence, with such  
1131 student, teacher or administrator.

1132           (b) Any qualified elector who is required to be away  
1133 from his place of residence on any election day due to his  
1134 employment as an employee of a member of the Mississippi  
1135 congressional delegation and the spouse and dependents of such  
1136 person if he or she shall be residing with such absentee voter  
1137 away from the county of the spouse's voting residence.

1138           (c) Any qualified elector who is away from his county  
1139 of residence on election day for any reason.

1140           (d) Any person who has a temporary or permanent



1141 physical disability and who, because of such disability, is unable  
1142 to vote in person without substantial hardship to himself or  
1143 others, or whose attendance at the voting place could reasonably  
1144 cause danger to himself or others.

1145 (e) The parent, spouse or dependent of a person with a  
1146 temporary or permanent physical disability who is hospitalized  
1147 outside of his county of residence or more than fifty (50) miles  
1148 distant from his residence, if the parent, spouse or dependent  
1149 will be with such person on election day.

1150 (f) Any person who is sixty-five (65) years of age or  
1151 older.

1152 (g) Any member of the Mississippi congressional  
1153 delegation absent from Mississippi on election day, and the spouse  
1154 and dependents of such member of the congressional delegation.

1155 (h) Any qualified elector who will be unable to vote in  
1156 person because he is required to be at work on election day during  
1157 the times at which the polls will be open.

1158 SECTION 46. Section 23-15-755, Mississippi Code of 1972, is  
1159 amended as follows:

1160 23-15-755. All of the provisions of Sections 23-15-621  
1161 through 23-15-735 shall be applicable, insofar as possible, to  
1162 municipal, \* \* \* preferential, general and special elections, and  
1163 wherever herein any duty is imposed or any power or authority is  
1164 conferred upon the county registrar or county election  
1165 commissioners, \* \* \* with reference to a state and county  
1166 election, such duty shall likewise be imposed and such power and  
1167 authority shall likewise be conferred upon the municipal registrar  
1168 or municipal election commission \* \* \* with reference to any

1169 municipal election. \* \* \*

1170 SECTION 47. Section 23-15-771, Mississippi Code of 1972, is  
1171 amended as follows:

1172 23-15-771. At the state convention, a slate of electors  
1173 composed of the number of electors allotted to this state, which  
1174 said electors announce a clearly expressed design and purpose to  
1175 support the candidates for President and Vice President of the  
1176 national political party with which the said party of this state  
1177 has had an affiliation and identity of purpose heretofore, shall  
1178 be designated and selected for a place upon the \* \* \* election  
1179 ballot to be held as herein provided.

1180 SECTION 48. Section 23-15-801, Mississippi Code of 1972, is  
1181 amended as follows:[JU1]

1182 23-15-801. (a) "Election" shall mean a preferential,  
1183 general or special \* \* \* election.

1184 (b) "Candidate" shall mean an individual who seeks \* \* \*  
1185 election to any elective office other than a federal elective  
1186 office. \* \* \* For purposes of this article, an individual shall  
1187 be deemed to seek \* \* \* election:

1188 (i) If such individual has received contributions  
1189 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
1190 expenditures aggregating in excess of Two Hundred Dollars  
1191 (\$200.00) or for a candidate for the Legislature or any statewide  
1192 or state district office, by the qualifying deadlines specified in  
1193 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1194 (ii) If such individual has given his or her consent to  
1195 another person to receive contributions or make expenditures on  
1196 behalf of such individual and if such person has received such

1197 contributions aggregating in excess of Two Hundred Dollars  
1198 (\$200.00) during a calendar year, or has made such expenditures  
1199 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
1200 calendar year.

1201 (c) "Political committee" shall mean any committee, party,  
1202 club, association, political action committee, campaign committee  
1203 or other groups of persons or affiliated organizations which  
1204 receives contributions aggregating in excess of Two Hundred  
1205 Dollars (\$200.00) during a calendar year or which makes  
1206 expenditures aggregating in excess of Two Hundred Dollars  
1207 (\$200.00) during a calendar year for the purpose of influencing or  
1208 attempting to influence the action of voters for or against  
1209 the \* \* \* election of one or more candidates, or balloted measures  
1210 and shall, in addition, include each political party registered  
1211 with the Secretary of State.

