

By: Senator(s) Browning

To: Elections

SENATE BILL NO. 2714

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, THAT
4 SUCH PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT;
5 TO PROVIDE THAT WHEN MORE THAN ONE PERSON HAS QUALIFIED AS A
6 CANDIDATE FOR AN OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE
7 HELD THREE WEEKS PRIOR TO THE GENERAL ELECTION AND THE CANDIDATE
8 WHO RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL
9 HAVE HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION
10 BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF
11 THE VOTES CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT
12 THE TWO CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE
13 PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL
14 ELECTION BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE
15 PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR
16 QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE
17 PRINTING OF NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7,
18 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-173,
19 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403, 23-15-411,
20 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559, 23-15-561,
21 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605, 23-15-673,
22 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807, 23-15-811,
23 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885, 23-15-891,
24 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085 AND
25 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
26 REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
27 FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION
28 POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972,
29 WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO
30 REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
31 FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO
32 REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH
33 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND
34 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES
35 OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES
36 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES
37 FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY
38 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND
39 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
40 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597
41 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
42 CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY
43 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE
44 EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A
45 TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO
46 REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
47 FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL
48 VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL
49 SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972,
50 WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO
51 REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH
52 PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND



53 UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI
54 CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM
55 CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083,
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN
57 CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
58 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

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

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

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

75 (2) All qualified electors of the State of Mississippi may
76 participate, without regard to party affiliation or lack of party
77 affiliation, in any appropriate preferential, general or regular
78 election.

79 **SECTION 2.** The general election in 2004 and every general
80 election thereafter shall be held on the first Tuesday after the
81 first Monday of November of the appropriate year. When more than
82 one (1) person has qualified or been certified as a candidate for
83 any office, a preferential election for such office shall be held
84 three (3) weeks prior to such general or regular election.

85 **SECTION 3.** Any person who has qualified in the manner
86 provided by law as a candidate for election under Sections 1
87 through 11 of this act shall have the right to withdraw his name
88 as a candidate by giving notice of his withdrawal in writing to



89 the secretary of the appropriate election commission at any time
90 prior to the printing of the official ballots, and in the event of
91 his withdrawal the name of such candidate shall not be printed on
92 the ballot.

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

97 **SECTION 5.** When more than one (1) person has qualified or
98 been certified as a candidate for any office, a preferential
99 election for such office shall be held three (3) weeks prior to
100 such general or regular election, and any candidate who receives a
101 majority of the votes cast in such preferential election shall
102 have his name, and his name only, placed on the ballot in the
103 general or regular election. Except as provided in Section 6 of
104 this act, if no person shall receive a majority of the votes cast
105 at such preferential election, then the two (2) persons receiving
106 the highest number of votes in the preferential election shall
107 have their names placed on the ballot in the general or regular
108 election as candidates for such office.

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

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

119 (3) In the event that (a) there are more than two (2)
120 candidates in the preferential election, and (b) no candidate in
121 such election receives a majority of the votes cast at such



122 preferential election, and (c) there is not a tie in such
123 preferential election that would require the procedure prescribed
124 in subsection (2) of this section to be followed, and (d) one (1)
125 of the two (2) candidates who receives the highest number of votes
126 in such preferential election withdraws or is otherwise unable to
127 participate in the general or regular election, then the remaining
128 candidate of the two (2) who receives the highest vote in the
129 preferential election and the candidate who receives the third
130 highest vote in such election shall be placed on the ballot as
131 candidates in the general or regular election.

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

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

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

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

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



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

158 (e) Candidates for State Senator or State
159 Representative whose district is composed of one (1) county or
160 less, and candidates for sheriff, chancery clerk, circuit clerk,
161 tax assessor, tax collector, county attorney, county
162 superintendent of education and board of supervisors, the sum of
163 Fifteen Dollars (\$15.00); and

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

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

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

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

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



187 **SECTION 10.** (1) Necessary ballots for use in elections
188 shall be printed as provided for in Section 23-15-351, Mississippi
189 Code of 1972. The ballots shall contain the names of all
190 candidates who have filed their intention to be a candidate in the
191 manner and within the time prescribed herein. Such names shall be
192 listed alphabetically on the ballot without regard to party
193 affiliation, if any, with indication of the political party, if
194 any, with which such candidate qualified placed in parentheses
195 following the name of the candidate.

