

By: Nunnelee

To: Elections

SENATE BILL NO. 2125

1 AN ACT TO ABOLISH PARTISAN MUNICIPAL PRIMARIES; TO PROVIDE
2 THE TIME FOR HOLDING MUNICIPAL GENERAL AND PREFERENTIAL ELECTIONS;
3 TO PROVIDE THAT WHEN ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE
4 FOR A MUNICIPAL OFFICE, THAT SUCH PERSON'S NAME SHALL BE PLACED ON
5 THE MUNICIPAL GENERAL ELECTION BALLOT; TO PROVIDE THAT WHEN MORE
6 THAN ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR A MUNICIPAL
7 OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE HELD THREE WEEKS
8 PRIOR TO THE MUNICIPAL GENERAL ELECTION AND THE CANDIDATE WHO
9 RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE
10 HIS NAME AND HIS NAME ONLY PLACED ON THE MUNICIPAL GENERAL
11 ELECTION BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A
12 MAJORITY OF THE VOTES CAST IN THE MUNICIPAL PREFERENTIAL ELECTION
13 FOR A MUNICIPAL OFFICE, THAT THE TWO CANDIDATES WHO RECEIVE THE
14 HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL ELECTION SHALL HAVE
15 THEIR NAMES PLACED ON THE MUNICIPAL GENERAL ELECTION BALLOT AS
16 CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO FOLLOW IN
17 CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A CANDIDATE
18 FOR MUNICIPAL PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF
19 NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1,
20 23-15-21, 23-15-31, 23-15-173, 23-15-367, 23-15-411, 23-15-559,
21 23-15-601, 23-15-713, 23-15-801 AND 23-15-859, MISSISSIPPI CODE OF
22 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 23-15-309,
23 23-15-311, 23-15-313 AND 23-15-319, MISSISSIPPI CODE OF 1972,
24 WHICH PROVIDE FOR CERTAIN DUTIES OF MUNICIPAL EXECUTIVE COMMITTEES
25 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES
26 FOR MUNICIPAL PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT
27 OF PARTY PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-361,
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE CONTENTS OF
29 MUNICIPAL GENERAL ELECTION BALLOTS; AND FOR RELATED PURPOSES.

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

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

34 (a) "Preferential election" shall mean a municipal

35 election held for the purpose of determining those candidates
36 whose names will be placed on the municipal general or regular
37 election ballot. Any person who meets the qualifications to hold
38 the municipal office he seeks may be a candidate in the
39 preferential election without regard to party affiliation or lack
40 of party affiliation.

41 (b) "General election" or "regular election" shall mean
42 a municipal election held for the purpose of determining which
43 candidate shall be elected to office.

44 (c) "Political party" shall mean a party defined as a
45 political party by the provisions of Sections 23-15-1059 and
46 23-15-1061, Mississippi Code of 1972.

47 (2) All qualified electors of the municipality may
48 participate, without regard to party affiliation or lack of party
49 affiliation, in municipal preferential, general or regular
50 election.

51 SECTION 2. A municipal general election shall be held on the
52 date provided for by law. When more than one (1) person has
53 qualified or been certified as a candidate for any municipal
54 office, a preferential election for such office shall be held
55 three (3) weeks prior to such general or regular election.

56 SECTION 3. Any person who has qualified in the manner
57 provided by law as a candidate for municipal election under
58 Sections 1 through 9 of this act shall have the right to withdraw
59 his name as a candidate by giving notice of his withdrawal in
60 writing to the secretary of the municipal election commission at
61 any time prior to the printing of the official ballots, and in the
62 event of his withdrawal the name of such candidate shall not be
63 printed on the ballot.

64 SECTION 4. When only one (1) person shall have qualified or
65 been certified as a candidate for any municipal office, such

66 person's name shall be placed only on the municipal general or
67 regular election ballot and shall not be placed on the ballot for
68 a preferential election.