1212 (d) "Affiliated organization" shall mean any organization  
1213 which is not a political committee, but which directly or  
1214 indirectly establishes, administers or financially supports a  
1215 political committee.

1216 (e) (i) "Contribution" shall include any gift,  
1217 subscription, loan, advance or deposit of money or anything of  
1218 value made by any person or political committee for the purpose of  
1219 influencing any election for elective office or balloted measure;

1220 (ii) "Contribution" shall not include the value of  
1221 services provided without compensation by any individual who  
1222 volunteers on behalf of a candidate or political committee; or the  
1223 cost of any food or beverage for use in any candidate's campaign  
1224 or for use by or on behalf of any political committee of a

1225 political party;

1226           (iii) "Contribution to a political party" includes any  
1227 gift, subscription, loan, advance or deposit of money or anything  
1228 of value made by any person, political committee, or other  
1229 organization to a political party and to any committee,  
1230 subcommittee, campaign committee, political committee and other  
1231 groups of persons and affiliated organizations of the political  
1232 party.

1233           (iv) "Contribution to a political party" shall not  
1234 include the value of services provided without compensation by any  
1235 individual who volunteers on behalf of a political party or a  
1236 candidate of a political party.

1237           (f) (i) "Expenditure" shall include any purchase, payment,  
1238 distribution, loan, advance, deposit, gift of money or anything of  
1239 value, made by any person or political committee for the purpose  
1240 of influencing any balloted measure or election for elective  
1241 office; and a written contract, promise, or agreement to make an  
1242 expenditure;

1243           (ii) "Expenditure" shall not include any news story,  
1244 commentary or editorial distributed through the facilities of any  
1245 broadcasting station, newspaper, magazine, or other periodical  
1246 publication, unless such facilities are owned or controlled by any  
1247 political party, political committee, or candidate; or nonpartisan  
1248 activity designed to encourage individuals to vote or to register  
1249 to vote;

1250           (iii) "Expenditure by a political party" includes 1.  
1251 any purchase, payment, distribution, loan, advance, deposit, gift  
1252 of money or anything of value, made by any political party and by

1253 any contractor, subcontractor, agent, and consultant to the  
1254 political party; and 2. a written contract, promise, or agreement  
1255 to make such an expenditure.

1256 (g) The term "identification" shall mean:

1257 (i) In the case of any individual, the name, the  
1258 mailing address, and the occupation of such individual, as well as  
1259 the name of his or her employer; and

1260 (ii) In the case of any other person, the full name and  
1261 address of such person.

1262 (h) The term "political party" shall mean an association,  
1263 committee or organization which nominates a candidate for election  
1264 to any elective office whose name appears on the election ballot  
1265 as the candidate of such association, committee or organization.

1266 (i) The term "person" shall mean any individual, family,  
1267 firm, corporation, partnership, association or other legal entity.

1268 (j) The term "independent expenditure" shall mean an  
1269 expenditure by a person expressly advocating the election or  
1270 defeat of a clearly identified candidate which is made without  
1271 cooperation or consultation with any candidate or any authorized  
1272 committee or agent of such candidate, and which is not made in  
1273 concert with or at the request or suggestion of any candidate or  
1274 any authorized committee or agent of such candidate.

1275 (k) The term "clearly identified" shall mean that:

1276 (i) The name of the candidate involved appears; or

1277 (ii) A photograph or drawing of the candidate appears;

1278 or

1279 (iii) The identity of the candidate is apparent by  
1280 unambiguous reference.

