

By: Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 772

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 23-15-393, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF
3 STATE TO ESTABLISH A LIST OF VOTING DEVICES THAT MAY BE UTILIZED
4 IN ELECTIONS CONDUCTED IN THIS STATE; TO REQUIRE ALL VOTING
5 DEVICES UTILIZED TO CONDUCT ELECTIONS TO BE CONTAINED ON SUCH
6 LIST; TO ALLOW VOTING DEVICES THAT ARE NOT ON THE LIST THAT ARE
7 CURRENTLY UTILIZED TO CONDUCT ELECTIONS TO BE UTILIZED UNTIL SUCH
8 TIME AS SUCH VOTING DEVICES ARE REPLACED; TO AMEND SECTIONS
9 23-15-39, 23-15-213, 23-15-299, 23-15-309, 23-15-359, 23-15-361,
10 23-15-627, 23-15-631, 23-15-839, 23-15-853, 23-15-857, 23-15-977,
11 37-5-9, 37-5-75, 37-7-211 AND 37-7-225, MISSISSIPPI CODE OF 1972,
12 TO CLARIFY THE APPLICATION FOR REGISTRATION AS A VOTER; TO PROVIDE
13 THAT THE QUALIFYING DEADLINE FOR ALL ELECTIVE OFFICES SHALL BE AT
14 5:00 P.M. ON THE LAST DAY UPON WHICH A CANDIDATE MAY QUALIFY FOR
15 ELECTIVE OFFICE; TO CLARIFY THE MANNER IN WHICH THE QUALIFICATIONS
16 OF CANDIDATES FOR ELECTIVE OFFICE ARE EXAMINED; TO REQUIRE THAT
17 COPIES OF THE STATEMENTS REQUIRED TO BE FILED WITH THE STATE
18 EXECUTIVE COMMITTEE BY CANDIDATES FOR PARTY NOMINATION BE
19 TRANSMITTED TO AND RECEIVED BY THE OFFICE OF THE SECRETARY OF
20 STATE BY NOT LATER THAN 6:00 P.M. ON THE DATE OF THE QUALIFYING
21 DEADLINE; TO PROHIBIT PERSONS FROM QUALIFYING FOR OFFICE BEFORE
22 JANUARY 1 OF THE YEAR IN WHICH THE ELECTION IS TO OCCUR; TO
23 PROVIDE THAT IN CASES IN WHICH ONLY ONE CANDIDATE HAS QUALIFIED
24 FOR AN ELECTIVE OFFICE THAT SUCH CANDIDATE SHALL BE DECLARED
25 ELECTED; TO CLARIFY THAT ABSENTEE BALLOTS OF ELECTORS WHO ARE
26 AUTHORIZED TO VOTE BY MAIL MUST BE MAILED TO THE ELECTOR; TO
27 PROVIDE FOR A CERTIFICATE ON THE ABSENTEE BALLOT ENVELOPE THAT
28 MUST BE COMPLETED BY PERSONS WHO WITNESS THE SIGNATURE OF A VOTER
29 WHO IS TEMPORARILY OR PERMANENTLY DISABLED; TO AMEND SECTION
30 23-15-681, MISSISSIPPI CODE OF 1972, TO CHANGE THE COLOR OF INK
31 USED FOR ABSENTEE BALLOT ENVELOPES; AND FOR RELATED PURPOSES.

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

33 SECTION 1. The following provision shall be codified as

34 Section 23-15-393, Mississippi Code of 1972:

35 23-15-393. The Secretary of State shall establish a list of
36 voting devices that may be utilized in elections conducted in this
37 state. All voting devices utilized to conduct elections in this
38 state must be contained in such list; provided, however, that all
39 voting devices that are not on such list and that are currently
40 utilized to conduct elections may continue to be utilized until

41 such time as such voting devices are replaced.

42 SECTION 2. Section 23-15-39, Mississippi Code of 1972, is
43 amended as follows:

44 23-15-39. (1) Applications for registration as electors of
45 this state, which are sworn to and subscribed before the registrar
46 or deputy registrar authorized by law and which are not made by
47 mail, shall be made upon a triplicate form in the following words
48 and figures:

49 "APPLICATION FOR REGISTRATION

50 (You may receive assistance in filling out this form from any
51 person of your choosing. It is not necessary that this form be
52 filled out in the presence of the registrar, however, the oath
53 must be executed in the presence of the registrar or his deputy.)

54 1. What is your full name, including maiden name, if you
55 have one? _____

56 2. Please give your Social Security number. _____

57 3. What is your date of birth * * *? _____

58 4. Are you a citizen of the United States? _____

59 5. What is your present residence address and each place you
60 have resided during the past year, stating when you lived at each
61 place, and specifying the municipality or community, the street
62 name and number and/or any other designation which accurately
63 describes the geographic location of your present residence
64 address?

65 (a) Present address: _____

66 From _____ (month) to date.

67 (b) Previous address: _____

68 From _____ (month) to _____ (month).

69 (c) Previous address: _____

70 From _____ (month) to _____ (month).

71 (If you need additional space, use the back side of this
72 form.)

73 6. What is your present mailing address? _____

74 7. Are you now a resident of this state and county? _____

75 8. Do you now reside within the city limits of a city or
76 town located within this county? _____

77 9. Have you ever registered to vote before in any other

78 county or state? If so, give the last place or last two (2)
79 places if registered more than once. _____

80 10. Have you ever been convicted of the crime of murder,
81 rape, bribery, theft, arson, obtaining money or goods under false
82 pretenses, perjury, forgery, embezzlement or bigamy? _____

83 11. The following questions may be answered by you at your
84 option and are solely for the purpose of aiding in registering you
85 in the proper precinct:

86 (a) Are there any registered voters living at your
87 present residence? _____ If so, give the name of each such
88 person. _____

89 (b) Do you have a telephone at your present residence?
90 _____ If so, give the telephone number of such telephone.

91 _____ Please give your work telephone number. _____

92 * * *

93 After you have answered 1 through 11 above, sign or make your
94 mark on the following oath in the presence of the registrar or
95 deputy registrar.

96 STATE OF MISSISSIPPI

97 COUNTY OF _____

98 I do solemnly swear (or affirm) that I am at least eighteen
99 (18) years old (or I will be before the next general election in
100 this county), and that I am now in good faith a resident of this
101 state and of _____ Election Precinct in this county, and that I
102 am not disqualified from voting by reason of having been convicted
103 of any crime listed in Question 10 of the application; that I have
104 truly answered all questions propounded to me in the foregoing
105 application for registration, and that I will faithfully support
106 the Constitutions of the United States and of the State of
107 Mississippi, and will bear true faith and allegiance to the same.
108 So help me God.

109 Applicant sign here: _____

110 SWORN TO AND SUBSCRIBED before me, this the ____ day of

111 _____ 19__.