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

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

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

215 (3) Such election shall be held on the date provided for in
216 Section 23-15-173, Mississippi Code of 1972; and in the event a
217 preferential election shall be necessary, such preferential
218 election shall be held three (3) weeks prior thereto. At such
219 election, or elections, the municipal election commissioners shall



220 perform the same duties as are specified by law and performed by
221 the county election commissioners with regard to state and county
222 general and preferential elections. Except as otherwise provided
223 by law, all municipal elections shall be held and conducted as is
224 provided by law for state and county elections.

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

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

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

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

242 **SECTION 13.** Nothing in Sections 1 through 11 of this act
243 shall prohibit special elections to fill vacancies in either house
244 of the Legislature from being held as provided in Section
245 23-5-201, Mississippi Code of 1972. In all elections conducted
246 under the provisions of Section 23-15-851, Mississippi Code of
247 1972, the commissioners shall have printed on the ballot the name
248 of any candidate who shall have been requested to be a candidate
249 for the office by a petition filed with said commissioners not
250 less than ten (10) working days prior to the election and signed
251 by not less than fifty (50) qualified electors.



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

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

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

270 **SECTION 17.** Candidates for the Office of Public Service
271 Commissioner and for State Highway Commissioner and for other
272 officers to be elected from each Supreme Court district, and
273 representatives in Congress and for district attorneys and for
274 other officers to be elected by districts, shall be voted for by
275 all the counties within their respective districts, and all said
276 district candidates except senatorial candidates in districts
277 composed of one (1) county shall be under the supervision and
278 control of the state election commissioners, which commissioners
279 shall discharge, in respect to such state district elections, all
280 the powers and duties imposed upon them in connection with
281 elections of candidates for other state offices.

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



284 21-7-7. The governing body of any such municipality shall be
285 a council, known and designated as such, consisting of seven (7)
286 members. One (1) of the members shall be the mayor, having the
287 qualifications as prescribed by Section 21-3-9, who shall have
288 full rights, powers and privileges of other councilmen. The mayor
289 shall be nominated and elected at large; the remaining councilmen
290 shall be nominated and elected one (1) from each ward into which
291 the city shall be divided. However, if the city be divided into
292 less than six (6) wards, the remaining councilmen shall be
293 nominated and elected at large. The councilmen, including the
294 mayor, shall be elected for a term of four (4) years to serve
295 until their successors are elected and qualified in accordance
296 with the provisions of Section 11, Senate Bill No. 2714, 2003
297 Regular Session, said term commencing on the first Monday of
298 January after the municipal election first following the adoption
299 of the form of government as provided by this chapter.

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

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

310 21-8-7. (1) Each municipality operating under the
311 mayor-council form of government shall be governed by an elected
312 council and an elected mayor. Other officers and employees shall
313 be duly appointed pursuant to this chapter, general law or
314 ordinance.

315 (2) Except as otherwise provided in subsection (4) of this
316 section, the mayor and councilmen shall be elected by the voters



317 of the municipality at a general or regular municipal election
318 held on the first Tuesday after the first Monday in June as
319 provided in Section 11, Senate Bill No. 2714, 2003 Regular
320 Session, and shall serve for a term of four (4) years beginning on
321 the first Monday of July next following his election.

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

326 (4) (a) The council shall consist of five (5), seven (7) or
327 nine (9) members. In the event there are five (5) councilmen, the
328 municipality shall be divided into either five (5) or four (4)
329 wards. In the event there are seven (7) councilmen, the
330 municipality shall be divided into either seven (7), six (6) or
331 five (5) wards. In the event there are nine (9) councilmen, the
332 municipality shall be divided into seven (7) or nine (9) wards.
333 If the municipality is divided into fewer wards than it has
334 councilmen, the other councilman or councilmen shall be elected
335 from the municipality at large. The total number of councilmen
336 and the number of councilmen elected from wards shall be
337 established by the petition or petitions presented pursuant to
338 Section 21-8-3. One (1) councilman shall be elected from each
339 ward by the voters of that ward. Councilmen elected to represent
340 wards must be residents of their wards at the time of
341 qualification for election, and any councilman who removes his
342 residence from the municipality or from the ward from which he was
343 elected shall vacate his office. However, any candidate for
344 councilman who is properly qualified as a candidate under
345 applicable law shall be deemed to be qualified as a candidate in
346 whatever ward he resides if his ward has changed after the council
347 has redistricted the municipality as provided in subparagraph
348 (c)(ii) of this subsection (4), and if the wards have been so
349 changed, any person may qualify as a candidate for councilman,



350 using his existing residence or by changing his residence, not
351 less than fifteen (15) days prior to the preferential election or
352 special election, as the case may be, notwithstanding any other
353 residency or qualification requirements to the contrary.