1281 SECTION 49. Section 23-15-807, Mississippi Code of 1972, is  
1282 amended as follows:[JU2]

1283 23-15-807. (a) Each candidate or political committee shall  
1284 file reports of contributions and disbursements in accordance with  
1285 the provisions of this section. All candidates or political  
1286 committees required to report may terminate its obligation to  
1287 report only upon submitting a final report that it will no longer  
1288 receive any contributions or make any disbursement and that such  
1289 candidate or committee has no outstanding debts or obligations.  
1290 The candidate, treasurer or chief executive officer shall sign  
1291 each such report.

1292 (b) Candidates who are seeking election \* \* \* and political  
1293 committees that make expenditures for the purpose of influencing  
1294 or attempting to influence the action of voters for or against  
1295 the \* \* \* election of one or more candidates or balloted measures  
1296 at such election, shall file the following reports:

1297 (i) In any calendar year during which there is a  
1298 regularly scheduled election, a preelection report, which shall be  
1299 filed no later than the seventh day before any election in which  
1300 such candidate or political committee has accepted contributions  
1301 or made expenditures and which shall be complete as of the tenth  
1302 day before such election;

1303 (ii) In 1987 and every fourth year thereafter, periodic  
1304 reports, which shall be filed no later than the tenth day after  
1305 April 30, May 31, June 30, September 30 and December 31, and which  
1306 shall be complete as of the last day of each period; and

1307 (iii) In any calendar years except 1987 and except  
1308 every fourth year thereafter, a report covering the calendar year

1309 which shall be filed no later than January 31 of the following  
1310 calendar year.

1311 (c) All candidates for judicial office as defined in Section  
1312 23-15-975, or their political committees, shall file in the year  
1313 in which they are to be elected, periodic reports which shall be  
1314 filed no later than the tenth day after April 30, May 31, June 30,  
1315 September 30 and December 31.

1316 (d) Contents of reports. Each report under this article  
1317 shall disclose:

1318 (i) For the reporting period and the calendar year, the  
1319 total amount of all contributions and the total amount of all  
1320 expenditures of the candidate or reporting committee which shall  
1321 include those required to be identified pursuant to item (ii) of  
1322 this paragraph as well as the total of all other contributions and  
1323 expenditures during the calendar year. Such reports shall be  
1324 cumulative during the calendar year to which they relate;

1325 (ii) The identification of:

1326 1. Each person or political committee who makes a  
1327 contribution to the reporting candidate or political committee  
1328 during the reporting period, whose contribution or contributions  
1329 within the calendar year have an aggregate amount or value in  
1330 excess of Two Hundred Dollars (\$200.00) when made to a political  
1331 committee or to a candidate for an office other than statewide  
1332 office or office elected by Supreme Court district, or in excess  
1333 of Five Hundred Dollars (\$500.00) when made to a candidate for  
1334 statewide office or office elected by Supreme Court district,  
1335 together with the date and amount of any such contribution;

1336 2. Each person or organization, candidate or

1337 political committee who receives an expenditure, payment or other  
1338 transfer from the reporting candidate, political committee or its  
1339 agent, employee, designee, contractor, consultant or other person  
1340 or persons acting in its behalf during the reporting period when  
1341 the expenditure, payment or other transfer to such person,  
1342 organization, candidate or political committee within the calendar  
1343 year have an aggregate value or amount in excess of Two Hundred  
1344 Dollars (\$200.00) when received from a political committee or  
1345 candidate for an office other than statewide office or office  
1346 elected by Supreme Court district, or in excess of Five Hundred  
1347 Dollars (\$500.00) when received from a candidate for statewide  
1348 office or office elected by the Supreme Court district, together  
1349 with the date and amount of such expenditure.

1350 (iii) The total amount of cash on hand of each  
1351 reporting candidate and reporting political committee;

1352 (iv) In addition to the contents of reports specified  
1353 in items (i), (ii) and (iii) of this paragraph, each political  
1354 party shall disclose:

1355 1. Each person or political committee who makes a  
1356 contribution to a political party during the reporting period and  
1357 whose contribution or contributions to a political party within  
1358 the calendar year have an aggregate amount or value in excess of  
1359 Two Hundred Dollars (\$200.00), together with the date and amount  
1360 of the contribution;

1361 2. Each person or organization who receives an  
1362 expenditure by a political party or expenditures by a political  
1363 party during the reporting period when the expenditure or  
1364 expenditures to the person or organization within the calendar



1365 year have an aggregate value or amount in excess of Two Hundred  
1366 Dollars (\$200.00), together with the date and amount of the  
1367 expenditure.