112 _____ (Registrar)

113 By _____ (Deputy Registrar)"

114 (2) The boards of supervisors shall make proper allowances
115 for office supplies reasonably necessitated by the registration of
116 county electors.

117 (3) If the reply to Question 8 above is affirmative, the
118 county registrar shall forward notice of registration, a copy of
119 the application for registration, and any changes to such
120 registration when they occur, either by certified mail to the
121 clerk of the municipality indicated in the present residence
122 address stated in answer to Question 5(a) above or by personal
123 delivery to such clerk provided that a numbered receipt is signed
124 by such clerk in return for the described documents. Upon receipt
125 of the copy of the application for registration or changes to such
126 registration, and if a review of same indicates that the applicant
127 meets all the criteria necessary to qualify as a municipal
128 elector, then the clerk of said municipality shall make a
129 determination of the municipal voting precinct in which the person
130 making the application shall be required to vote. The clerk shall
131 send this municipal voting precinct information by United States
132 first-class mail, postage prepaid, to such person at the address
133 provided on the application. Any and all mailing costs incurred
134 by the county registrar or the clerk of the municipality in
135 effectuating this subsection shall be paid by the governing
136 authority of such municipality. If a review of the copy of the
137 application for registration or changes to such registration
138 indicates that the applicant is not qualified to vote in said
139 municipality, the clerk of said municipality shall challenge such
140 application. The municipal election commissioners responsible for
141 said municipality shall review any such challenge or
142 disqualification after having notified the applicant by certified
143 mail of such challenge or disqualification.

144 (4) If the reply to Question 9 above is affirmative, the
145 registrar or clerk shall on a monthly basis send notice of this
146 new registration to the registrar or clerk of the county stated in
147 Question 9 as the voter's previous place of registration. The
148 election commission of the voter's previous place of registration
149 shall be responsible for having such voter's name erased from the
150 appropriate registration book and pollbook.

151 (5) The registrar shall issue to the person making the
152 application a copy of such application upon which has been written
153 the county voting precinct in which said person shall vote. The
154 registrar shall assign a voter registration number to such person,
155 which shall be that person's Social Security number if such a
156 number is provided, and said voter registration number shall be
157 clearly shown on the application.

158 (6) Any person desiring an application for registration may
159 secure the same from the registrar of the county of which he is a
160 resident and may take said form with him and secure assistance in
161 completing said form from any person of the applicant's choice.
162 It shall be the duty of all registrars to furnish forms for
163 registering to all persons requesting the same, and it shall
164 likewise be his duty to furnish aid and assistance in the
165 completing of said forms when requested by an applicant. The
166 application for registration shall be sworn to and subscribed
167 before the registrar or deputy registrar at the municipal clerk's
168 office, the county registrar's office or any other location where
169 the applicant is allowed to register to vote. No fee or cost
170 shall be charged the applicant by the registrar for accepting the
171 application or administering the oath or for any other duty
172 imposed by law regarding the registration of electors.

173 (7) The receipt of a copy of the application for
174 registration sent pursuant to Section 23-15-35(2), shall be
175 sufficient to allow the applicant to be registered as an elector
176 of this state, provided that such application is not challenged as

177 provided for therein.

178 (8) In any case in which a municipality expands its
179 corporate boundaries by annexation, the municipal clerk shall,
180 within ten (10) days after the effective date of such annexation,
181 forward to the county registrar a map which accurately depicts the
182 annexed area. The county registrar shall, within ten (10) days
183 after the receipt of such map, forward to the municipal clerk a
184 copy of the most recent county precinct or subprecinct pollbook
185 for the county precincts in which such annexed area is included,
186 or equivalent computer data or information as will permit the
187 identification of county electors who reside in the annexed area.
188 The municipal clerk shall add those county electors who have
189 resided in the annexed area for at least thirty (30) days after
190 annexation to the municipal registration books as registered
191 voters of the municipality and shall forward to such persons
192 written notification of such addition and of the municipal
193 precinct or ward in which such persons reside.

194 SECTION 3. Section 23-15-213, Mississippi Code of 1972, is
195 amended as follows:

196 23-15-213. At the general election in 1984 and every four
197 (4) years thereafter there shall be elected five (5) commissioners
198 of election for each county whose terms of office shall commence
199 on the first Monday of January following their election and who
200 shall serve for a term of four (4) years. Each of the
201 commissioners, before acting, shall take and subscribe the oath of
202 office prescribed by the Constitution and file the same in the
203 office of the clerk of the chancery court, there to remain. While
204 engaged in their duties, the commissioners shall be conservators
205 of the peace in the county, with all the duties and powers of
206 such.

207 The qualified electors of each supervisors district shall
208 elect, at the general election in 1984 and every four (4) years
209 thereafter, in their district one (1) commissioner of election.

210 No more than one (1) commissioner shall be a resident of and
211 reside in each supervisors district of the county; it being the
212 purpose of this section that the county board of election
213 commissioners shall consist of one (1) person from each
214 supervisors district of the county and that each such commissioner
215 be elected from the supervisors district in which he resides.

216 Candidates for county election commissioner shall qualify by
217 filing with the clerk of the board of supervisors of their
218 respective counties a petition personally signed by not less than
219 fifty (50) qualified electors of the supervisors district in which
220 they reside, requesting that they be a candidate, by 5:00 p.m. not
221 less than sixty (60) days before the election and unless such
222 petition is filed within said time, their names shall not be
223 placed upon the ballot. All candidates shall declare in writing
224 their party affiliation, if any, to the board of supervisors, and
225 such party affiliation shall be shown on the official ballot.

226 The petition shall have attached thereto a certificate of the
227 registrar showing the number of qualified electors on each
228 petition, which shall be furnished by the registrar on request.
229 The board shall determine the sufficiency of the petition, and if
230 the same shall contain the required number of signatures and be
231 filed within the time required, the president of the board shall
232 verify that such candidate is a resident of the supervisors
233 district in which he seeks election and that such candidate is
234 otherwise qualified as provided by law, and shall certify the same
235 to the chairman or secretary of the county election commission and
236 the names of the candidates shall be placed upon the ballot for
237 the ensuing election. No county election commissioner shall serve
238 or be considered as elected unless and until he has received a
239 majority of the votes cast for the position or post for which he
240 is a candidate. If such majority vote is not received in the
241 first election, then the two (2) candidates receiving the most
242 votes for each position or post shall be placed upon the ballot

243 for a second election to be held two (2) weeks later in accordance
244 with appropriate procedures followed in other elections involving
245 runoff candidates.

246 Upon taking office, the county board of election
247 commissioners shall organize by electing a chairman and a
248 secretary.

249 It shall be the duty of the chairman to have the official
250 ballot printed and distributed at each general or special
251 election.