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

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

376 (ii) If the publication of the most recent
377 decennial census occurs less than six (6) months prior to the
378 preferential election in a municipality, the election shall be
379 held with regard to currently defined wards; and reapportioned
380 wards based on the census shall not serve as the basis for
381 representation until the next regularly scheduled election in
382 which council members shall be elected.



383 (d) If annexation of additional territory into the
384 municipal corporate limits of the municipality shall occur less
385 than six (6) months prior to the preferential election in a
386 municipality, the council shall, by ordinance adopted within three
387 (3) days of the effective date of such annexation, assign such
388 annexed territory to an adjacent ward or wards so as to maintain
389 as nearly as possible substantial equality of population between
390 wards; any subsequent redistricting of the municipality by
391 ordinance as required by this chapter shall not serve as the basis
392 for representation until the next regularly scheduled election for
393 municipal councilmen.

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

396 (6) The mayor shall maintain an office at the city hall.
397 The councilmen shall not maintain individual offices at the city
398 hall; provided, however, that in municipalities with populations
399 of one hundred ninety thousand (190,000) and above, councilmen may
400 have individual offices in the city hall. Clerical work of
401 councilmen in the performance of the duties of their office shall
402 be performed by municipal employees or at municipal expense, and
403 councilmen shall be reimbursed for the reasonable expenses
404 incurred in the performance of the duties of their office.

405 **SECTION 20.** Section 21-15-1, Mississippi Code of 1972, is
406 amended as follows:

407 21-15-1. All officers elected at the general or regular
408 municipal election provided for in Section 11, Senate Bill No.
409 2714, 2003 Regular Session, shall qualify and enter upon the
410 discharge of their duties on the first Monday of July after such
411 general election, and shall hold their offices for a term of four
412 (4) years and until their successors are duly elected and
413 qualified.

414 **SECTION 21.** Section 23-15-21, Mississippi Code of 1972, is
415 amended as follows:



416 23-15-21. It shall be unlawful for any person who is not a
417 citizen of the United States or the State of Mississippi to
418 register or to vote in any * * * special, preferential or general
419 election in the state.

420 **SECTION 22.** Section 23-15-31, Mississippi Code of 1972, is
421 amended as follows:

422 23-15-31. All of the provisions of this subarticle shall be
423 applicable, insofar as possible, to municipal, preferential,
424 general and special elections; and wherever therein any duty is
425 imposed or any power or authority is conferred upon the county
426 registrar or county election commissioners * * * with reference to
427 a state and county election, such duty shall likewise be imposed
428 and such power and authority shall likewise be conferred upon the
429 municipal registrar or municipal election commission * * * with
430 reference to any municipal election.

431 **SECTION 23.** Section 23-15-129, Mississippi Code of 1972, is
432 amended as follows:

433 23-15-129. The commissioners of election and the registrars
434 of the respective counties are hereby directed to make an
435 administrative division of the pollbook for each county
436 immediately following any reapportionment of the Mississippi
437 Legislature or any realignment of supervisors districts, if
438 necessary. The administrative division shall form subprecincts
439 whenever necessary within each voting precinct so that all persons
440 within a subprecinct shall vote on the same candidates for each
441 public office. Separate pollbooks for each subprecinct shall be
442 made. The polling place for all subprecincts within any given
443 voting precinct shall be the same as the polling place for the
444 voting precinct. Additional managers may be appointed for
445 subprecincts in the discretion of the commissioners of
446 election * * *.

447 **SECTION 24.** Section 23-15-153, Mississippi Code of 1972, is
448 amended as follows:



449 23-15-153. (1) At the following times the commissioners of
450 election shall meet at the office of the registrar and carefully
451 revise the registration books and the pollbooks of the several
452 voting precincts, and shall erase from those books the names of
453 all persons erroneously on the books, or who have died, removed or
454 become disqualified as electors from any cause; and shall register
455 the names of all persons who have duly applied to be registered
456 and have been illegally denied registration:

457 (a) On the Tuesday after the second Monday in January
458 1987 and every following year;

459 (b) On the first Tuesday in the month immediately
460 preceding the preferential election for congressmen in the years
461 when congressmen are elected;

462 (c) On the first Monday in the month immediately
463 preceding the preferential election for state, state district,
464 legislative, county and county district offices in the years in
465 which those offices are elected; and

466 (d) On the second Monday of September preceding
467 the * * * regular special election day in years in which a general
468 election is not conducted.

