

By: Frierson, Cameron, Davis, Dedeaux,
Eaton, Grist, Pierce, Barnett (92nd)

To: Apportionment and
Elections

HOUSE BILL NO. 708

1 AN ACT TO PROVIDE THAT AT ANY PRIMARY ELECTION, EXCEPT
2 MUNICIPAL, JUDICIAL AND CONGRESSIONAL ELECTIONS, ALL QUALIFIED
3 ELECTORS SHALL BE ENTITLED TO VOTE FOR THE CANDIDATE OF THEIR
4 CHOICE FOR EACH OFFICE REGARDLESS OF THE PARTY AFFILIATION OF THE
5 CANDIDATE; TO PROVIDE THE METHOD OF ELECTING CANDIDATES AT SUCH
6 PRIMARY ELECTIONS; TO PROVIDE THAT QUALIFIED ELECTORS MAY VOTE FOR
7 ONLY ONE CANDIDATE FOR EACH OFFICE AT A PRIMARY ELECTION; TO AMEND
8 SECTIONS 23-15-265, 23-15-267, 23-15-303, 23-15-333, 23-15-335 AND
9 23-15-597, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COUNTY
10 COMMISSIONERS OF ELECTION SHALL APPOINT MANAGERS AND CLERKS FOR
11 PRIMARY ELECTIONS UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE
12 COMMITTEE; TO PROVIDE THAT THE COMMISSIONERS OF ELECTION SHALL
13 APPOINT AN EQUAL NUMBER OF POLL WORKERS FROM EACH POLITICAL PARTY
14 THAT PARTICIPATES IN THE PRIMARY ELECTION; TO PROVIDE THAT THE
15 COUNTY COMMISSIONERS OF ELECTION SHALL DISTRIBUTE THE BALLOT BOXES
16 FOR PRIMARY ELECTIONS; TO PROVIDE THAT WHEN TWO OR MORE POLITICAL
17 PARTIES ARE HOLDING PRIMARY ELECTIONS, THE ELECTIONS SHALL BE
18 CONDUCTED TOGETHER; TO PROVIDE THAT THE COUNTY COMMISSIONERS OF
19 ELECTION SHALL PRINT ALL NECESSARY BALLOTS FOR PRIMARY ELECTIONS;
20 TO PROVIDE THAT THE PRIMARY ELECTION BALLOT SHALL CONTAIN THE
21 NAMES OF ALL THE CANDIDATES OF ALL THE POLITICAL PARTIES
22 PARTICIPATING IN THE PRIMARY ELECTION; TO PROVIDE THAT THE TITLE
23 OF EACH OFFICE SHALL BE LISTED ON THE PRIMARY ELECTION BALLOT BY
24 PARTY AND THE CANDIDATES LISTED UNDER THE APPROPRIATE PARTY
25 DESIGNATION; TO PROVIDE THAT THE COUNTY COMMISSIONERS OF ELECTION
26 SHALL DESIGNATE THE PERSON WHOSE DUTY IT IS TO DISTRIBUTE THE
27 BALLOTS NECESSARY FOR USE IN PRIMARY ELECTIONS; TO PROVIDE THAT
28 THE STATE BOARD OF ELECTION COMMISSIONERS AND THE COUNTY
29 COMMISSIONERS OF ELECTION SHALL CANVASS THE RETURNS OF PRIMARY
30 ELECTIONS AND CERTIFY THE RESULT TO THE APPROPRIATE EXECUTIVE
31 COMMITTEE; TO AMEND SECTIONS 23-15-129, 23-15-263, 23-15-295,
32 23-15-331, 23-15-403, 23-15-465 AND 23-15-507, MISSISSIPPI CODE OF
33 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 23-15-191,
34 23-15-305, 23-15-307 AND 23-15-359, MISSISSIPPI CODE OF 1972, IN
35 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

37 SECTION 1. At any primary election, except municipal,
38 judicial and congressional elections, all qualified electors shall
39 be entitled to vote for the candidate of their choice for each
40 office regardless of the party affiliation of the candidate.
41 Qualified electors may vote for only one (1) candidate for each
42 office at a primary election. If a qualified elector votes for

43 more than one (1) candidate for any one (1) office, the elector's
44 vote for that office shall not be counted.