1368 (e) The appropriate office specified in Section 23-15-805  
1369 must be in actual receipt of the reports specified in this article  
1370 by 5:00 p.m. on the dates specified in paragraph (b) of this  
1371 section. If the date specified in paragraph (b) of this section  
1372 shall fall on a weekend or legal holiday then the report shall be  
1373 due in the appropriate office at 5:00 p.m. on the first working  
1374 day before the date specified in paragraph (b) of this section.  
1375 The reporting candidate or reporting political committee shall  
1376 ensure that the reports are delivered to the appropriate office by  
1377 the filing deadline. The Secretary of State may approve specific  
1378 means of electronic transmission of completed campaign finance  
1379 disclosure reports, which may include, but not be limited to,  
1380 transmission by electronic facsimile (FAX) devices.

1381 (f) (i) If any contribution of more than Two Hundred  
1382 Dollars (\$200.00) is received by a candidate or candidate's  
1383 political committee after the tenth day, but more than forty-eight  
1384 (48) hours before 12:01 a.m. of the day of the election, the  
1385 candidate or political committee shall notify the appropriate  
1386 office designated in Section 23-15-805, within forty-eight (48)  
1387 hours of receipt of the contribution. The notification shall  
1388 include:

- 1389 1. The name of the receiving candidate;
- 1390 2. The name of the receiving candidate's political  
1391 committee, if any;
- 1392 3. The office sought by the candidate;

- 1393                   4. The identification of the contributor;
- 1394                   5. The date of receipt;
- 1395                   6. The amount of the contribution;
- 1396                   7. If the contribution is in-kind, a description
- 1397 of the in-kind contribution; and
- 1398                   8. The signature of the candidate or the treasurer
- 1399 or director of the candidate's political committee.

1400                   (ii) The notification shall be in writing, and may be

1401 transmitted by overnight mail, courier service, or other reliable

1402 means, including electronic facsimile (FAX), but the candidate or

1403 candidate's committee shall ensure that the notification shall in

1404 fact be received in the appropriate office designated in Section

1405 23-15-805 within forty-eight (48) hours of the contribution.

1406                   SECTION 50. Section 23-15-811, Mississippi Code of 1972, is

1407 amended as follows:

1408                   23-15-811. (a) Any candidate or any other person who shall

1409 willfully and deliberately and substantially violate the

1410 provisions and prohibitions of this article shall be guilty of a

1411 misdemeanor and upon conviction thereof shall be punished by a

1412 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or

1413 imprisoned for not longer than six (6) months or by both fine and

1414 imprisonment.

1415                   (b) In addition to the penalties provided in paragraph (a)

1416 of this section, any candidate or political committee which is

1417 required to file a statement or report which fails to file such

1418 statement or report on the date in which it is due may be

1419 compelled to file such statement or report by an action in the

1420 nature of a mandamus.

1421 (c) No candidate shall be certified \* \* \* as elected to  
1422 office unless and until he files all reports required by this  
1423 article due as of the date of certification.

1424 (d) No candidate who is elected to office shall receive any  
1425 salary or other remuneration for the office unless and until he  
1426 files all reports required by this article due as of the date such  
1427 salary or remuneration is payable.

1428 (e) In the event that a candidate fails to timely file any  
1429 report required pursuant to this article but subsequently files a  
1430 report or reports containing all of the information required to be  
1431 reported by him as of the date on which the sanctions of  
1432 paragraphs (c) and (d) of this section would be applied to him,  
1433 such candidate shall not be subject to the sanctions of said  
1434 paragraphs (c) and (d).