69 SECTION 5. When more than one (1) person has qualified or
70 been certified as a candidate for any municipal office, a
71 preferential election for such office shall be held three (3)
72 weeks prior to such municipal general or regular election, and any
73 candidate who receives a majority of the votes cast in such
74 preferential election shall have his name, and his name only,
75 placed on the ballot in the municipal general or regular election.

76 Except as provided in Section 6 of this act, if no person shall
77 receive a majority of the votes cast at such preferential
78 election, then the two (2) persons receiving the highest number of
79 votes in the preferential election shall have their names placed
80 on the ballot in the municipal general or regular election as
81 candidates for such office.

82 SECTION 6. (1) When there is a tie in the preferential
83 election between the candidates receiving the highest vote, then
84 only those candidates shall be placed on the ballot as candidates
85 in the municipal general election.

86 (2) When there is a tie in the preferential election between
87 the candidates receiving the next highest vote and there is not a
88 tie for the highest vote, candidates receiving the next highest
89 vote and the one receiving the highest vote, no one having
90 received a majority, shall have their names placed on the ballot
91 as candidates in the municipal general or regular election.

92 (3) In the event that (a) there are more than two (2)
93 candidates in the preferential election, and (b) no candidate in

94 such election receives a majority of the votes cast at such
95 preferential election, and (c) there is not a tie in such
96 preferential election that would require the procedure prescribed
97 in subsection (2) of this section to be followed, and (d) one (1)
98 of the two (2) candidates who receives the highest number of votes
99 in such preferential election withdraws or is otherwise unable to
100 participate in the municipal general or regular election, then the
101 remaining candidate of the two (2) who receives the highest vote
102 in the preferential election and the candidate who receives the
103 third highest vote in such election shall be placed on the ballot
104 as candidates in the municipal general or regular election.

105 SECTION 7. All candidates receiving the highest number of
106 votes for any office in the municipal general or regular election
107 shall thereby be declared elected to such office.

108 SECTION 8. (1) All candidates upon entering the race for
109 election to any municipal office shall, not later than 5:00 p.m.
110 sixty (60) days prior to any municipal general or regular
111 election, file their intent to be a candidate and pay to the
112 secretary of the municipal executive committee of their political
113 party or to the municipal election commission for each election
114 the amount of Ten Dollars (\$10.00).

115 (2) Candidates for municipal office shall file their intent
116 to be a candidate with the secretary of the municipal executive
117 committee of the political party with which the candidate is
118 affiliated, or with the secretary of the municipal election
119 commission if not affiliated with a political party.

120 (3) Such election shall be held on the date provided for in
121 Section 23-15-173, Mississippi Code of 1972; and in the event a

122 preferential election shall be necessary, such preferential
123 election shall be held three (3) weeks prior thereto. At such
124 election, or elections, the municipal election commissioners shall
125 perform the same duties in preferential and general elections as
126 are specified by law and performed by the county election
127 commissioners with regard to state and county general elections.
128 Except as otherwise provided by law, all municipal elections shall
129 be held and conducted as is provided by law for state and county
130 elections.

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

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

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

144 SECTION 9. Necessary ballots for use in municipal elections
145 shall be printed as provided for in Section 23-15-351, Mississippi
146 Code of 1972. The ballots shall contain the names of all
147 candidates who have filed their intention to be a candidate in the
148 manner and within the time prescribed in Section 9. Such names
149 shall be listed alphabetically on the ballot without regard to

150 party affiliation, if any, with indication of the political party,
151 if any, with which such candidate qualified placed in parentheses
152 following the name of the candidate.

153 SECTION 10. Sections 1 through 9 of this act shall apply to
154 all elections to municipal public office.

155 SECTION 11. The chairmen of the municipal election
156 commission shall transmit to the Secretary of State a tabulated
157 statement of the vote cast in each municipality, which statement
158 shall be filed by the Secretary of State and preserved among the
159 records of his office.