252 SECTION 4. Section 23-15-299, Mississippi Code of 1972, is
253 amended as follows:

254 23-15-299. (1) Assessments made pursuant to paragraphs (a),
255 (b) and (c) of Section 23-15-297, and assessments made pursuant to
256 paragraph (d) of Section 23-15-297 for legislative offices for
257 districts composed of more than one (1) county or parts of more
258 than one (1) county, shall be paid by each candidate to the
259 Secretary of the State Executive Committee with which the
260 candidate is affiliated by 5:00 p.m. on March 1 of the year in
261 which the primary election for the office is held or on the date
262 of the qualifying deadline provided by statute for the office,
263 whichever is earlier.

264 (2) Assessments made pursuant to paragraphs (d) and (e) of
265 Section 23-15-297, other than assessments made for legislative
266 offices for districts containing more than one (1) county or parts
267 of more than one (1) county, shall be paid by each candidate to
268 the circuit clerk of such candidate's county of residence by 5:00
269 p.m. on March 1 of the year in which the primary election for the
270 office is held or on the date of the qualifying deadline provided
271 by statute for the office, whichever is earlier; provided,
272 however, that no such assessments may be paid before January 1 of
273 the year in which the election for the office is held. The
274 circuit clerk shall forward the fee and all necessary information
275 to the secretary of the proper county executive committee within

276 two (2) business days.

277 (3) Assessments made pursuant to paragraphs (f) and (g) of
278 Section 23-15-297 must be paid by each candidate to the Secretary
279 of the State Executive Committee with which the candidate is
280 affiliated by 5:00 p.m. * * * sixty (60) days before the
281 presidential preference primary in * * * years in which a
282 presidential preference primary is held. Assessments made
283 pursuant to paragraphs (f) and (g) of Section 23-15-297, in years
284 when a presidential preference primary is not being held, shall be
285 paid by each candidate to the Secretary of the State Executive
286 Committee with which the candidate is affiliated by 5:00 p.m. on
287 March 1 of the year in which the primary election for the office
288 is held.

289 (4) (a) The fees paid pursuant to subsections (1), (2) and
290 (3) of this section shall be accompanied by a written statement
291 containing the name and address of the candidate, the party with
292 which he or she is affiliated and the office for which he or she
293 is a candidate.

294 (b) The state executive committee shall transmit to the
295 Secretary of State a copy of the written statements accompanying
296 the fees paid pursuant to subsections (1) and (2) of this section.
297 All copies must be received by the Office of the Secretary of
298 State by not later than 6:00 p.m. on the date of the qualifying
299 deadline. The name of any person who pays the fee and files a
300 statement after 5:00 p.m. on the date of the qualifying deadline
301 shall not be placed on the primary election ballot.

302 (5) The secretary or circuit clerk to whom such payments are
303 made shall promptly receipt for same stating the office for which
304 such candidate making payment is running and the political party
305 with which he or she is affiliated, and he or she shall keep an
306 itemized account in detail showing the exact time and date of the
307 receipt of each payment received by him or her and, where
308 applicable, the date of the postmark on the envelope containing

309 the fee and from whom, and for what office the party paying same
310 is a candidate.

311 (6) The secretaries of the proper executive committee shall
312 hold said funds to be finally disposed of by order of their
313 respective executive committees. Such funds may be used or
314 disbursed by the executive committee receiving same to pay all
315 necessary traveling or other necessary expenses of the members of
316 the executive committee incurred in discharging their duties as
317 committeemen, and of their secretary and may pay the secretary
318 such salary as may be reasonable.

319 (7) Upon receipt of the proper fee and all necessary
320 information, the proper executive committee shall then determine
321 whether * * * each candidate is a qualified elector of the state,
322 state district, county or county district which they seek to
323 serve, and whether each candidate meets all other qualifications
324 to hold the office he is seeking or presents absolute proof that
325 he will, subject to no contingencies, meet all qualifications on
326 or before the date of the general or special election at which he
327 could be elected to office. The committee also shall determine
328 whether any candidate has been convicted of any felony in a court
329 of this state, or has been convicted on or after December 8, 1992,
330 of any offense in another state which is a felony under the laws
331 of this state, or has been convicted of any felony in a federal
332 court on or after December 8, 1992. Excepted from the above are
333 convictions of manslaughter and violations of the United States
334 Internal Revenue Code or any violations of the tax laws of this
335 state unless the offense also involved misuse or abuse of his
336 office or money coming into his hands by virtue of his office. If
337 the proper executive committee finds that a candidate is not a
338 qualified elector, * * * does not meet all qualifications to hold
339 the office he seeks or fails to provide absolute proof, subject to
340 no contingencies, that he will meet the qualifications on or
341 before the date of the general or special election at which he

342 could be elected, or that he has been convicted of a felony as
343 described in this subsection, and not pardoned * * *, then the
344 name of such candidate shall not be placed upon the ballot.

345 Where there is but one (1) candidate, the proper executive
346 committee when the time has expired within which the names of
347 candidates shall be furnished shall declare such candidate the
348 nominee.

349 SECTION 5. Section 23-15-309, Mississippi Code of 1972, is
350 amended as follows:

351 23-15-309. (1) Nominations for all municipal officers which
352 are elective shall be made at a primary election, or elections, to
353 be held in the manner prescribed by law. All persons desiring to
354 be candidates for the nomination in the primary elections shall
355 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
356 at least thirty (30) days prior to the first primary election, no
357 later than 5:00 p.m. on such deadline day.

358 (2) The fee paid pursuant to subsection (1) of this section
359 shall be accompanied by a written statement containing the name
360 and address of the candidate, the party with which he is
361 affiliated, and the office for which he is a candidate.

362 (3) The clerk shall promptly receipt the payment, stating
363 the office for which the person making the payment is running and
364 the political party with which such person is affiliated. The
365 clerk shall keep an itemized account in detail showing the time
366 and date of the receipt of such payment received by him, from whom
367 such payment was received, the party with which such person is
368 affiliated and for what office the person paying the fee is a
369 candidate. The clerk shall promptly supply all necessary
370 information and pay over all fees so received to the secretary of
371 the proper municipal executive committee. Such funds may be used
372 and disbursed in the same manner as is allowed in Section
373 23-15-299 in regard to other executive committees.