1435 SECTION 51. Section 23-15-833, Mississippi Code of 1972, is  
1436 amended as follows:

1437 23-15-833. Except as otherwise provided by law, the first  
1438 Tuesday after the first Monday in November of each year shall be  
1439 designated the regular special election day, and on that day an  
1440 election shall be held to fill any vacancy in county, county  
1441 district and district attorney elective offices.

1442 All special elections, or elections to fill vacancies, shall  
1443 in all respects be held, conducted and returned in the same manner  
1444 as general elections, except that where no candidate receives a  
1445 majority of the votes cast in such election, then a runoff  
1446 election shall be held two (2) weeks after such election and the  
1447 two (2) candidates who receive the highest popular votes for such  
1448 office shall have their names submitted as such candidates to the

1449 said runoff and the candidate who leads in such runoff election  
1450 shall be elected to the office. When there is a tie in the first  
1451 election of those receiving the next highest vote, these two (2)  
1452 and the one receiving the highest vote, none having received a  
1453 majority, shall go into the runoff election and whoever leads in  
1454 such runoff election shall be entitled to the office.

1455 In those years when the regular special election day shall  
1456 occur on the same day as the general election, the names of  
1457 candidates in any special election and the general election shall  
1458 be placed on the same ballot, but shall be clearly distinguished  
1459 as general election candidates or special election candidates.

1460 \* \* \*

1461 SECTION 52. Section 23-15-859, Mississippi Code of 1972, is  
1462 amended as follows:

1463 23-15-859. Whenever under any statute a special election is  
1464 required or authorized to be held in any municipality, and the  
1465 statute authorizing or requiring such election does not specify  
1466 the time within which such election shall be called, or the notice  
1467 which shall be given thereof, the governing authorities of the  
1468 municipality shall, by resolution, fix a date upon which such  
1469 election shall be held. Such date shall not be less than  
1470 twenty-one (21) nor more than thirty (30) days after the date upon  
1471 which such resolution is adopted, and not less than three (3)  
1472 weeks' notice of such election shall be given by the clerk by a  
1473 notice published in a newspaper published in the municipality once  
1474 each week for three (3) weeks next preceding the date of such  
1475 election and by posting a copy of such notice at three (3) public  
1476 places in such municipality. Nothing herein, however, shall be

1477 applicable to elections on the question of the issuance of the  
1478 bonds of a municipality or to preferential or general \* \* \*  
1479 elections for the election of municipal officers.

1480 SECTION 53. Section 23-15-873, Mississippi Code of 1972, is  
1481 amended as follows:

1482 23-15-873. No person, whether an officer or not, shall, in  
1483 order to promote his own candidacy, or that of any other person,  
1484 to be a candidate for public office in this state, directly or  
1485 indirectly, himself or through another person, promise to appoint,  
1486 or promise to secure or assist in securing the appointment \* \* \*  
1487 or election of another person to any public position or  
1488 employment, or to secure or assist in securing any public contract  
1489 or the employment of any person under any public contractor, or to  
1490 secure or assist in securing the expenditure of any public funds  
1491 in the personal behalf of any particular person or group of  
1492 persons, except that the candidate may publicly announce what is  
1493 his choice or purpose in relation to an election in which he may  
1494 be called on to take part if elected. It shall be unlawful for  
1495 any person to directly or indirectly solicit or receive any  
1496 promise by this section prohibited. But this does not apply to a  
1497 sheriff, chancery clerk, circuit clerk or any other person of the  
1498 state or county when it comes to their office force.