469 Except for the names of those persons who are duly qualified
470 to vote in the election, no name shall be permitted to remain on
471 the registration books and pollbooks; however, no name shall be
472 erased from the registration books or pollbooks based on a change
473 in the residence of an elector except in accordance with
474 procedures provided for by the National Voter Registration Act of
475 1993 that are in effect at the time of such erasure. Except as
476 otherwise provided by Section 23-15-573, no person shall vote at
477 any election whose name is not on the pollbook.

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



482 fund, for every day or period of no less than five (5) hours
483 accumulated over two (2) or more days actually employed in the
484 performance of their duties in the conduct of an election or
485 actually employed in the performance of their duties for the
486 necessary time spent in the revision of the registration books and
487 pollbooks as required in subsection (1) of this section:

488 (a) In counties having less than fifteen thousand
489 (15,000) residents according to the latest federal decennial
490 census, not more than fifty (50) days per year, with no more than
491 fifteen (15) additional days allowed for the conduct of each
492 election in excess of one (1) occurring in any calendar year;

493 (b) In counties having fifteen thousand (15,000)
494 residents according to the latest federal decennial census but
495 less than thirty thousand (30,000) residents according to the
496 latest federal decennial census, not more than seventy-five (75)
497 days per year, with no more than twenty-five (25) additional days
498 allowed for the conduct of each election in excess of one (1)
499 occurring in any calendar year;

500 (c) In counties having thirty thousand (30,000)
501 residents according to the latest federal decennial census but
502 less than seventy thousand (70,000) residents according to the
503 latest federal decennial census, not more than one hundred (100)
504 days per year, with no more than thirty-five (35) additional days
505 allowed for the conduct of each election in excess of one (1)
506 occurring in any calendar year;

507 (d) In counties having seventy thousand (70,000)
508 residents according to the latest federal decennial census but
509 less than ninety thousand (90,000) residents according to the
510 latest federal decennial census, not more than one hundred
511 twenty-five (125) days per year, with no more than forty-five (45)
512 additional days allowed for the conduct of each election in excess
513 of one (1) occurring in any calendar year;



514 (e) In counties having ninety thousand (90,000)
515 residents according to the latest federal decennial census but
516 less than one hundred seventy thousand (170,000) residents
517 according to the latest federal decennial census, not more than
518 one hundred fifty (150) days per year, with no more than
519 fifty-five (55) additional days allowed for the conduct of each
520 election in excess of one (1) occurring in any calendar year;

521 (f) In counties having one hundred seventy thousand
522 (170,000) residents according to the latest federal decennial
523 census but less than two hundred thousand (200,000) residents
524 according to the latest federal decennial census, not more than
525 one hundred seventy-five (175) days per year, with no more than
526 sixty-five (65) additional days allowed for the conduct of each
527 election in excess of one (1) occurring in any calendar year;

528 (g) In counties having two hundred thousand (200,000)
529 residents according to the latest federal decennial census but
530 less than two hundred twenty-five thousand (225,000) residents
531 according to the latest federal decennial census, not more than
532 one hundred ninety (190) days per year, with no more than
533 seventy-five (75) additional days allowed for the conduct of each
534 election in excess of one (1) occurring in any calendar year;

535 (h) In counties having two hundred twenty-five thousand
536 (225,000) residents according to the latest federal decennial
537 census but less than two hundred fifty thousand (250,000)
538 residents according to the latest federal decennial census, not
539 more than two hundred fifteen (215) days per year, with no more
540 than eighty-five (85) additional days allowed for the conduct of
541 each election in excess of one (1) occurring in any calendar year;

542 (i) In counties having two hundred fifty thousand
543 (250,000) residents according to the latest federal decennial
544 census but less than two hundred seventy-five thousand (275,000)
545 residents according to the latest federal decennial census, not
546 more than two hundred thirty (230) days per year, with no more



547 than ninety-five (95) additional days allowed for the conduct of
548 each election in excess of one (1) occurring in any calendar year;

549 (j) In counties having two hundred seventy-five
550 thousand (275,000) residents according to the latest federal
551 decennial census or more, not more than two hundred forty (240)
552 days per year, with no more than one hundred five (105) additional
553 days allowed for the conduct of each election in excess of one (1)
554 occurring in any calendar year.