160 SECTION 12. Section 21-7-7, Mississippi Code of 1972, is
161 amended as follows:

162 21-7-7. The governing body of any such municipality shall be
163 a council, known and designated as such, consisting of seven (7)
164 members. One (1) of the members shall be the mayor, having the
165 qualifications as prescribed by Section 21-3-9, who shall have
166 full rights, powers and privileges of other councilmen. The mayor
167 shall be nominated and elected at large; the remaining councilmen
168 shall be nominated and elected one (1) from each ward into which
169 the city shall be divided. However, if the city be divided into
170 less than six (6) wards, the remaining councilmen shall be
171 nominated and elected at large. The councilmen, including the
172 mayor, shall be elected for a term of four (4) years to serve
173 until their successors are elected and qualified in accordance
174 with the provisions of Sections 1 through 11 of Senate Bill No.
175 _____, 2000 Regular Session, said term commencing on the first
176 Monday of January after the municipal election first following the
177 adoption of the form of government as provided by this chapter.

178 The compensation for the members of the council shall, for
179 the first four (4) years of operation, under this chapter, be
180 fixed by the board of mayor and aldermen holding office prior to
181 the change in form of government. Thereafter the amount of
182 compensation for each such member may be increased or decreased by
183 the council, by council action taken prior to the election of
184 members thereof for the ensuing term, such action to become
185 effective with the ensuing terms.

186 SECTION 13. Section 21-8-7, Mississippi Code of 1972, is
187 amended as follows:[CRG1]

188 21-8-7. (1) Each municipality operating under the
189 mayor-council form of government shall be governed by an elected
190 council and an elected mayor. Other officers and employees shall
191 be duly appointed pursuant to this chapter, general law or
192 ordinance.

193 (2) Except as otherwise provided in subsection (4) of this
194 section, the mayor and councilmen shall be elected by the voters
195 of the municipality at a general or regular municipal election
196 held on the first Tuesday after the first Monday in June as
197 provided in Sections 1 through 11 of Senate Bill No. _____, 2000
198 Regular Session, and shall serve for a term of four (4) years
199 beginning on the first Monday of July next following his election.

200 (3) The terms of the initial mayor and councilmen shall
201 commence at the expiration of the terms of office of the elected
202 officials of the municipality serving at the time of adoption of
203 the mayor-council form.

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

206 municipality shall be divided into either five (5) or four (4)
207 wards. In the event there are seven (7) councilmen, the
208 municipality shall be divided into either seven (7), six (6) or
209 five (5) wards. In the event there are nine (9) councilmen, the
210 municipality shall be divided into seven (7) or nine (9) wards. If
211 the municipality is divided into fewer wards than it has
212 councilmen, the other councilman or councilmen shall be elected
213 from the municipality at large. The total number of councilmen
214 and the number of councilmen elected from wards shall be
215 established by the petition or petitions presented pursuant to
216 Section 21-8-3. One (1) councilman shall be elected from each
217 ward by the voters of that ward. Councilmen elected to represent
218 wards must be residents of their wards at the time of
219 qualification for election, and any councilman who removes his
220 residence from the municipality or from the ward from which he was
221 elected shall vacate his office. However, any candidate for
222 councilman who is properly qualified as a candidate under
223 applicable law shall be deemed to be qualified as a candidate in
224 whatever ward he resides if his ward has changed after the council
225 has redistricted the municipality as provided in subparagraphs
226 (c) (ii) and (iii) of this subsection (4), and if the wards have
227 been so changed, any person may qualify as a candidate for
228 councilman, using his existing residence or by changing his
229 residence, not less than fifteen (15) days prior to the
230 preferential election or special election, as the case may be,
231 notwithstanding any other residency or qualification requirements
232 to the contrary.

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

234 adoption of the mayor-council form of government shall designate
235 the geographical boundaries of the wards within one hundred twenty
236 (120) days after the election in which the mayor-council form of
237 government is selected. In designating the geographical
238 boundaries of the wards, each ward shall contain, as nearly as
239 possible, the population factor obtained by dividing the
240 municipality's population as shown by the most recent decennial
241 census by the number of wards into which the municipality is to be
242 divided.