45 SECTION 2. At any primary election except municipal,
46 judicial and congressional elections, the ballot shall contain the
47 names of all candidates who qualify with political parties and all
48 candidates who qualify as provided in subsection (1)(a), (b), (d),
49 (e), (f) and (g) of Section 23-15-359. If a candidate receives a
50 majority of the vote (a majority being fifty percent (50%) plus
51 one (1)) such candidate shall be elected to the office. If no
52 candidate receives such majority of the vote, the candidate from
53 each political party receiving the highest number of votes and all
54 candidates who qualify as provided in subsection (1)(a), (b), (d),
55 (e), (f) and (g) shall be placed on the ballot in the general
56 election. The general election shall be decided by a vote as
57 required in Section 140 of the Constitution.

58 SECTION 3. Section 23-15-265, Mississippi Code of 1972, is
59 amended as follows:[JU1]

60 23-15-265. The commissioners of election of each county
61 shall meet not less than two (2) weeks before the date of any
62 primary election and appoint the managers and clerks for
63 same * * *. The number of managers and clerks appointed by the
64 commissioners of election shall be the same number as
65 commissioners of election are allowed to appoint pursuant to
66 Sections 23-15-231 and 23-15-235. The commissioners of election
67 shall appoint managers and clerks pursuant to this section upon
68 the recommendation of the county executive committee. The
69 commissioners of election shall appoint an equal number of
70 managers and clerks from each political party that participates in
71 the primary election to serve at each precinct. If the county
72 commissioners of election fail to meet on the date named, supra,
73 further notice shall be given of the time and place of meeting.

74 SECTION 4. Section 23-15-267, Mississippi Code of 1972, is
75 amended as follows:[JU2]

76 23-15-267. The ballot boxes provided by the * * *
77 commissioners of election in each county shall be used in primary
78 elections, and the county commissioners of election shall
79 distribute them to the voting precincts of the county before the

80 time for opening the polls, in the same manner, as near as may be,
81 as that provided for in general elections. If an adjournment
82 shall take place after the polls are open and before all votes are
83 counted, the ballot box shall be securely locked so as to prevent
84 the admission into it or the taking of anything from it during the
85 time of adjournment; and the box shall be kept by one of the
86 managers, and the key by another of the managers, and the manager
87 having the box shall carefully keep it, and neither undertake to
88 open it himself or permit it to be done, or to permit any person
89 to have access to it during the time of adjournment. The box
90 shall not be removed from the polling building or place after the
91 polls are open until the count is completed if as many as three
92 (3) electors qualified to vote at the election object. After each
93 election, the ballot boxes of those provided by the * * *
94 commissioners of election shall be delivered, with the keys
95 thereof immediately and as soon thereafter as possible, and
96 without delay to the clerk of the circuit court of the county.
97 The person, or persons, whose duty it is to comply with the
98 provisions of this section and who shall fail, or neglect, for any
99 cause, to deliver said boxes or any of them as * * * provided for
100 in this section shall, upon conviction, be fined not less than Two
101 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
102 the residence of the person, or persons, who violates any of the
103 provisions of this section, for a period of not less than thirty
104 (30) days or more than six (6) months, and fined not more than
105 Five Hundred Dollars (\$500.00).

106 SECTION 5. Section 23-15-303, Mississippi Code of 1972, is
107 amended as follows:[JU3]

108 23-15-303. When two (2) or more political parties or
109 political organizations are holding primary elections, each shall
110 be conducted together and at the same time.