555 (3) The commissioners of election shall be entitled to
556 receive a per diem in the amount of Seventy Dollars (\$70.00), to
557 be paid from the county general fund, not to exceed ten (10) days
558 for every day or period of no less than five (5) hours accumulated
559 over two (2) or more days actually employed in the performance of
560 their duties for the necessary time spent in the revision of the
561 registration books and pollbooks prior to any special election.
562 For purposes of this subsection, the regular special election day
563 shall not be considered a special election. The annual
564 limitations set forth in subsection (2) of this section shall not
565 apply to this subsection.

566 (4) The commissioners of election shall be entitled to
567 receive only one (1) per diem payment for those days when the
568 commissioners of election discharge more than one (1) duty or
569 responsibility on the same day.

570 (5) The county commissioners of election may provide copies
571 of the registration books revised pursuant to this section to the
572 municipal registrar of each municipality located within the
573 county.

574 (6) Every commissioner of election shall sign personally a
575 certification setting forth the number of hours actually worked in
576 the performance of the commissioner's official duties and for
577 which the commissioner seeks compensation. The certification must
578 be on a form as prescribed in this subsection. The commissioner's



579 signature is, as a matter of law, made under the commissioner's
580 oath of office and under penalties of perjury.

581 The certification form shall be as follows:

582 **COUNTY ELECTION COMMISSIONER**

583 **PER DIEM CLAIM FORM**

584 NAME: _____ COUNTY: _____

585 ADDRESS: _____ DISTRICT: _____

586 CITY: _____ ZIP: _____

587		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
588	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
589	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

590 _____

591 _____

592 _____

593 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

594 PER DIEM RATE PER DAY EARNED X 70.00

595 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

596 I understand that I am signing this document
597 under my oath as a commissioner of elections and under
598 penalties of perjury.

599 I understand that I am requesting payment from
600 taxpayer funds and that I have an obligation to be
601 specific and truthful as to the amount of hours worked
602 and the compensation I am requesting.

603 Signed this the _____ day of _____, ____.

604 _____

605 Commissioner's Signature

606 When properly completed and signed, the certification must be
607 filed with the clerk of the county board of supervisors before any
608 payment may be made. The certification will be a public record
609 available for inspection and reproduction immediately upon the
610 oral or written request of any person.



611 Any person may contest the accuracy of the certification in
612 any respect by notifying the chairman of the commission, any
613 member of the board of supervisors or the clerk of the board of
614 supervisors of such contest at any time before or after payment is
615 made. If the contest is made before payment is made, no payment
616 shall be made as to the contested certificate until the contest is
617 finally disposed of. The person filing the contest shall be
618 entitled to a full hearing, and the clerk of the board of
619 supervisors shall issue subpoenas upon request of the contestor
620 compelling the attendance of witnesses and production of documents
621 and things. The contestor shall have the right to appeal de nova
622 to the circuit court of the involved county, which appeal must be
623 perfected within thirty (30) days from a final decision of the
624 commission, the clerk of the board of supervisors or the board of
625 supervisors, as the case may be.

626 Any contestor who successfully contests any certification
627 will be awarded all expenses incident to his contest, together
628 with reasonable attorney's fees, which will be awarded upon
629 petition to the chancery court of the involved county upon final
630 disposition of the contest before the election commission, board
631 of supervisors, clerk of the board of supervisors, or, in case of
632 an appeal, final disposition by the court. The commissioner
633 against whom the contest is decided shall be liable for the
634 payment of the expenses and attorney's fees, and the county shall
635 be jointly and severally liable for same.

636 (7) Notwithstanding the provisions of this section to the
637 contrary, from June 20, 2001, until the conclusion of calendar
638 year 2004, the number of days for which the commissioners of
639 election of a county are entitled to receive compensation shall
640 not be less than the number of days of compensation they were
641 entitled to receive during the 2000 calendar year, excluding those
642 days for which election commissioners were either entitled to or



643 did receive compensation for the conduct of any special elections
644 in calendar year 2000.

645 **SECTION 25.** Section 23-15-173, Mississippi Code of 1972, is
646 amended as follows:

647 23-15-173. * * * A general municipal election shall be held
648 in each city, town or village on the first Tuesday after the first
649 Monday of June 1985, and every four (4) years thereafter, for the
650 election of all municipal officers elected by the people.