374 (4) Upon receipt of the above information, the proper

375 municipal executive committee shall then determine whether * * *
376 each candidate is a qualified elector of the municipality, and of
377 the ward if the office sought is a ward office, shall determine
378 whether each candidate meets all other qualifications to hold the
379 office he is seeking or presents absolute proof that he will,
380 subject to no contingencies, meet all qualifications on or before
381 the date of the general or special election at which he could be
382 elected to office. The committee also shall determine whether any
383 candidate has been convicted of any felony in a court of this
384 state, or has been convicted on or after December 8, 1992, of any
385 offense in another state which is a felony under the laws of this
386 state, or has been convicted of any felony in a federal court on
387 or after December 8, 1992. Excepted from the above are
388 convictions of manslaughter and violations of the United States
389 Internal Revenue Code or any violations of the tax laws of this
390 state unless such offense also involved misuse or abuse of his
391 office or money coming into his hands by virtue of his office. If
392 the proper municipal executive committee finds that a candidate
393 does not meet all qualifications to hold the office he seeks or
394 fails to provide absolute proof, subject to no contingencies, that
395 he will meet the qualifications on or before the date of the
396 general or special election at which he could be elected, or that
397 he has been convicted of a felony as described in this subsection
398 and not pardoned * * *, then the name of such candidate shall not
399 be placed upon the ballot.

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

404 SECTION 6. Section 23-15-359, Mississippi Code of 1972, is
405 amended as follows:

406 23-15-359. (1) The ballot shall contain the names of all
407 party nominees certified by the appropriate executive committee,

408 and independent and special election candidates who have timely
409 filed petitions containing the required signatures. A petition
410 requesting that an independent or special election candidate's
411 name be placed on the ballot for any office shall be filed as
412 provided for in subsection (3) or (4) of this section, as
413 appropriate, and shall be signed by not less than the following
414 number of qualified electors:

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

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

420 (c) For an office elected by the qualified electors of
421 a congressional district, not less than two hundred (200)
422 qualified electors.

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

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

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

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

434 (2) Unless the petition required above shall be filed as
435 provided for in subsection (3) or (4) of this section, as
436 appropriate, the name of the person requested to be a candidate,
437 unless nominated by a political party, shall not be placed upon
438 the ballot. The ballot shall contain the names of each candidate
439 for each office, and such names shall be listed under the name of
440 the political party such candidate represents as provided by law

441 and as certified to the circuit clerk by the State Executive
442 Committee of such political party. In the event such candidate
443 qualifies as an independent as herein provided, he shall be listed
444 on the ballot as an independent candidate.

445 (3) Petitions for offices described in paragraphs (a), (b),
446 (c) and (d) of subsection (1) of this section, and petitions for
447 offices described in paragraph (e) of subsection (1) of this
448 section for districts composed of more than one (1) county or
449 parts of more than one (1) county, shall be filed with the State
450 Board of Election Commissioners by no later than 5:00 p.m. on the
451 same date by which candidates for nominations in the political
452 party primary elections are required to pay the fee provided for
453 in Section 23-15-297, Mississippi Code of 1972.

454 (4) Petitions for offices described in paragraphs (f) and
455 (g) of subsection (1) of this section, and petitions for offices
456 described in paragraph (e) of subsection (1) of this section for
457 districts composed of one (1) county or less, shall be filed with
458 the proper circuit clerk by no later than 5:00 p.m. on the same
459 date by which candidates for nominations in the political party
460 elections are required to pay the fee provided for in Section
461 23-15-297; provided, however, that no petition may be filed before
462 January 1 of the year in which the election for the office is
463 held. The circuit clerk shall notify the county commissioners of
464 election of all persons who have filed petitions with such clerk.

465 Such notification shall occur within two (2) business days and
466 shall contain all necessary information.

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

474 (6) The provisions of this section shall not apply to
475 municipal elections or to the election of the offices of justice
476 of the Supreme Court, judge of the Court of Appeals, circuit
477 judge, chancellor, county court judge and family court judge.

478 (7) Nothing in this section shall prohibit special elections
479 to fill vacancies in either house of the Legislature from being
480 held as provided in Section 23-15-851. In all elections conducted
481 under the provisions of Section 23-15-851 the commissioner shall
482 have printed on the ballot the name of any candidate who, not
483 having been nominated by a political party, shall have been
484 requested to be a candidate for any office by a petition filed
485 with said commissioner by 5:00 p.m. not less than ten (10) working
486 days prior to the election, and signed by not less than fifty (50)
487 qualified electors.

488 (8) The appropriate election commission shall determine
489 whether each candidate is a qualified elector of the state, state
490 district, county or county district they seek to serve, and
491 whether each candidate meets all other qualifications to hold the
492 office he is seeking or presents absolute proof that he will,
493 subject to no contingencies, meet all qualifications on or before
494 the date of the general or special election at which he could be
495 elected to office. The election commission also shall determine
496 whether any candidate has been convicted of any felony in a court
497 of this state, or has been convicted on or after December 8, 1992,
498 of any offense in another state which is a felony under the laws
499 of this state, or has been convicted of any felony in a federal
500 court on or after December 8, 1992. Excepted from the above are
501 convictions of manslaughter and violations of the United States
502 Internal Revenue Code or any violations of the tax laws of this
503 state, unless the offense also involved misuse or abuse of his
504 office or money coming into his hands by virtue of his office. If
505 the appropriate election commission finds that a candidate is not
506 a qualified elector, or that the candidate does not meet all

507 qualifications to hold the office he seeks or fails to provide
508 absolute proof, subject to no contingencies, that he will meet the
509 qualifications on or before the date of the general or special
510 election at which he could be elected, or that he has been
511 convicted of a felony as described in this subsection, and not
512 pardoned, then the name of such candidate shall not be placed upon
513 the ballot.

514 (9) If after the deadline to qualify as a candidate for an
515 office or after the time for holding any party primary for an
516 office, there shall be only one (1) person who has duly qualified
517 to be a candidate for the office in the general election, the
518 election for the office shall be dispensed with and the
519 appropriate election commission shall declare the candidate
520 elected without opposition if the candidate meets all the
521 qualifications to hold the office as determined pursuant to a
522 review by the commission in accordance with the provisions of
523 subsection (8) of this section and if the candidate has filed all
524 required campaign finance disclosure reports as required by
525 Section 23-15-807.

526 SECTION 7. Section 23-15-361, Mississippi Code of 1972, is
527 amended as follows:

528 23-15-361. (1) The municipal general election ballot shall
529 contain the names of all candidates who have been put in
530 nomination by the municipal primary election of any political
531 party. There shall be printed on the ballots the names of all
532 persons so nominated, whether the nomination be otherwise known or
533 not, upon the written request of one or more of the candidates so
534 nominated, or of any qualified elector who will make oath that he
535 was a participant in the primary election, and that the person
536 whose name is presented by him was nominated by such primary
537 election. The municipal election commissioner designated to have
538 the ballots printed shall also have printed on the ballot in any
539 municipal general election the name of any candidate who, not

540 having been nominated by a political party, shall have been
541 requested to be a candidate for any office by a petition filed
542 with the clerk of the municipality no later than 5:00 p.m. on the
543 same date by which candidates for nomination in the municipal
544 primary elections are required to pay the fee provided for in
545 Section 23-15-309, and signed by not less than the following
546 number of qualified electors:

547 (a) For an office elected by the qualified electors of
548 a municipality having a population of one thousand (1,000) or
549 more, not less than fifty (50) qualified electors.