1499 SECTION 54. Section 23-15-881, Mississippi Code of 1972, is  
1500 amended as follows:

1501 23-15-881. It shall be unlawful for the Mississippi  
1502 Transportation Commission or any member of the Mississippi  
1503 Transportation Commission, or the board of supervisors of any  
1504 county or any member of the board of supervisors of such county,

1505 to employ, during the months of \* \* \* August, September, October  
1506 and November of any year in which a general \* \* \* election is held  
1507 for the \* \* \* election of members of the Mississippi  
1508 Transportation Commission and members of the boards of  
1509 supervisors, a greater number of persons to work and maintain the  
1510 state highways in any highway district, or the public roads in any  
1511 supervisors district of the county, as the case may be, than the  
1512 average number of persons employed for similar purposes in such  
1513 highway district or supervisors district, as the case may be,  
1514 during the months of \* \* \* August, September, October and November  
1515 of the three (3) years immediately preceding the year in which  
1516 such general \* \* \* election is held. It shall be unlawful for the  
1517 Mississippi Transportation Commission, or the board of supervisors  
1518 of any county, to expend out of the state highway funds, or the  
1519 road funds of the county or any supervisors district thereof, as  
1520 the case may be, in the payment of wages or other compensation for  
1521 labor performed in working and maintaining the highways of any  
1522 highway district, or the public roads of any supervisors district  
1523 of the county, as the case may be, during the months of \* \* \*  
1524 August, September, October and November of such election year, a  
1525 total amount in excess of the average total amount expended for  
1526 such labor, in such highway district or supervisors district, as  
1527 the case may be, during the corresponding four-month period of the  
1528 three (3) years immediately preceding.

1529 It shall be the duty of the Mississippi Transportation  
1530 Commission and the board of supervisors of each county,  
1531 respectively, to keep sufficient records of the numbers of  
1532 employees and expenditures made for labor on the state highways of

1533 each highway district, and the public roads of each supervisors  
1534 district, for the months of \* \* \* August, September, October and  
1535 November of each year to show the number of persons employed for  
1536 such work in each highway district and each supervisors district,  
1537 as the case may be, during said four-month period, and the total  
1538 amount expended in the payment of salaries and other compensation  
1539 to such employees, so that it may be ascertained, from an  
1540 examination of such records, whether or not the provisions of this  
1541 chapter have been violated.

1542 It is provided, however, because of the abnormal conditions  
1543 existing in certain counties of the state due to recent floods in  
1544 which roads and bridges have been materially damaged or washed  
1545 away and destroyed, if the board of supervisors in any county  
1546 passes a resolution as provided in Section 19-9-11, Mississippi  
1547 Code of 1972, for the emergency issuance of road and bridge bonds,  
1548 the provisions of this section shall not be applicable to or in  
1549 force concerning the board of supervisors during the calendar year  
1550 1955.

1551 SECTION 55. Section 23-15-885, Mississippi Code of 1972, is  
1552 amended as follows:

1553 23-15-885. The restrictions imposed in Sections 23-15-881  
1554 and 23-15-883 shall likewise apply to the mayor and board of  
1555 aldermen, or other governing authority, of each municipality, in  
1556 the employment of labor for working and maintaining the streets of  
1557 the municipality during the four-month period next preceding the  
1558 date of holding the general \* \* \* election in such municipality  
1559 for the election of municipal officers.

1560 SECTION 56. Section 23-15-891, Mississippi Code of 1972, is

1561 amended as follows:

1562           23-15-891. No common carrier, telegraph company or telephone  
1563 company shall give to any candidate, or to any member of any  
1564 political committee, or to any person to be used to aid or promote  
1565 the success or defeat of any candidate for election for any public  
1566 office, free transportation or telegraph or telephone service, as  
1567 the case may be, or any reduction thereof that is not made alike  
1568 to all other persons. All persons required by the provisions of  
1569 this chapter to make and file statements shall make oath that they  
1570 have not received or made use of, directly or indirectly, in  
1571 connection with any candidacy for election to any public office,  
1572 free transportation or telegraph or telephone service.

1573           SECTION 57. Section 23-15-899, Mississippi Code of 1972, is  
1574 amended as follows:

1575           23-15-899. Every placard, bill, poster, pamphlet or other  
1576 printed matter having reference to any election, or to any  
1577 candidate, that has not been submitted to and approved and  
1578 subscribed by a candidate or his campaign manager or assistant  
1579 manager pursuant to the provisions of Section 23-15-897, shall  
1580 bear upon the face thereof the name and the address of the author  
1581 and of the printer and publisher thereof, and failure to so  
1582 provide shall be a misdemeanor, and it shall be a misdemeanor for  
1583 any person to mutilate or remove, previously to the date of the  
1584 election, any placard, poster or picture which has been lawfully  
1585 placed or posted.