111 The board of supervisors or the supervisor of the district in
112 which the voting precinct is located shall have authority, and it

113 is made its and his duty when requested, to specifically designate
114 the respective places where the precinct primary election * * *
115 shall be held where there may be a dispute as to the room or exact
116 place for holding such precinct elections.

117 SECTION 6. Section 23-15-333, Mississippi Code of 1972, is
118 amended as follows:[JU4]

119 23-15-333. The commissioners of election of each county
120 shall have printed all necessary ballots, for use in primary
121 elections. The ballots shall contain the names of all the
122 candidates of all the political parties participating in the
123 primary election to be voted for at such election. The title of
124 each office shall be listed by party and the candidates listed
125 under the appropriate party designation. * * * There shall be
126 left on each ballot one (1) blank space under the title of each
127 office for which a nominee is to be elected; and in the event of
128 the death of any candidate whose name shall have been printed on
129 the ballot, the name of the candidate duly substituted in the
130 place of the deceased candidate may be written in such blank space
131 by the voter. The order in which the titles to the various
132 offices shall be printed, and the size, print and quality of the
133 paper of the ballot is left to the discretion of the commissioners
134 of election. Provided, however, that in all cases the arrangement
135 of the names of the candidates for each office shall be
136 alphabetical. No ballot shall be used except those so printed.

137 The commissioners of election shall also prepare full
138 instructions for the guidance of electors at elections as to
139 obtaining ballots, the manner of marking them, and the mode of
140 obtaining new ballots in the place of those spoiled by accident.
141 The instructions shall be printed in large, clear type on "Cards
142 of Instruction," and the commissioners of election shall furnish
143 the same in sufficient numbers for the use of electors. The cards
144 shall be preserved by the officers of election and returned by
145 them to the commissioners of election and they may be used, if

146 applicable, in subsequent elections.

147 SECTION 7. Section 23-15-335, Mississippi Code of 1972, is
148 amended as follows:[JU5]

149 23-15-335. The commissioners of election of each county
150 shall designate a person whose duty it shall be to distribute all
151 necessary ballots for use in a primary election, and shall
152 designate one (1) among the managers at each polling place to
153 receive and receipt for the blank ballots to be used at that
154 place. When the blank ballots are delivered to a local manager,
155 the distributor shall take from the local manager a receipt
156 therefor signed in duplicate by both the distributor and the
157 manager, one of which receipts the distributor shall deliver to
158 the circuit clerk and the other shall be retained by the local
159 manager and said last mentioned duplicate receipt shall be
160 enclosed in the ballot box with the voted ballots when the polls
161 have been closed and the votes have been counted. The printer of
162 the ballots shall take a receipt from the distributor of the
163 ballots for the total number of the blank ballots delivered to the
164 distributor. The printer shall secure all ballots printed by him
165 in such a safe manner that no person can procure them or any of
166 them, and he shall deliver no blank ballot or ballots to any
167 person except the distributor above mentioned, and then only upon
168 his receipt therefor as above specified. The distributor of the
169 blank ballots shall so securely hold the same that no person can
170 obtain any of them, and he shall not deliver any of them to any
171 person other than to the authorized local managers and upon their
172 respective receipts therefor. The commissioners of election shall
173 see to it that the total blank ballots delivered to the
174 distributor, shall correspond with the total of the receipts
175 executed by the local managers. Any person charged with any of
176 the duties prescribed in this section who shall willfully or with
177 culpable carelessness violate the same shall be guilty of a
178 misdemeanor.