550 (b) For an office elected by the qualified electors of
551 a municipality having a population of less than one thousand
552 (1,000), not less than fifteen (15) qualified electors.

553 (2) Unless the petition required above shall be filed no
554 later than 5:00 p.m. on the same date by which candidates for
555 nomination in the municipal primary election are required to pay
556 the fee provided for in Section 23-15-309, the name of the person
557 requested to be a candidate, unless nominated by a political
558 party, shall not be placed upon the ballot. The ballot shall
559 contain the names of each candidate for each municipal office, and
560 such names shall be listed under the name of the political party
561 such candidate represents as provided by law and as certified to
562 the municipal clerk by the municipal executive committee of such
563 political party. Provided further, however, that nothing in this
564 section shall prohibit a person from qualifying as a nominee of a
565 political party, or from requesting to be a candidate for the
566 office by filing a petition, in the event of the death of a
567 candidate for the office which makes it impossible to have an
568 election contest. In the event such candidate qualifies as an
569 independent as herein provided, he shall be listed on the ballot
570 as an independent candidate.

571 (3) The clerk of the municipality shall notify the municipal
572 commissioners of election of all persons who have filed petitions

573 pursuant to subsection (1) of this section within two (2) business
574 days of the date of filing.

575 (4) The ballot in elections to fill vacancies in municipal
576 elective office shall contain the names of all persons who have
577 qualified as required by Section 23-15-857.

578 (5) The municipal commission shall determine whether each
579 party candidate in the municipal general election is a qualified
580 elector of the municipality, and of the ward if the office sought
581 is a ward office and shall determine whether each candidate meets
582 all other qualifications to hold the office he is seeking or
583 presents absolute proof that he will, subject to no contingencies,
584 meet all qualifications on or before the date of the general or
585 special election at which he could be elected to office. The
586 municipal election commission also shall determine whether any
587 candidate has been convicted of any felony in a court of this
588 state, or has been convicted on or after December 8, 1992, of any
589 offense in another state which is a felony under the laws of this
590 state, or has been convicted of any felony in a federal court on
591 or after December 8, 1992. Excepted from the above are
592 convictions of manslaughter and violations of the United States
593 Internal Revenue Code or any violations of the tax laws of this
594 state unless such offense also involved misuse or abuse of his
595 office or money coming into his hands by virtue of his office. If
596 the municipal election commission finds that a candidate is not a
597 qualified elector, or that the candidate does not meet all
598 qualifications to hold the office he seeks or fails to provide
599 absolute proof, subject to no contingencies, that he will meet the
600 qualifications on or before the date of the general or special
601 election at which he could be elected, or that he has been
602 convicted of a felony as described above and not pardoned, then
603 the name of the candidate shall not be placed upon the ballot.

604 (6) If after the deadline to qualify as a candidate for an
605 office or after the time for holding any party primary election

606 for an office, there shall be only one (1) person who has duly
607 qualified to be a candidate for the office in the general
608 election; the election for the office shall be dispensed with and
609 the municipal election commission shall declare the candidate
610 elected without opposition if the candidate meets all the
611 qualifications to hold the office as determined pursuant to a
612 review by the commission in accordance with the provisions of
613 subsection (5) of this section and if the candidate has filed all
614 required campaign finance disclosure reports as required by
615 Section 23-15-807.

616 SECTION 8. Section 23-15-627, Mississippi Code of 1972, is
617 amended as follows:

618 23-15-627. The registrar shall be responsible for furnishing
619 an absentee ballot application form to any elector authorized to
620 receive an absentee ballot. Absentee ballot applications shall be
621 furnished to a person only upon the oral or written request of the
622 elector who seeks to vote by absentee ballot; however, the parent,
623 child, spouse, sibling, legal guardian, those empowered with a
624 power of attorney for that elector's affairs or agent of the
625 elector may orally request an absentee ballot application on
626 behalf of the elector. An absentee ballot application must have
627 the seal of the circuit or municipal clerk affixed to it and be
628 initialed by the registrar or his deputy in order to be utilized
629 to obtain an absentee ballot. A reproduction of an absentee
630 ballot application shall not be valid unless it is a reproduction
631 provided by the office of the registrar of the jurisdiction in
632 which the election is being held and which contains the seal and
633 initials required by this section. Such application shall be
634 substantially in the following form:

635 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

636 I, _____, duly qualified and registered in the ____ Precinct
637 of the County of _____, and State of Mississippi, coming within
638 the purview of the definition 'ABSENT ELECTOR' will be absent from

639 the county of my residence on election day, or unable to vote in
640 person because (check appropriate reason):

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

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

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

650 () I am a disabled war veteran who is a patient in any
651 hospital and am a citizen of Mississippi or spouse or dependent of
652 such veteran.

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

657 () I am a citizen of Mississippi temporarily residing
658 outside the territorial limits of the United States and the
659 District of Columbia.

660 () I am a student, teacher or administrator at a college,
661 university, junior or community college, high, junior high,
662 elementary or grade school, whose studies or employment at such
663 institution necessitates my absence from the county of my voting
664 residence or spouse or dependent of such student, teacher or
665 administrator who maintains a common domicile outside the county
666 of my voting residence with such student, teacher or
667 administrator.

668 () I will be outside the county on election day.

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

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

671 () I am the parent, spouse or dependent of a person with a

672 temporary or permanent physical disability who is hospitalized
673 outside his county of residence or more than fifty (50) miles away
674 from his residence, and I will be with such person on election
675 day.

676 () I am a member of the congressional delegation, or spouse
677 or dependent of a member of the congressional delegation.

678 () I am required to be at work on election day during the
679 times which the polls will be open.

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

682 Mail 'Absent Elector's Ballot' to me at the following address
683 _____ (if eligible to vote by mail).

684 I realize that I can be fined up to Five Thousand Dollars
685 (\$5,000.00) and sentenced up to five (5) years in the penitentiary
686 for making a false statement in this application and for selling
687 my vote and violating the Mississippi Absentee Voter Law. (This
688 sentence is to be in bold print.)

689 If you are temporarily or permanently disabled, you are not
690 required to have this application notarized or signed by an
691 official authorized to administer oaths for absentee balloting.
692 You are required to sign this application in the proper place and
693 have a person eighteen (18) years of age or older witness your
694 signature and sign this application in the proper place.

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

697 IN WITNESS WHEREOF I have hereunto set my hand and seal this
698 the ____ day of _____, 19__.

699 _____
700 (Signature of absent elector)

701
702 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
703 19__.

704 _____

705 (Official authorized to administer oaths for absentee
706 balloting * * *.)