243 (c) (i) It shall be the mandatory duty of the council
244 to redistrict the municipality by ordinance, which ordinance may
245 not be vetoed by the mayor, within six (6) months after the
246 official publication by the United States of the population of the
247 municipality as enumerated in each decennial census, and within
248 six (6) months after the effective date of any expansion of
249 municipal boundaries; however, if the publication of the most
250 recent decennial census or effective date of an expansion of the
251 municipal boundaries occurs six (6) months or more prior to the
252 preferential election in a municipality, then the council shall
253 redistrict the municipality by ordinance not less than sixty (60)
254 days prior to such preferential election.

255 (ii) If the publication of the most recent
256 decennial census occurs less than six (6) months prior to the
257 preferential election in a municipality, then the council shall
258 redistrict the municipality by ordinance not later than twenty
259 (20) days prior to the preferential election.

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

262 redistrict the municipality at least twenty (20) days prior to the
263 preferential election, then the council shall redistrict the
264 municipality by ordinance not later than twenty (20) days prior to
265 a special preferential election provided for hereafter in this
266 subparagraph. If the census is not received in time to redistrict
267 the municipality, as provided above, the mayor and councilmen
268 shall be elected by the voters of the municipality at a special
269 general or regular municipal election held on the fourth Tuesday
270 after the first Monday in June, and a special preferential
271 election shall be held on the second Tuesday after the first
272 Monday in June, notwithstanding other provisions of law to the
273 contrary.

274 (d) If annexation of additional territory into the
275 municipal corporate limits of the municipality shall occur less
276 than six (6) months prior to the preferential election in a
277 municipality the council shall, by ordinance adopted within three
278 (3) days of the effective date of such annexation, assign such
279 annexed territory to an adjacent ward or wards so as to maintain
280 as nearly as possible substantial equality of population between
281 wards; any subsequent redistricting of the municipality by
282 ordinance as required by this chapter shall not serve as the basis
283 for representation until the next regularly scheduled election for
284 municipal councilmen.

285 (e) If the council shall have failed to redistrict the
286 municipality as herein required, the members of the council shall
287 not receive any further salaries until the council shall have
288 adopted such ordinance and the checks for such salaries for said
289 periods shall not be issued.

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

292 (6) The mayor shall maintain an office at the city hall. The
293 councilmen shall not maintain individual offices at the city hall;
294 provided, however, that in municipalities with populations of one
295 hundred ninety thousand (190,000) and above, councilmen may have
296 individual offices in the city hall. Clerical work of councilmen
297 in the performance of the duties of their office shall be
298 performed by municipal employees or at municipal expense, and
299 councilmen shall be reimbursed for the reasonable expenses
300 incurred in the performance of the duties of their office.

301 SECTION 14. Section 21-15-1, Mississippi Code of 1972, is
302 amended as follows:[CRG2]

303 21-15-1. All officers elected at the general or regular
304 municipal election provided for in Sections 1 through 11 of Senate
305 Bill No. _____, 2000 Regular Session, shall qualify and enter upon
306 the discharge of their duties on the first Monday of July after
307 such general election, and shall hold their offices for a term of
308 four (4) years and until their successors are duly elected and
309 qualified.

310 SECTION 15. Section 23-15-21, Mississippi Code of 1972, is
311 amended as follows:[CRG3]

312 23-15-21. It shall be unlawful for any person who is not a
313 citizen of the United States or the State of Mississippi to
314 register or to vote in any preferential, primary, special or
315 general election in the state.

316 SECTION 16. Section 23-15-31, Mississippi Code of 1972, is
317 amended as follows:[CRG4]

318 23-15-31. All of the provisions of this subarticle shall be
319 applicable, insofar as possible, to municipal, preferential,
320 primary, general and special elections; and wherever therein any
321 duty is imposed or any power or authority is conferred upon the
322 county registrar, county election commissioners or county
323 executive committee with reference to a state and county election,
324 such duty shall * * * be imposed and such power and authority
325 shall likewise be conferred upon the municipal registrar or
326 municipal election commission, as appropriate, * * * with
327 reference to any municipal election.