179 SECTION 8. Section 23-15-597, Mississippi Code of 1972, is
180 amended as follows:[JU6]

181 23-15-597. The commissioners of election of each county
182 shall meet on the first or second day after each primary election,
183 shall receive and canvass the returns which must be made within
184 the time fixed by law for returns of general elections and certify
185 the result to the county executive committee. The county
186 executive committee shall * * * announce the name of the nominees
187 for county and county district offices and legislative offices for
188 districts containing one (1) county or less, and the names of
189 those candidates to be submitted to the second primary. The vote
190 for state and state district offices and legislative offices for
191 districts containing more than one (1) county or parts of more
192 than one (1) county shall be tabulated by precincts and certified
193 to and returned to the State Board of Election Commissioners, such
194 returns to be mailed by registered letter or any safe mode of
195 transmission within thirty-six (36) hours after the returns are
196 canvassed and the result ascertained. The State Board of Election
197 Commissioners shall meet a week from the day following the first
198 primary election held for state and state district offices and
199 legislative offices for districts containing more than one (1)
200 county or parts of more than one (1) county, and shall proceed to
201 canvass the returns and to certify the result to the State
202 Executive Committee. The State Executive Committee shall * * *
203 announce the names of those nominated for the different offices in
204 the first primary and the names of those candidates whose names
205 are to be submitted to the second primary election. The State
206 Board of Election Commissioners shall also meet a week from the
207 day on which the second primary election was held and receive and
208 canvass the returns for state and district offices, if any, and
209 legislative offices for districts containing more than one (1)
210 county or parts of more than one (1) county, if any, voted on in
211 such second primary and certify the result to the State Executive

212 Committee. An exact and full duplicate of all tabulations by
213 precincts as certified under this section shall be filed with the
214 circuit clerk of the county who shall safely preserve the same in
215 his office.

216 SECTION 9. Section 23-15-129, Mississippi Code of 1972, is
217 amended as follows:[JU7]

218 23-15-129. The commissioners of election and the registrars
219 of the respective counties are hereby directed to make an
220 administrative division of the pollbook for each county
221 immediately following any reapportionment of the Mississippi
222 Legislature or any realignment of supervisors districts, if
223 necessary. Such an administrative division shall form
224 subprecincts whenever necessary within each voting precinct so
225 that all persons within a subprecinct shall vote on the same
226 candidates for each public office. Separate pollbooks for each
227 subprecinct shall be made. The polling place for all subprecincts
228 within any given voting precinct shall be the same as the polling
229 place for the voting precinct. Additional managers may be
230 appointed for subprecincts in the discretion of the commissioners
231 of election * * *.

232 SECTION 10. Section 23-15-263, Mississippi Code of 1972, is
233 amended as follows:[JU8]

234 23-15-263. (1) The county commissioners of election shall
235 perform all the duties specified by law to be performed by the
236 county commissioners of election with regard to state and county
237 primary elections.

238 (2) Unless otherwise provided in this chapter, the county
239 executive committee at primary elections shall perform all duties
240 that relate to the qualification of candidates for primary
241 elections, * * * resolve contests in regard to primary elections,
242 and perform all other duties required by law to be performed by
243 the county executive committee; however, each house of the
244 Legislature shall rule on the qualifications of the membership of

245 its respective body in contests involving the qualifications of
246 such members. The executive committee shall be subject to all the
247 penalties to which county election commissioners are subject,
248 except that Section 23-15-217 shall not apply to members of the
249 county executive committee who seek elective office.

250 (3) A member of a county executive committee shall be
251 automatically disqualified to serve on the county executive
252 committee, and shall be considered to have resigned therefrom,
253 upon his qualification as a candidate for any elective office.
254 The provisions of this subsection shall not apply to a member of a
255 county executive committee who qualifies as a candidate for a
256 municipal elective office.

257 (4) The primary election officers appointed by the
258 commissioners of election shall have the powers and perform the
259 duties, where not otherwise provided, required of such officers in
260 a general election, and any and every act or omission which by law
261 is an offense when committed in or about or in respect to such
262 general elections, shall be an offense if committed in or about or
263 in respect to a primary election; and the same shall be indictable
264 and punishable in the same way as if the election was a general
265 election for the election of state and county officers, except as
266 specially modified or otherwise provided in this chapter.