707 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
708 DISABLED:

709 I HEREBY CERTIFY that this application for an absent
710 elector's ballot was signed by the above-named disabled elector in
711 my presence and that I am at least eighteen (18) years of age,
712 this the _____ day of _____, 2_____.

713 SECTION 9. Section 23-15-631, Mississippi Code of 1972, is
714 amended as follows:

715 23-15-631. (1) The registrar shall enclose with each ballot
716 provided to an absent elector separate printed instructions
717 furnished by him containing the following:

718 (a) All absentee voters, excepting those with temporary
719 or permanent physical disabilities or those who are sixty-five
720 (65) years of age or older, who mark their ballots in the county
721 of the residence shall use the registrar of that county as the
722 witness. Said absentee voter shall come to the office of the
723 registrar and neither the registrar nor his deputy shall be
724 required to go out of the registrar's office to serve as an
725 attesting witness.

726 (b) Upon receipt of the enclosed ballot, you will not
727 mark same except in view or sight of the attesting witness. In
728 the sight or view of the attesting witness, mark the ballot
729 according to instructions.

730 (c) After marking the ballot, fill out and sign the
731 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
732 signature shall be across the flap of the envelope so as to insure
733 the integrity of the ballot. All absent electors shall have the
734 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
735 the flap on back of the envelope. Place necessary postage on the
736 envelope and deposit it in the post office or some government
737 receptacle provided for deposit of mail so that the absent

738 elector's ballot, excepting presidential absentee ballots, will
739 reach the registrar in which your precinct is located not later
740 than 5:00 p.m. on the day preceding the date of the election, or
741 by personally delivering such ballot to the registrar's office not
742 later than 12:00 noon on the Saturday immediately preceding
743 elections held on Tuesday, the Thursday immediately preceding
744 elections held on Saturday, and the second day immediately
745 preceding elections held on other days.

746 Any notary public, United States postmaster, assistant United
747 States postmaster, United States postal supervisor, clerk in
748 charge of a contract postal station, or any officer having
749 authority to administer an oath or take an acknowledgment may be
750 an attesting witness; provided, however, that in the case of an
751 absent elector who is temporarily or permanently physically
752 disabled, the attesting witness may be any person eighteen (18)
753 years of age or older and such person is not required to have the
754 authority to administer an oath. If a postmaster, assistant
755 postmaster, postal supervisor, or clerk in charge of a contract
756 postal station acts as an attesting witness, his signature on the
757 elector's certificate must be authenticated by the cancellation
758 stamp of their respective post offices. If one or the other
759 officers herein named acts as attesting witness, his signature on
760 the elector's certificate, together with his title and address,
761 but no seal, shall be required. Any affidavits made by an absent
762 elector who is in the Armed Forces may be executed before a
763 commissioned officer, warrant officer, or noncommissioned officer
764 not lower in grade than sergeant rating or any person authorized
765 to administer oaths.

766 (d) When the application accompanies the ballot it
767 shall not be returned in the same envelope as the ballot but shall
768 be returned in a separate preaddressed envelope provided by the
769 registrar.

770 (e) A person who is a candidate for public office may

771 not be an attesting witness for any absentee ballot upon which the
772 person's name appears.

773 (f) Any voter casting an absentee ballot who declares
774 that he requires assistance to vote by reason of blindness,
775 temporary or permanent physical disability or inability to read or
776 write, shall be entitled to receive assistance in the marking of
777 his absentee ballot and in completing the affidavit on the
778 absentee ballot envelope. The voter may be given assistance by
779 anyone of the voter's choice other than a candidate whose name
780 appears on the absentee ballot being marked, or the voter's
781 employer, or agent of that employer. In order to ensure the
782 integrity of the ballot, any person who provides assistance to an
783 absentee voter shall be required to sign and complete the
784 "Certificate of Person Providing Voter Assistance" on the absentee
785 ballot envelope.

786 (2) The foregoing instructions required to be provided by
787 the registrar to the elector shall also constitute the substantive
788 law pertaining to the handling of absentee ballots by the elector
789 and registrar.

790 SECTION 10. Section 23-15-839, Mississippi Code of 1972, is
791 amended as follows:

792 23-15-839. (1) When a vacancy shall occur in any county or
793 county district office, the same shall be filled by appointment by
794 the board of supervisors of the county, by order entered upon its
795 minutes, where the vacancy occurs, or by appointment of the
796 president of the board of supervisors, by and with the consent of
797 the majority of the board of supervisors, if such vacancy occurs
798 when said board is not in session, and the clerk of the board
799 shall certify to the Secretary of State the fact of the
800 appointment, and the person so appointed shall be commissioned by
801 the Governor; and if the unexpired term be longer than six (6)
802 months, such appointee shall serve until a successor is elected as
803 hereinafter provided, unless the regular special election day on

804 which the vacancy should be filled occurs in a year in which an
805 election would normally be held for that office as provided by
806 law, in which case the person so appointed shall serve the
807 unexpired portion of the term. Such vacancies shall be filled for
808 the unexpired term by the qualified electors at the next regular
809 special election day occurring more than ninety (90) days after
810 the occurrence of the vacancy. The board of supervisors of the
811 county shall, within ten (10) days after the happening of the
812 vacancy, make an order, in writing, directed to the commissioners
813 of election, commanding an election to be held on the next regular
814 special election day to fill the vacancy. The election
815 commissioners shall require each candidate to qualify at least
816 sixty (60) days before the date of the election, and shall give a
817 certificate of election to the person elected, and shall return to
818 the Secretary of State a copy of the order of holding the
819 election, showing the results thereof, certified by the clerk of
820 the board of supervisors. The person elected shall be
821 commissioned by the Governor.

822 * * *

823 (2) In any election ordered pursuant to this section where
824 only one (1) person shall have qualified with the commissioners of
825 election to be a candidate within the time provided by law, the
826 commissioners of election shall certify to the board of
827 supervisors that there is but one (1) candidate. Thereupon, the
828 board of supervisors shall dispense with the election and shall
829 appoint the candidate so certified to fill the unexpired term.
830 The clerk of the board shall certify to the Secretary of State the
831 candidate so appointed to serve in said office and that candidate
832 shall be commissioned by the Governor. In the event that no
833 person shall have qualified by 5:00 p.m. sixty (60) days prior to
834 the date of the election, the commissioners of election shall
835 certify that fact to the board of supervisors which shall dispense
836 with the election and fill the vacancy by appointment. The clerk

837 of the board of supervisors shall certify to the Secretary of
838 State the fact of the appointment, and the person so appointed
839 shall be commissioned by the Governor.