328 SECTION 17. Section 23-15-173, Mississippi Code of 1972, is
329 amended as follows:[CRG5]

330 23-15-173. * * * A general municipal election shall be held
331 in each city, town or village on the first Tuesday after the first
332 Monday of June 1985, and every four (4) years thereafter, for the
333 election of all municipal officers elected by the people.

334 * * *

335 SECTION 18. Section 23-15-367, Mississippi Code of 1972, is
336 amended as follows:[CRG6]

337 23-15-367. Except as otherwise provided by Sections
338 23-15-974 through 23-15-985, and Sections 1 through 11 of Senate
339 Bill No. _____, 2000 Regular Session, the arrangement of the names
340 of the candidates, and the order in which the titles of the
341 various offices shall be printed, and the size, print and quality
342 of paper of the official ballot is left to the discretion of the
343 officer charged with printing the official ballot; but the
344 arrangement need not be uniform. It is the duty of the Secretary
345 of State, with the approval of the Governor, to furnish the

346 designated commissioner of each county a sample of the official
347 ballot, not less than fifty-five (55) days prior to the election,
348 the general form of which shall be followed as nearly as
349 practicable; provided that in all primary elections the names of
350 the candidates for each separate office shall be arranged
351 alphabetically.

352 SECTION 19. Section 23-15-411, Mississippi Code of 1972, is
353 amended as follows:[CRG7]

354 23-15-411. The officer who furnishes the official ballots
355 for any polling place where a voting machine is to be used, shall
356 also provide two (2) sample ballots or instruction ballots, which
357 sample or instruction ballots shall be arranged in the form of a
358 diagram showing such portion of the front of the voting machine as
359 it will appear after the official ballots are arranged thereon or
360 therein for voting on election day. Such sample ballots shall be
361 open to the inspection of all voters on election day, in all
362 primaries and preferential and general elections where voting
363 machines are used.

364 SECTION 20. Section 23-15-559, Mississippi Code of 1972, is
365 amended as follows:[CRG8]

366 23-15-559. The provisions of Section * * * 23-15-173 fixing
367 the time for the holding of * * * general elections shall not
368 apply to any municipality operating under a special or private
369 charter where the governing board or authority thereof, on or
370 before June 25, 1952, shall have adopted and spread upon its
371 minutes a resolution or ordinance declining to accept such
372 provisions, in which event the * * * general elections shall be
373 held at the time fixed by the charter of such municipality.

374 The provisions of Section 23-15-859 shall be applicable to
375 all municipalities of this state, whether operating under a code
376 charter, special charter, or the commission form of government,
377 except in cases of conflicts between the provisions of such
378 section and the provisions of the special charter of a
379 municipality, or the law governing the commission form of
380 government, in which cases of conflict the provisions of the
381 special charter or the statutes relative to the commission form of
382 government shall apply.

383 SECTION 21. Section 23-15-601, Mississippi Code of 1972, is
384 amended as follows:[CRG9]

385 23-15-601. When the result of the general election shall
386 have been ascertained by the managers they, or one (1) of their
387 number, or some fit person designated by them, shall, by noon of
388 the second day after the election, deliver to the commissioners of
389 election, at the courthouse, a statement of the whole number of
390 votes given for each person and for what office; and the
391 commissioners of election shall canvass the returns, ascertain and
392 declare the result, and, within ten (10) days after the day of the
393 election, shall deliver a certificate of his election to the
394 person having the greatest number of votes for representative in
395 the Legislature of districts composed of one (1) county or less,
396 or other county office, board of supervisors, justice court judge
397 and constable. If it appears that two (2) or more candidates for
398 Representative of the county, or part of the county, or for any
399 county office, board of supervisors, justice court judge or
400 constable standing highest on the list, and not elected, have an
401 equal number of votes, the election shall be decided by lot fairly

402 and publicly drawn by the commissioners, with the aid of two (2)
403 or more respectable electors of the county, and a certificate of
404 election shall be given accordingly. The foregoing provisions
405 shall apply to Senators, if the county be a senatorial district.