267 SECTION 11. Section 23-15-295, Mississippi Code of 1972, is
268 amended as follows:[JU9]

269 23-15-295. When any person has qualified in the manner
270 provided by law as a candidate for party nomination in any primary
271 election, such person shall have the right to withdraw his name as
272 a candidate by giving notice of his withdrawal in writing to the
273 secretary of the proper executive committee at any time prior to
274 the printing of the official ballots, and in the event of such
275 withdrawal the name of such candidate shall not be printed on the
276 ballot. When a candidate for party nomination for a state or
277 district office who has qualified with the State Executive

278 Committee withdraws as a candidate as provided for in this section
279 after the sample of the official ballot has been approved and
280 certified by the State Executive Committee, the Secretary or
281 Chairman of the State Executive Committee shall forthwith notify
282 the commissioners of election of each county affected or involved
283 of the fact of such withdrawal and such notification shall
284 authorize the commissioners of election to omit the name of the
285 withdrawn candidate from the ballot if such notification is
286 received prior to the printing of the ballot. In the case of the
287 withdrawal of any candidate, the fee paid by such candidate shall
288 be retained by the state or county executive committee, as the
289 case may be.

290 SECTION 12. Section 23-15-331, Mississippi Code of 1972, is
291 amended as follows:[JU10]

292 23-15-331. It shall be the duty of the State Executive
293 Committee of each political party to furnish to the commissioners
294 of election of each county, not less than fifty (50) days prior to
295 the primary election, the names of all state and state district
296 candidates and all candidates for legislative districts composed
297 of more than one county or parts of more than one county who have
298 qualified as provided by law, and in accordance with the
299 requirements of Section 23-15-333 a sample of the official ballot
300 to be used in the primary, the general form of which shall be
301 followed as nearly as practicable.

302 SECTION 13. Section 23-15-403, Mississippi Code of 1972, is
303 amended as follows:[JU11]

304 23-15-403. The board of supervisors of any county in the
305 State of Mississippi and the governing authorities of any
306 municipality in the State of Mississippi are hereby authorized and
307 empowered, in their discretion, to purchase or rent any voting
308 machine or machines which shall be so constructed as to fulfill
309 the following requirements:

310 (a) It shall secure to the voter secrecy in the act of

311 voting;

312 (b) It shall provide facilities for voting for all
313 candidates of as many political parties or organizations as may
314 make nominations, and for or against as many questions as
315 submitted;

316 (c) It shall * * * permit the voter to vote for all the
317 candidates of one party or in * * * part for the candidates of one
318 or more other parties;

319 (d) It shall permit the voter to vote for as many
320 persons for an office as he is lawfully entitled to vote for, but
321 not more;

322 (e) It shall prevent the voter from voting for the same
323 person more than once for the same office;

324 (f) It shall permit the voter to vote for or against
325 any question he may have the right to vote on, but no other; * * *

326 (g) It shall correctly register or record and
327 accurately count all votes cast for any and all persons and for or
328 against any and all questions;

329 (h) It shall be provided with a "protective counter" or
330 "protective device" whereby any operation of the machine before or
331 after the election will be detected;

332 (i) It shall be provided with a counter which shall
333 show at all times during an election how many persons have voted;

334 (j) It shall be provided with a mechanical model,
335 illustrating the manner of voting on the machine, suitable for the
336 instruction of voters;

337 (k) It may also be provided with a device * * * for
338 voting for all the presidential electors of a party by one (1)
339 operation, and a ballot therefor containing only the words
340 "Presidential Electors For" preceded by the name of that party and
341 followed by the names of the candidates thereof for the offices of
342 President and Vice President, and a registering device therefor
343 which shall register the vote cast for said electors when thus

344 voted collectively; provided, however, that means shall be
345 furnished whereby the voter can cast a vote for individual
346 electors when permitted to do so by law.