1586           SECTION 58. Section 23-15-911, Mississippi Code of 1972, is  
1587 amended as follows:

1588           23-15-911. When the returns for a box and the contents of



1589 the ballot box and the conduct of the election thereat have been  
1590 canvassed and reviewed by the county election commission \* \* \*,  
1591 all the contents of the box required to be placed and sealed in  
1592 the ballot box by the managers shall be replaced therein by the  
1593 election commission \* \* \* and the box shall be forthwith resealed  
1594 and delivered to the circuit clerk, who shall safely keep and  
1595 secure the same against any tampering therewith. At any time  
1596 within twelve (12) days after the canvass and examination of the  
1597 box and its contents by the election commission \* \* \*, any  
1598 candidate or his representative authorized in writing by him shall  
1599 have the right of full examination of said box and its contents  
1600 upon three (3) days' notice of his application therefor served  
1601 upon the opposing candidate or candidates, or upon any member of  
1602 their family over the age of eighteen (18) years, which  
1603 examination shall be conducted in the presence of the circuit  
1604 clerk or his deputy who shall be charged with the duty to see that  
1605 none of the contents of the box are removed from the presence of  
1606 the clerk or in any way tampered with. Upon the completion of  
1607 said examination the box shall be resealed with all its contents  
1608 as theretofore. And if any contest or complaint before the court  
1609 shall arise over said box, it shall be kept intact and sealed  
1610 until the court hearing and another ballot box, if necessary,  
1611 shall be furnished for the precinct involved.

1612 SECTION 59. Section 23-15-973, Mississippi Code of 1972, is  
1613 amended as follows:

1614 23-15-973. It shall be the duty of the judges of the circuit  
1615 court to give a reasonable time and opportunity to the candidates  
1616 for the office of judge of the Supreme Court, judges of the Court

1617 of Appeals, circuit judge and chancellor to address the people  
1618 during court terms. In order to give further and every possible  
1619 emphasis to the fact that the said judicial offices are not  
1620 political but are to be held without favor and with absolute  
1621 impartiality as to all persons, and because of the jurisdiction  
1622 conferred upon the courts by this chapter, the judges thereof  
1623 should be as far removed as possible from any political  
1624 affiliations or obligations. It shall be unlawful for any  
1625 candidate for any of the offices mentioned in this section to  
1626 align himself with any candidate or candidates for any other  
1627 office or with any political faction or any political party at any  
1628 time during any \* \* \* election campaign. Likewise, it shall be  
1629 unlawful for any candidate for any other office \* \* \* wherein any  
1630 candidate for any of the judicial offices in this section  
1631 mentioned, is or are to be elected, to align himself with any one  
1632 or more of the candidates for said offices or to take any part  
1633 whatever in any election for any one or more of said judicial  
1634 offices, except to cast his individual vote. If any candidate for  
1635 any office, whether elected with or without opposition, at any  
1636 election wherein a candidate for any one of the judicial offices  
1637 herein mentioned is to be elected, shall deliberately, knowingly  
1638 and willfully violate the provisions of this section \* \* \*, his  
1639 election shall be void.

1640 SECTION 60. Section 23-15-1065, Mississippi Code of 1972, is  
1641 amended as follows:

1642 23-15-1065. No person shall claim or represent himself in  
1643 any manner to be a member of any state, district or county  
1644 executive committee of any political party in this state, or claim

1645 to be the national committeeman or national committeewoman or any  
1646 other officer or representative of such political party without  
1647 having been lawfully elected or chosen as such in the manner  
1648 provided by the laws of this state, or by such political party in  
1649 the manner provided by the laws of this state \* \* \*.