651 * * *

652 **SECTION 26.** Section 23-15-197, Mississippi Code of 1972, is
653 amended as follows:

654 23-15-197. (1) Times for holding * * * general elections
655 for congressional offices shall be as prescribed in Sections * * *
656 23-15-1033 and 23-15-1041.

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

660 (3) Times for holding elections for the office of circuit
661 court judge and the office of chancery court judge shall be as
662 prescribed in Sections 23-15-974 through 23-15-985 and Section
663 23-15-1015.

664 (4) Times for holding elections for the office of county
665 election commissioners shall be as prescribed in Section
666 23-15-213.

667 **SECTION 27.** Section 23-15-313, Mississippi Code of 1972, is
668 amended as follows:

669 23-15-313. If there be any political party, or parties, in
670 any municipality which shall not have a party executive committee
671 for the municipality, the political party, or parties, shall
672 select temporary executive committees to serve until executive
673 committees shall be regularly elected, the selection to be in the
674 following manner, to wit: The chairman of the county executive
675 committee of the party desiring to select a municipal executive



676 committee shall, upon petition of five (5) or more members of that
677 political faith, call a mass meeting of the electors of their
678 political faith, residing in the municipality, to meet at some
679 convenient place within the municipality, at a time to be
680 designated in the call, and at the mass convention the members of
681 that political faith shall select an executive committee which
682 shall serve until the next * * * election. The public shall be
683 given notice of such mass meeting as provided in the next
684 succeeding section.

685 **SECTION 28.** Section 23-15-367, Mississippi Code of 1972, is
686 amended as follows:

687 23-15-367. (1) Except as otherwise provided by * * *
688 subsection (2) of this section, * * * the size, print and quality
689 of paper of the official ballot is left to the discretion of the
690 officer charged with printing the official ballot * * *.

691 (2) The titles for the various offices shall be listed in
692 the following order:

- 693 (a) Candidates for national office;
- 694 (b) Candidates for statewide office;
- 695 (c) Candidates for state district office;
- 696 (d) Candidates for legislative office;
- 697 (e) Candidates for countywide office;
- 698 (f) Candidates for county district office.

699 The order in which the titles for the various offices are
700 listed within each of the categories listed in this subsection is
701 left to the discretion of the officer charged with printing the
702 official ballot.

703 (3) It is the duty of the Secretary of State, with the
704 approval of the Governor, to furnish the election commission of
705 each county a sample of the official ballot, not less than fifty
706 (50) days prior to the election, the general form of which shall
707 be followed as nearly as practicable.



708 **SECTION 29.** Section 23-15-375, Mississippi Code of 1972, is
709 amended as follows:

710 23-15-375. Local issue elections may be held on the same
711 date as any regular or general election. A local issue election
712 held on the same date as the regular or general election shall be
713 conducted in the same manner as the regular or general election
714 using the same poll workers and the same equipment. A local issue
715 may be placed on the regular or general election ballot pursuant
716 to the provisions of Section 10 of Senate Bill No. 2714, 2003
717 Regular Session. The provisions of this section and Section 10 of
718 Senate Bill No. 2714, 2003 Regular Session, with regard to local
719 issue elections shall not be construed to affect any statutory
720 requirements specifying the notice procedure and the necessary
721 percentage of qualified electors voting in such an election which
722 is needed for adoption of the local issue. Whether or not a local
723 issue is adopted or defeated at a local issue election held on the
724 same day as a regular or general election shall be determined in
725 accordance with relevant statutory requirements regarding the
726 necessary percentage of qualified electors who voted in such local
727 issue election, and only those persons voting for or against such
728 issue shall be counted in making that determination. As used in
729 this section "local issue elections" include elections regarding
730 the issuance of bonds, local option elections, elections regarding
731 the levy of additional ad valorem taxes and other similar
732 elections authorized by law that are called to consider issues
733 that affect a single local governmental entity. As used in this
734 section "local issue" means any issue that may be voted on in a
735 local issue election.

736 **SECTION 30.** Section 23-15-403, Mississippi Code of 1972, is
737 amended as follows:

738 23-15-403. The board of supervisors of any county in the
739 State of Mississippi and the governing authorities of any
740 municipality in the State of Mississippi are hereby authorized and



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

771 **SECTION 31.** Section 23-15-411, Mississippi Code of 1972, is
772 amended as follows:



773 23-15-411. The officer who furnishes the official ballots
774 for any polling place where a voting machine is to be used shall
775 also provide two (2) sample ballots or instruction ballots, which
776 sample or instruction ballots shall be arranged in the form of a
777 diagram showing such portion of the front of the voting machine as
778 it will appear after the official ballots are arranged thereon or
779 therein for voting on election day. The sample ballots shall be
780 open to the inspection of all voters on election day in all
781 preferential and general or regular elections where voting
782 machines are used.