347 SECTION 14. Section 23-15-465, Mississippi Code of 1972, is
348 amended as follows:[JU12]

349 23-15-465. No electronic voting system, consisting of a
350 marking or voting device in combination with automatic tabulating
351 equipment, shall be acquired or used in accordance with Sections
352 23-15-461 through 23-15-485 unless it shall:

353 (a) Provide for voting in secrecy when used with voting
354 booths;

355 (b) Permit each voter to vote at any election for all
356 persons and offices for whom and for which he is lawfully entitled
357 to vote; to vote for as many persons for an office as he is
358 entitled to vote for; to vote for or against any question upon
359 which he is entitled to vote; and the automatic tabulating
360 equipment shall reject choices recorded on his ballot card or
361 paper ballot if the number of choices exceeds the number which he
362 is entitled to vote for the office or on the measure;

363 (c) Permit each voter, at presidential elections, by
364 one (1) mark or punch to vote for the candidates of that party for
365 President, Vice President, and their presidential electors, or to
366 vote individually for the electors of his choice when permitted by
367 law;

368 (d) Permit each voter * * * to vote for the nominees of
369 one or more parties and for independent nominees;

370 (e) Permit each voter to vote for candidates only in
371 the primary in which he is qualified to vote;

372 (f) Permit each voter to vote for persons whose names
373 are not on the printed ballot or ballot labels;

374 (g) Prevent the voter from voting for the same person
375 more than once for the same office;

376 (h) Be suitably designed for the purpose used, of

377 durable construction, and may be used safely, efficiently and
378 accurately in the conduct of elections and counting ballots;

379 (i) Be provided with means for sealing the voting or
380 marking device against any further voting after the close of the
381 polls and the last voter has voted;

382 (j) When properly operated, record correctly and count
383 accurately every vote cast;

384 (k) Be provided with a mechanical model for instructing
385 voters, and be so constructed that a voter may readily learn the
386 method of operating it;

387 (l) Be safely transportable, and include a light to
388 enable voters to read the ballot labels and instructions.

389 SECTION 15. Section 23-15-507, Mississippi Code of 1972, is
390 amended as follows:[JU13]

391 23-15-507. No optical mark reading system shall be acquired
392 or used in accordance with this chapter unless it shall:

393 (a) Permit each voter to vote at any election for all
394 persons and no others for whom and for which they are lawfully
395 entitled to vote; to vote for as many persons for an office as
396 they are entitled to vote for; to vote for or against any
397 questions upon which they are entitled to vote;

398 (b) The OMR tabulating equipment shall be capable of
399 rejecting choices recorded on the ballot if the number of choices
400 exceeds the number which the voter is entitled to vote for the
401 office or on the measure;

402 (c) Permit each voter, at presidential elections, by
403 one (1) mark to vote for the candidates of that party for
404 President, Vice President, and their presidential electors, or to
405 vote individually for the electors of their choice when permitted
406 by law;

407 (d) Permit each voter * * * to vote for the nominees of
408 one or more parties and for independent nominees;

409 (e) Permit each voter to vote for candidates only in

410 the primary in which they are qualified to vote;

411 (f) Permit each voter to vote for persons whose names
412 are not on the printed ballot;

413 (g) Be suitably designed for the purpose used, of
414 durable construction, and may be used safely, efficiently and
415 accurately in the conduct of elections and the counting of
416 ballots;

417 (h) Be provided with means for sealing the ballots
418 after the close of the polls and the last voter has voted;

419 (i) When properly operated, record correctly and count
420 accurately all votes cast; and

421 (j) Provide the voter with a set of instructions that
422 will be so displayed that a voter may readily learn the method of
423 voting.