406 In municipal preferential elections, when the result of the
407 election shall have been ascertained by the managers they, or one
408 (1) of their number, or some fit person designated by them, shall,
409 by noon of the day following the election, deliver to the
410 municipal commissioners of election a statement of the whole
411 number of votes for each person and for what office; and the
412 municipal commissioners of election shall, on the first or second
413 day after the preferential election and after the general
414 election, canvass the returns, ascertain and declare the result of
415 the preferential election, and announce the names of the
416 candidates who have received a majority of the votes cast for each
417 municipal office and shall also announce the names of those
418 candidates that are to be submitted to the general election.

419 SECTION 22. Section 23-15-713, Mississippi Code of 1972, is
420 amended as follows:[CRG10]

421 23-15-713. For the purpose of this subarticle, any duly
422 qualified elector may vote as provided in this subarticle if he
423 * * * falls within the following categories:

424 (a) Any qualified elector who is a bona fide student,
425 teacher or administrator at any college, university, junior
426 college, high, junior high, or elementary grade school whose
427 studies or employment at such institution necessitates his absence
428 from the county of his voting residence on the date of any * * *
429 election, or the spouse and dependents of said student, teacher or

430 administrator if such spouse or dependent(s) maintain a common
431 domicile, outside of the county of his voting residence, with such
432 student, teacher or administrator.

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

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

441 (d) Any person who has a temporary or permanent
442 physical disability and who, because of such disability, is unable
443 to vote in person without substantial hardship to himself or
444 others, or whose attendance at the voting place could reasonably
445 cause danger to himself or others.

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

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

453 (g) Any member of the Mississippi congressional
454 delegation absent from Mississippi on election day, and the spouse
455 and dependents of such member of the congressional delegation.

456 (h) Any qualified elector who will be unable to vote in
457 person because he is required to be at work on election day during

458 the times at which the polls will be open.

459 SECTION 23. Section 23-15-801, Mississippi Code of 1972, is
460 amended as follows:[WAN11]

461 23-15-801. (a) "Election" shall mean a general,
462 preferential, special, primary or runoff election.

463 (b) "Candidate" shall mean an individual who seeks
464 nomination for election, or election, to any elective office other
465 than a federal elective office and for purposes of this article,
466 an individual shall be deemed to seek nomination for election, or
467 election:

468 (i) If such individual has received contributions
469 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
470 expenditures aggregating in excess of Two Hundred Dollars
471 (\$200.00) or for a candidate for the Legislature or any statewide
472 or state district office, by the qualifying deadlines specified in
473 Sections 23-15-299 and 23-15-977, whichever occurs first; or

474 (ii) If such individual has given his or her consent to
475 another person to receive contributions or make expenditures on
476 behalf of such individual and if such person has received such
477 contributions aggregating in excess of Two Hundred Dollars
478 (\$200.00) during a calendar year, or has made such expenditures
479 aggregating in excess of Two Hundred Dollars (\$200.00) during a
480 calendar year.

481 (c) "Political committee" shall mean any committee, party,
482 club, association, political action committee, campaign committee
483 or other groups of persons or affiliated organizations which
484 receives contributions aggregating in excess of Two Hundred
485 Dollars (\$200.00) during a calendar year or which makes

486 expenditures aggregating in excess of Two Hundred Dollars
487 (\$200.00) during a calendar year for the purpose of influencing or
488 attempting to influence the action of voters for or against the
489 nomination for election, or election, of one or more candidates,
490 or balloted measures and shall, in addition, include each
491 political party registered with the Secretary of State.

492 (d) "Affiliated organization" shall mean any organization
493 which is not a political committee, but which directly or
494 indirectly establishes, administers or financially supports a
495 political committee.

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

500 (ii) "Contribution" shall not include the value of
501 services provided without compensation by any individual who
502 volunteers on behalf of a candidate or political committee; or the
503 cost of any food or beverage for use in any candidate's campaign
504 or for use by or on behalf of any political committee of a
505 political party;

506 (iii) "Contribution to a political party" includes any
507 gift, subscription, loan, advance or deposit of money or anything
508 of value made by any person, political committee, or other
509 organization to a political party and to any committee,
510 subcommittee, campaign committee, political committee and other
511 groups of persons and affiliated organizations of the political
512 party.