840 SECTION 11. Section 23-15-853, Mississippi Code of 1972, is
841 amended as follows:

842 23-15-853. (1) If a vacancy happens in the representation
843 in Congress, the vacancy shall be filled for the unexpired term by
844 a special election, to be ordered by the Governor, within sixty
845 (60) days after such vacancy occurs, and to be held at a time
846 fixed by his order, and which time shall be not less than forty
847 (40) days after the issuance of the order of the Governor, which
848 shall be directed to the commissioners of election of the several
849 counties of the district, who shall, immediately on the receipt of
850 the order, give notice of the election by publishing the same in
851 some newspaper having a general circulation in the county and by
852 posting notice thereof at the front door of the courthouse. The
853 order shall also be directed to the State Board of Election
854 Commissioners. The election shall be prepared for and conducted,
855 and returns shall be made, in all respects as provided for a
856 special election to fill vacancies.

857 (2) Candidates for the office in such an election must
858 qualify with the Secretary of State by 5:00 p.m. not less than
859 twenty (20) days previous to the date of the election. The
860 commissioners of election shall have printed on the ballot in such
861 special election the name of any candidate who shall have been
862 requested to be a candidate for the office by a petition filed
863 with the Secretary of State and personally signed by not less than
864 one thousand (1,000) qualified electors of the district. The
865 petition shall be filed by 5:00 p.m. not less than twenty (20)
866 days previous to the date of the election.

867 There shall be attached to each petition above provided for,
868 upon the time of filing with said Secretary of State, a
869 certificate from the appropriate registrar or registrars showing

870 the number of qualified electors appearing upon each such petition
871 which the registrar shall furnish to the petitioner upon request.

872 SECTION 12. Section 23-15-857, Mississippi Code of 1972, is
873 amended as follows:

874 23-15-857. (1) When it shall happen that there is any
875 vacancy in a city, town or village office which is elective the
876 unexpired term of which shall not exceed six (6) months, the same
877 shall be filled by appointment by the governing authority or
878 remainder of the governing authority of said city, town or
879 village. The municipal clerk shall certify to the Secretary of
880 State the fact of such appointment, and the person or persons so
881 appointed shall be commissioned by the Governor.

882 (2) When it shall happen that there is any vacancy in an
883 elective office in a city, town or village the unexpired term of
884 which shall exceed six (6) months, the governing authority or
885 remainder of the governing authority of said city, town or village
886 shall make and enter on the minutes an order for an election to be
887 held in such city, town or village to fill the vacancy and fix a
888 date upon which such election shall be held. Such order shall be
889 made and entered upon the minutes at the next regular meeting of
890 the governing authority after such vacancy shall have occurred, or
891 at a special meeting to be held not later than ten (10) days after
892 such vacancy shall have occurred, Saturdays, Sundays and legal
893 holidays excluded, whichever shall occur first. Such election
894 shall be held on a date not less than thirty (30) days nor more
895 than forty-five (45) days after the date upon which the order is
896 adopted.

897 Notice of such election shall be given by the municipal clerk
898 by notice published in a newspaper published in the municipality.

899 Such notice shall be published once each week for three (3)
900 successive weeks preceding the date of such election. The first
901 notice to be published at least thirty (30) days before the date
902 of such election. Notice shall also be given by posting a copy of

903 such notice at three (3) public places in such municipality not
904 less than twenty-one (21) days prior to the date of such election.

905 One (1) of such notices shall be posted at the city, town or
906 village hall. In the event that there is no newspaper published
907 in the municipality, then such notice shall be published as
908 provided for above in a newspaper which has a general circulation
909 within the municipality and by posting as provided for above. In
910 addition, the governing authority may publish such notice in such
911 newspaper for such additional times as may be deemed necessary by
912 the governing authority.

913 Each candidate shall qualify by petition filed with the
914 municipal clerk by 5:00 p.m. at least ten (10) days before the
915 date of the election and such petition shall be signed by not less
916 than the following number of qualified electors:

917 (a) For an office of a city, town or village having a
918 population of one thousand (1,000) or more, not less than fifty
919 (50) qualified electors.

920 (b) For an office of a city, town or village having a
921 population of less than one thousand (1,000), not less than
922 fifteen (15) qualified electors.

923 No qualifying fee shall be required of any candidate, and the
924 election provided for herein shall be held as far as practicable
925 in the same manner as municipal general elections.

926 The candidate receiving a majority of the votes cast in a
927 said election shall be elected. If no candidate shall receive a
928 majority vote at the election, the two (2) candidates receiving
929 the highest number of votes shall have their names placed on the
930 ballot for the election to be held one (1) week thereafter. The
931 candidate receiving a majority of the votes cast in said election
932 shall be elected. However, if no candidate shall receive a
933 majority and there is a tie in the election of those receiving the
934 next highest vote, those receiving the next highest vote and the
935 candidate receiving the highest vote shall have their names placed

936 on the ballot for the election to be held one (1) week thereafter,
937 and whoever receives the most votes cast in such election shall be
938 elected.

939 Should the election to be held one (1) week thereafter result
940 in a tie vote, the candidate to prevail shall be decided by lot,
941 fairly and publicly drawn under the supervision by the election
942 commission with the aid of two (2) or more qualified electors of
943 the municipality.

944 The clerk of the election commission shall then give a
945 certificate of election to the person elected, and shall return to
946 the Secretary of State a copy of the order of holding the election
947 and runoff election showing the results thereof, certified by the
948 clerk of the governing authority. The person elected shall be
949 commissioned by the Governor.

950 However, if nine (9) days prior to the date of the election
951 only one (1) person shall have qualified as a candidate, the
952 governing authority, or remainder of the governing authority,
953 shall dispense with the election and appoint that one (1)
954 candidate in lieu of an election. In the event no person shall
955 have qualified by 5:00 p.m. at least ten (10) days prior to the
956 date of the election, the governing authority or remainder of the
957 governing authority shall dispense with the election and fill the
958 vacancy by appointment. The clerk of the governing authority
959 shall certify to the Secretary of State the fact of the
960 appointment, and the person so appointed shall be commissioned by
961 the Governor.

962 SECTION 13. Section 23-15-977, Mississippi Code of 1972, is
963 amended as follows:

964 23-15-977. (1) All candidates for judicial office as
965 defined in Section 23-15-975 of this subarticle shall file their
966 intent to be a candidate with the proper officials not later than
967 5:00 p.m. on the first Friday after the first Monday in May prior
968 to the general election for judicial office and shall pay to the

969 proper officials the following amounts:

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

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

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

976 (2) Candidates for judicial offices listed in paragraphs (a)
977 and (b) of subsection (1) of this section shall file their intent
978 to be a candidate with, and pay the proper assessment made
979 pursuant to subsection (1) of this section to, the State Board of
980 Election Commissioners.

981 (3) Candidates for judicial offices listed in paragraph (c)
982 of subsection (1) of this section shall file their intent to be a
983 candidate with, and pay the proper assessment made pursuant to
984 subsection (1) of this section to, the circuit clerk of the proper
985 county. The circuit clerk shall notify the county commissioners
986 of election of all persons who have filed their intent to be a
987 candidate filed with, and paid the proper assessment to, such
988 clerk. Such notification shall occur within two (2) business days
989 and shall contain all necessary information.