424 SECTION 16. Section 23-15-191, Mississippi Code of 1972, is
425 amended as follows:

426 23-15-191. Except as otherwise provided in Section 2 of
427 House Bill No. _____, 2000 Regular Session, the first primary shall
428 be held on the first Tuesday after the first Monday of August
429 preceding any regular or general election; and the second primary
430 shall be held three (3) weeks thereafter. Any candidate who
431 receives the highest popular vote cast for the office which he
432 seeks in the first primary shall thereby become the nominee of the
433 party for such office; provided also it be a majority of all the
434 votes cast for that office. If no candidate receives such
435 majority of popular votes in the first primary, then the two (2)
436 candidates who receive the highest popular vote for such office
437 shall have their names submitted as such candidates to a second
438 primary, and the candidate who leads in such second primary shall
439 be nominated to the office. When there is a tie in the first
440 primary of those receiving next highest vote, these two (2) and
441 the one (1) receiving the highest vote, none having received a
442 majority, shall go into the second primary, and whoever leads in

443 such second primary shall be entitled to the nomination.

444 SECTION 17. Section 23-15-305, Mississippi Code of 1972, is
445 amended as follows:

446 23-15-305. Except as otherwise provided in Section 2 of
447 House Bill No. _____, 2000 Regular Session, the candidate who
448 received the majority number of votes cast for the office which he
449 seeks shall thereby become the nominee of his party for such
450 office and no person shall be declared to be the nominee of his
451 party unless and until he has received a majority of the votes
452 cast for such office, except as hereinafter provided. If no
453 candidate received such majority of the votes cast in the first
454 primary, then the two (2) candidates who receive the highest
455 number of votes cast for such office shall have their names
456 submitted as such candidates to the second primary and the
457 candidate who leads in such second primary shall be nominated for
458 the office.

459 If the candidate who received the second highest number of
460 votes cast for such office for any reason declines to enter the
461 second primary, then in that event the candidate who received the
462 third highest shall have his name submitted to the second primary,
463 together with the candidate who received the highest number of
464 votes cast for such office.

465 If the candidate who received the third highest number of
466 votes cast for such office for any reason declines to enter the
467 second primary, then in that event the candidate who received the
468 fourth highest shall have his name submitted to the second
469 primary, together with the candidate who received the highest
470 number of votes cast for such office.

471 If no candidate will enter the second primary with the
472 candidate who received the highest number of votes cast, then the
473 candidate who received the highest number of votes cast in the
474 first primary shall be declared the nominee of his party for such
475 office.

476 SECTION 18. Section 23-15-307, Mississippi Code of 1972, is
477 amended as follows:

478 23-15-307. Except as otherwise provided in Section 2 of
479 House Bill No. _____, 2000 Regular Session, the name of any
480 candidate shall not be placed upon the official ballot in general
481 elections as a party nominee who is not nominated as herein
482 provided, and the election of any party nominee who shall be
483 nominated otherwise than as provided in this chapter shall be void
484 and he shall not be entitled to hold the office to which he may
485 have been elected. No political party shall be entitled to
486 recognition, as such, in the appointment of the county or precinct
487 election officers, unless it has made its nominations as herein
488 provided.

489 SECTION 19. Section 23-15-359, Mississippi Code of 1972, is
490 amended as follows:

491 23-15-359. (1) Except as otherwise provided in Section 2 of
492 House Bill No. _____, 2000 Regular Session, and excluding any
493 special elections, the ballot shall contain the names of all
494 candidates who have been put in nomination, not less than sixty
495 (60) days previous to the day of the election, by the primary
496 election of any political party. There shall be printed on the
497 ballots the names of all persons so nominated, whether the
498 nomination be otherwise known or not, upon the written request of
499 one or more of the candidates so nominated, or of any qualified
500 elector who will make oath that he was a participant in the
501 primary election, and that the person whose name is presented by
502 him was nominated by such primary election. The commissioner
503 shall also have printed on the ballot in any general or special
504 election the name of any candidate who, not having been nominated
505 by a political party, shall have been requested to be a candidate
506 for any office by a petition filed as provided for in subsection
507 (3) or (4) of this section, as appropriate, and signed by not less
508 than the following number of qualified electors:

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

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

514 (c) For an office elected by the qualified electors of
515 a congressional district, not less than two hundred (200)
516 qualified electors.