513 (iv) "Contribution to a political party" shall not

514 include the value of services provided without compensation by any
515 individual who volunteers on behalf of a political party or a
516 candidate of a political party.

517 (f) (i) "Expenditure" shall include any purchase, payment,
518 distribution, loan, advance, deposit, gift of money or anything of
519 value, made by any person or political committee for the purpose
520 of influencing any balloted measure or election for elective
521 office; and a written contract, promise, or agreement to make an
522 expenditure;

523 (ii) "Expenditure" shall not include any news story,
524 commentary or editorial distributed through the facilities of any
525 broadcasting station, newspaper, magazine, or other periodical
526 publication, unless such facilities are owned or controlled by any
527 political party, political committee, or candidate; or nonpartisan
528 activity designed to encourage individuals to vote or to register
529 to vote;

530 (iii) "Expenditure by a political party" includes 1.
531 any purchase, payment, distribution, loan, advance, deposit, gift
532 of money or anything of value, made by any political party and by
533 any contractor, subcontractor, agent, and consultant to the
534 political party; and 2. a written contract, promise, or agreement
535 to make such an expenditure.

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

537 (i) In the case of any individual, the name, the
538 mailing address, and the occupation of such individual, as well as
539 the name of his or her employer; and

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

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

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

548 (j) The term "independent expenditure" shall mean an
549 expenditure by a person expressly advocating the election or
550 defeat of a clearly identified candidate which is made without
551 cooperation or consultation with any candidate or any authorized
552 committee or agent of such candidate, and which is not made in
553 concert with or at the request or suggestion of any candidate or
554 any authorized committee or agent of such candidate.

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

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

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

558 or

559 (iii) The identity of the candidate is apparent by
560 unambiguous reference.

561 SECTION 24. Section 23-15-859, Mississippi Code of 1972, is
562 amended as follows:[CRG12]

563 23-15-859. Whenever under any statute a special election is
564 required or authorized to be held in any municipality, and the
565 statute authorizing or requiring such election does not specify
566 the time within which such election shall be called, or the notice
567 which shall be given thereof, the governing authorities of the
568 municipality shall, by resolution, fix a date upon which such
569 election shall be held. Such date shall not be less than

570 twenty-one (21) nor more than thirty (30) days after the date upon
571 which such resolution is adopted, and not less than three (3)
572 weeks' notice of such election shall be given by the clerk by a
573 notice published in a newspaper published in the municipality once
574 each week for three (3) weeks next preceding the date of such
575 election, and by posting a copy of such notice at three (3) public
576 places in such municipality. Nothing herein, however, shall be
577 applicable to elections on the question of the issuance of the
578 bonds of a municipality or to preferential or general * * *
579 elections for the election of municipal officers.

580 SECTION 25. Sections 23-15-309, 23-15-311, 23-15-313 and
581 23-15-319, Mississippi Code of 1972, which provide for certain
582 duties of municipal executive committees in primary elections,
583 provide for the qualification of candidates for municipal party
584 primary elections, and provide for the conduct of party primary
585 elections, are hereby repealed.

586 SECTION 26. Section 23-15-361, Mississippi Code of 1972,
587 which provides for the contents of municipal general election
588 ballots, is hereby repealed.

589 SECTION 27. The Attorney General of the State of Mississippi
590 shall submit this act, immediately upon approval by the Governor,
591 or upon approval by the Legislature subsequent to a veto, to the
592 Attorney General of the United States or to the United States
593 District Court for the District of Columbia in accordance with the
594 provisions of the Voting Rights Act of 1965, as amended and
595 extended.

596 SECTION 28. This act shall take effect and be in force from
597 and after January 1, 2001, if it is effectuated under Section 5 of

598 the Voting Rights Act of 1965, as amended and extended.