783 **SECTION 32.** Section 23-15-463, Mississippi Code of 1972, is
784 amended as follows:

785 23-15-463. The board of supervisors of any county in the
786 State of Mississippi and the governing authorities of any
787 municipality in the State of Mississippi are * * * authorized and
788 empowered, in their discretion, to purchase or rent voting devices
789 and automatic tabulating equipment used in an electronic voting
790 system which meets the requirements of Section 23-15-465, and may
791 use such system in all or a part of the precincts within its
792 boundaries or in combination with paper ballots in any
793 election * * *. It may enlarge, consolidate or alter the
794 boundaries of precincts where an electronic voting system is used.
795 The provisions of Sections 23-15-461 through 23-15-485 shall be
796 controlling with respect to elections where an electronic voting
797 system is used, and shall be liberally construed so as to carry
798 out the purpose of this chapter. The provisions of the election
799 law relating to the conduct of elections with paper ballots,
800 insofar as they are applicable and not inconsistent with the
801 efficient conduct of elections with electronic voting systems,
802 shall apply. Absentee ballots shall be voted as now provided by
803 law.

804 **SECTION 33.** Section 23-15-465, Mississippi Code of 1972, is
805 amended as follows:



806 23-15-465. No electronic voting system consisting of a
807 marking or voting device in combination with automatic tabulating
808 equipment shall be acquired or used in accordance with Sections
809 23-15-461 through 23-15-485 unless it shall:

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

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

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

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

827 * * *

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

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

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

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



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

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

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

845 **SECTION 34.** Section 23-15-507, Mississippi Code of 1972, is
846 amended as follows:

847 23-15-507. No optical mark reading system shall be acquired
848 or used in accordance with this chapter unless it shall:

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

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

858 (c) Permit each voter at presidential elections by one
859 (1) mark to vote for the candidates of that party for President,
860 Vice President and their presidential electors, or to vote
861 individually for the electors of their choice when permitted by
862 law;

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

865 * * *

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

868 (f) Be suitably designed for the purpose used, of
869 durable construction, and may be used safely, efficiently and



870 accurately in the conduct of elections and the counting of
871 ballots;

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

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

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

879 **SECTION 35.** Section 23-15-511, Mississippi Code of 1972, is
880 amended as follows:

881 23-15-511. The ballots shall, as far as practicable, be in
882 the same order of arrangement as provided for paper ballots that
883 are to be counted manually, except that such information may be
884 printed in vertical or horizontal rows. Nothing in this chapter
885 shall be construed as prohibiting the information being presented
886 to the voters from being printed on both sides of a single ballot.
887 In those years when a special election shall occur on the same day
888 as the general election, the names of candidates in any special
889 election and the general election shall be placed on the same
890 ballot by the commissioners of elections or officials in charge of
891 the election, but the general election candidates shall be clearly
892 distinguished from the special election candidates * * *.

893 Ballots shall be printed in plain clear type in black ink and
894 upon clear white materials of such size and arrangement as to be
895 compatible with the OMR tabulating equipment. Absentee ballots
896 shall be prepared and printed in the same form and shall be on the
897 same size and texture as the regular official ballots, except that
898 they shall be printed on tinted paper; or the ink used to print
899 the ballots shall be of a color different from that of the ink
900 used to print the regular official ballots. Arrows may be printed
901 on the ballot to indicate the place to mark the ballot, which may
902 be to the right or left of the names of candidates and



903 propositions. The titles of offices may be arranged in vertical
904 columns on the ballot and shall be printed above or at the side of
905 the names of candidates so as to indicate clearly the candidates
906 for each office and the number to be elected. In case there are
907 more candidates for an office than can be printed in one (1)
908 column, the ballot shall be clearly marked that the list of
909 candidates is continued on the following column. The names of
910 candidates for each office shall be printed in vertical columns,
911 grouped by the offices which they seek. * * * The party
912 designation, if any, of each candidate * * * shall be printed
913 following his name, as provided for in Section 10, Senate Bill No.
914 2714, 2003 Regular Session.