990 SECTION 14. Section 37-5-9, Mississippi Code of 1972, is
991 amended as follows:

992 37-5-9. The name of any qualified elector who is a candidate
993 for the county board of education shall be placed on the ballot
994 used in the general elections by the county election
995 commissioners, provided that the candidate files with the county
996 election commissioners, not more than ninety (90) days and by 5:00
997 p.m. not less than sixty (60) days prior to the date of such
998 general election, a petition of nomination signed by not less than
999 fifty (50) qualified electors of the county residing within each
1000 supervisors district. Where there are less than one hundred (100)
1001 qualified electors in said supervisors district, it shall only be

1002 required that said petition of nomination be signed by at least
1003 twenty percent (20%) of the qualified electors of such supervisors
1004 district. The candidate in each supervisors district who receives
1005 the highest number of votes cast in the district shall be declared
1006 elected.

1007 When any member of the county board of education is to be
1008 elected from the county at large under the provisions of this
1009 chapter, then the petition required by the preceding paragraph
1010 hereof shall be signed by the required number of qualified
1011 electors residing in any part of the county outside of the
1012 territory embraced within a municipal separate school district or
1013 special municipal separate school district. The candidate who
1014 receives the highest number of votes cast in the election shall be
1015 declared elected.

1016 In no case shall any qualified elector residing within a
1017 municipal separate school district or special municipal separate
1018 school district be eligible to sign a petition of nomination for
1019 any candidate for the county board of education under any of the
1020 provisions of this section.

1021 If after the time for candidates to file the petition of
1022 nomination provided for in this section there should be only one
1023 (1) person to qualify for the office of county board of education,
1024 the election shall be dispensed with and such person shall be
1025 declared elected without opposition provided he meets all
1026 qualifications as determined by a review conducted by the election
1027 commission in accordance with the provisions of Section
1028 23-15-299(7).

1029 SECTION 15. Section 37-5-75, Mississippi Code of 1972, is
1030 amended as follows:

1031 37-5-75. If a vacancy shall occur in the office of county
1032 superintendent of education, such vacancy shall be filled by
1033 appointment by the county board of education. If the unexpired
1034 term shall exceed six (6) months, it shall be the duty of the

1035 board of supervisors of the county to call a special election to
1036 fill such vacancy for such unexpired term, which said election
1037 shall be called and held in the manner provided by Section
1038 23-15-839. In such case the person so appointed by the county
1039 board of education shall hold office only until such election is
1040 held and the person elected thereat shall qualify and enter upon
1041 the discharge of his duties.

1042 SECTION 16. Section 37-7-211, Mississippi Code of 1972, is
1043 amended as follows:

1044 37-7-211. Any person otherwise eligible under the provisions
1045 of subsection (1) of Section 37-7-203 who shall desire to be a
1046 candidate for the office of trustee must qualify in the following
1047 manner in order to be allowed to be considered for election. By
1048 5:00 p.m. at least forty (40) days before the election he shall
1049 file with the office of the superintendent of the municipal
1050 separate school district, or the special municipal separate school
1051 district, as the case may be, a petition signed by not less than
1052 twenty-five (25) qualified electors of the area represented by the
1053 office which he seeks, either for a full term or an unexpired
1054 term, as the case may be, and an affidavit by the candidate
1055 offering for election stating his qualifications under the terms
1056 of said sections. The petition shall contain an affidavit
1057 certifying that all signatures are the personal signatures of each
1058 person whose name appears on the petition and that each person is
1059 a qualified elector.

1060 Unless the petition and affidavit required above shall be
1061 filed by 5:00 p.m. not less than forty (40) days prior to the
1062 election, the name of the candidate shall not be considered in the
1063 election, and votes cast for any person who has failed to qualify
1064 shall not be counted in the election.

1065 If after the time for candidates to file the petition and
1066 affidavit provided for herein there should be only one (1) person
1067 to qualify for the office of trustee, then no election or notice

1068 of election shall be necessary and such person shall, if otherwise
1069 qualified, be declared elected without opposition.

1070 SECTION 17. Section 37-7-225, Mississippi Code of 1972, is
1071 amended as follows:

1072 37-7-225. The county election commissioners shall place the
1073 name of any person eligible to hold the office of trustee on the
1074 ballot used in the election, provided that such candidate shall
1075 have filed with the county registrar, not more than ninety (90)
1076 days and by 5:00 p.m. not less than sixty (60) days prior to the
1077 date of such election, a petition of nomination signed by not less
1078 than fifty (50) qualified electors of the school district. Where
1079 there are less than one hundred (100) qualified electors in said
1080 district, it shall only be required that said petition of
1081 nomination be signed by at least twenty percent (20%) of the
1082 qualified electors of such school district. If such person be a
1083 candidate for an unexpired term, he shall indicate the term for
1084 which he is a candidate in such petition; otherwise he shall be
1085 deemed to be a candidate for a full term.

1086 If after the time for candidates to file the petition of
1087 nomination provided for herein there should be only one (1) person
1088 to qualify for the office of trustee, then no election or notice
1089 of election shall be necessary and such person shall, if otherwise
1090 qualified, be declared elected without opposition.

1091 SECTION 18. Section 23-15-681, Mississippi Code of 1972, is
1092 amended as follows:

1093 23-15-681. All official absentee ballots shall be sent out
1094 and returned in envelopes on which there is printed across the
1095 face two (2) parallel horizontal * * * bars, each one-fourth (1/4)
1096 of an inch wide, extending from one side of the envelope to the
1097 other side, with an intervening space of one-fourth (1/4) of an
1098 inch, the top bar to be one and one-fourth (1-1/4) inches from the
1099 top of the envelope, and with the words "OFFICIAL ELECTION
1100 BALLOTING MATERIAL-VIA AIR MAIL" between the bars. In the upper

1101 right corner of each such envelope there shall be printed in a box
1102 the words "FREE OF U.S. POSTAGE, INCLUDING AIR MAIL." All
1103 printing on the face of such envelopes shall be in black, and
1104 there shall be printed in black in the upper left corner of all
1105 such ballot envelopes an appropriate inscription for the return
1106 address of the sender.

1107 SECTION 19. The Attorney General of the State of Mississippi
1108 is hereby directed to submit this act, immediately upon approval
1109 by the Governor, or upon approval by the Legislature subsequent to
1110 a veto, to the Attorney General of the United States or to the
1111 United States District Court for the District of Columbia in
1112 accordance with the provisions of the Voting Rights Act of 1965,
1113 as amended and extended.

1114 SECTION 20. This act shall take effect and be in force from
1115 and after the date it is effectuated under Section 5 of the Voting
1116 Rights Act of 1965, as amended and extended.