1650 Any person who violates the provisions of this section, in  
1651 addition to other measures or penalties provided by law, may be  
1652 enjoined therefrom upon application to the courts by any person or  
1653 persons, or any political party, official or representative of  
1654 such political party aggrieved thereby.

1655 SECTION 61. Section 23-15-1085, Mississippi Code of 1972, is  
1656 amended as follows:

1657 23-15-1085. The chairman of a party's state executive  
1658 committee shall notify the Secretary of State if the party intends  
1659 to hold a presidential preference primary. The Secretary of State  
1660 shall be notified prior to December 1 of the year preceding the  
1661 year in which a presidential preference primary may be held  
1662 pursuant to Section 23-15-1081. \* \* \*

1663 SECTION 62. Section 23-15-1087, Mississippi Code of 1972, is  
1664 amended as follows:

1665 23-15-1087. Except as otherwise provided in this chapter,  
1666 the laws regulating \* \* \* elections shall, insofar as practical,  
1667 apply to and govern presidential preference primary elections.

1668 SECTION 63. Section 23-15-127, Mississippi Code of 1972,  
1669 which provides for the preparation, use and revision of primary  
1670 election pollbooks, is hereby repealed.

1671 SECTION 64. Section 23-15-171, Mississippi Code of 1972,  
1672 which provides for the dates of municipal primary elections, is

1673 hereby repealed.

1674 SECTION 65. Section 23-15-191, Mississippi Code of 1972,  
1675 which provides for the date of state, district and county primary  
1676 elections, is hereby repealed.

1677 SECTION 66. Sections 23-15-263, 23-15-265, 23-15-267,  
1678 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,  
1679 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,  
1680 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of  
1681 1972, which provide for the duties of the state executive  
1682 committee and county executive committees in primary elections,  
1683 provide for the qualification of candidates for party primary  
1684 elections, and provide for the conduct of party primary elections,  
1685 are hereby repealed.

1686 SECTION 67. Sections 23-15-359, 23-15-361 and 23-15-363,  
1687 Mississippi Code of 1972, which provide for the contents of  
1688 general election ballots, are hereby repealed.

1689 SECTION 68. Sections 23-15-597 and 23-15-599, Mississippi  
1690 Code of 1972, which provide for the canvass of returns and  
1691 announcement of vote by the county executive committees in primary  
1692 elections, and require the state executive committee to transmit  
1693 to the Secretary of State a tabulated statement of the party vote  
1694 for certain offices, are hereby repealed.

1695 SECTION 69. Section 23-15-841, Mississippi Code of 1972,  
1696 which provides for primary elections for nominations of candidates  
1697 to fill vacancies in county and county district offices, is hereby  
1698 repealed.

1699 SECTION 70. Sections 23-15-921, 23-15-923, 23-15-925,  
1700 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,

1701 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide  
1702 procedures for contests of primary elections, are hereby repealed.

1703 SECTION 71. Section 23-15-1031, Mississippi Code of 1972,  
1704 which provides for the date of primary elections for Congressmen  
1705 and United States Senators, is hereby repealed.

1706 SECTION 72. Section 23-15-1063, Mississippi Code of 1972,  
1707 which prohibits unregistered political parties from conducting  
1708 primary elections, is hereby repealed.

1709 SECTION 73. Section 23-15-1083, Mississippi Code of 1972,  
1710 which requires that certain congressional primaries be held on the  
1711 same day as the presidential preference primary, is hereby  
1712 repealed.

1713 SECTION 74. The Attorney General of the State of Mississippi  
1714 is hereby directed to submit this act, immediately upon approval  
1715 by the Governor, or upon approval by the Legislature subsequent to  
1716 a veto, to the Attorney General of the United States or to the  
1717 United States District Court for the District of Columbia in  
1718 accordance with the provisions of the Voting Rights Act of 1965,  
1719 as amended and extended.

1720 SECTION 75. This act shall take effect and be in force from  
1721 and after the date it is effectuated under Section 5 of the Voting  
1722 Rights Act of 1965, as amended and extended.