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

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

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

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

528 (2) Unless the petition required above shall be filed as
529 provided for in subsection (3) or (4) of this section, as
530 appropriate, the name of the person requested to be a candidate,
531 unless nominated by a political party, shall not be placed upon
532 the ballot. The ballot shall contain the names of each candidate
533 for each office, and such names shall be listed under the name of
534 the political party such candidate represents as provided by law
535 and as certified to the circuit clerk by the State Executive
536 Committee of such political party. In the event such candidate
537 qualifies as an independent as herein provided, he shall be listed
538 on the ballot as an independent candidate.

539 (3) Petitions for offices described in paragraphs (a), (b),
540 (c) and (d) of subsection (1) of this section, and petitions for
541 offices described in paragraph (e) of subsection (1) of this

542 section for districts composed of more than one (1) county or
543 parts of more than one (1) county, shall be filed with the State
544 Board of Election Commissioners by no later than 5:00 p.m. on the
545 same date by which candidates for nominations in the political
546 party primary elections are required to pay the fee provided for
547 in Section 23-15-297, Mississippi Code of 1972.

548 (4) Petitions for offices described in paragraphs (f) and
549 (g) of subsection (1) of this section, and petitions for offices
550 described in paragraph (e) of subsection (1) of this section for
551 districts composed of one (1) county or less, shall be filed with
552 the proper circuit clerk by no later than 5:00 p.m. on the same
553 date by which candidates for nominations in the political party
554 elections are required to pay the fee provided for in Section
555 23-15-297. The circuit clerk shall notify the county
556 commissioners of election of all persons who have filed petitions
557 with such clerk. Such notification shall occur within two (2)
558 business days and shall contain all necessary information.

559 (5) The commissioners may also have printed upon the ballot any
560 local issue election matter that is authorized to be held on the same
561 date as the regular or general election pursuant to Section 23-15-375;
562 provided, however, that the ballot form of such local issue must be
563 filed with the commissioners of election by the appropriate governing
564 authority not less than sixty (60) days previous to the date of the
565 election.

566 (6) The provisions of this section shall not apply to
567 municipal elections or to the election of the offices of justice
568 of the Supreme Court, judge of the Court of Appeals, circuit
569 judge, chancellor, county court judge and family court judge.

570 (7) Nothing in this section shall prohibit special elections
571 to fill vacancies in either house of the Legislature from being
572 held as provided in Section 23-15-851. In all elections conducted
573 under the provisions of Section 23-15-851 the commissioner shall
574 have printed on the ballot the name of any candidate who, not

575 having been nominated by a political party, shall have been
576 requested to be a candidate for any office by a petition filed
577 with said commissioner not less than ten (10) working days prior
578 to the election, and signed by not less than fifty (50) qualified
579 electors.

580 SECTION 20. The Attorney General of the State of Mississippi
581 shall submit this act, immediately upon approval by the Governor,
582 or upon approval by the Legislature subsequent to a veto, to the
583 Attorney General of the United States or to the United States
584 District Court for the District of Columbia in accordance with the
585 provisions of the Voting Rights Act of 1965, as amended and
586 extended. If any section, paragraph, sentence, clause, phrase or
587 any part of this act is declared to be void or if this entire act
588 is not approved and effectuated in accordance with the Voting
589 Rights Act of 1965, as amended and extended, then the entire act
590 shall be void and no part of this act shall take effect or be in
591 force.

592 SECTION 21. This act shall take effect and be in force from
593 and after the date it is effectuated under Section 5 of the Voting
594 Rights Act of 1965, as amended and extended. If this act is not
595 effectuated under Section 5 of the Voting Rights Act of 1965, as
596 amended and extended, the Attorney General of the State of
597 Mississippi is hereby directed to file suit in the Federal
598 District Court for the District of Columbia to secure the
599 effectuation of this act.