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

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

928 **SECTION 36.** Section 23-15-559, Mississippi Code of 1972, is
929 amended as follows:

930 23-15-559. The provisions of Section * * * 23-15-173 fixing
931 the time for the holding of * * * general elections shall not
932 apply to any municipality operating under a special or private
933 charter where the governing board or authority thereof, on or
934 before June 25, 1952, shall have adopted and spread upon its
935 minutes a resolution or ordinance declining to accept such



936 provisions, in which event * * * general elections shall be held
937 at the time fixed by the charter of such municipality.

938 The provisions of Section 23-15-859 shall be applicable to
939 all municipalities of this state, whether operating under a code
940 charter, special charter or the commission form of government,
941 except in cases of conflicts between the provisions of such
942 section and the provisions of the special charter of a
943 municipality or the law governing the commission form of
944 government, in which cases of conflict the provisions of the
945 special charter or the statutes relative to the commission form of
946 government shall apply.

947 **SECTION 37.** Section 23-15-561, Mississippi Code of 1972, is
948 amended as follows:

949 23-15-561. (1) It shall be unlawful during any * * *
950 election for any candidate for any elective office or any
951 representative of such candidate or any other person to publicly
952 or privately put up or in any way offer any prize, cash award or
953 other item of value to be raffled, drawn for, played for or
954 contested for in order to encourage persons to vote or to refrain
955 from voting in any election.

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

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

963 (a) Disqualification as a candidate in the race for the
964 elective office; or

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

967 **SECTION 38.** Section 23-15-573, Mississippi Code of 1972, is
968 amended as follows:



969 23-15-573. Any person whose name does not appear upon the
970 pollbooks shall be permitted to vote in an election; but if any
971 person offering to vote in any election whose name does not appear
972 upon the pollbook shall make affidavit before one (1) of the
973 managers of election in writing that he is entitled to vote, or
974 that he has been illegally denied registration, his vote may be
975 prepared by him and handed to the proper election officer who
976 shall enclose the same in an envelope with the written affidavit
977 of the voter, seal the envelope and mark plainly upon it the name
978 of the person offering to vote. The affidavit must include the
979 complete name, all required addresses and telephone numbers, and
980 the signature of the affiant, and must include the signature of
981 one (1) of the election managers. A separate register shall be
982 maintained for affidavit ballots, and the affiant shall sign the
983 register upon completing an affidavit under this section. In
984 canvassing the returns of the election, * * * the election
985 commissioners, * * * shall examine the records and allow the
986 ballot to be counted, or not counted, as it appears to be legal.

987 The uniform affidavit ballot shall be in substantially the
988 following form:

989 **AFFIDAVIT & BALLOT ENVELOPE**

990 STATE OF MISSISSIPPI ___ Primary ___ General
991 COUNTY OF _____ ___ Special Elections _____, 20____
992 _____ Date
993 Precinct _____
994 Please give the following information: Date of Birth _____ Age____
995 Social Security Number_____

996 Former Address _____ Date of Move_____
997 Day Phone Number _____ Night Phone Number _____
998 Maiden Name _____

999 This day personally appeared before the undersigned manager
1000 of the above election, _____, who makes
1001 _____ Name



1002 affidavit as provided by Section 23-15-573, Mississippi Code of
1003 1972, that he or she is entitled to vote or has been illegally
1004 denied registration.

1005 **INSTRUCTIONS TO VOTER:**

1006 If you have been illegally denied registration
1007 check this box ;

1008 If you are registered and otherwise entitled to vote,
1009 check the appropriate box below.

1010 **I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE**
1011 **NOT MOVED**

1012 I am entitled to vote because I am a resident of and lawfully
1013 registered in this precinct but my name is not on the pollbook.

1014 **II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT**

1015 I am entitled to vote because I have been lawfully registered
1016 in _____ County and the supervisors district
1017 wherein this precinct is located for at least thirty (30) days
1018 prior to this date, and am not disqualified as a voter of this
1019 precinct. I currently reside in this precinct at
1020 _____.

1021 Address (physical location--**not** a post office box number)

1022 **III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT**
1023 **TO ANOTHER WITHIN THIS COUNTY**

1024 I am entitled to vote because I have been lawfully registered
1025 in _____ County and a resident of the supervisors
1026 district wherein this precinct is located for at least thirty (30)
1027 days prior to this date, and am not disqualified as a voter of
1028 said precinct. I currently reside in this precinct at
1029 _____.

1030 Address (physical location-**not** a post office box number)

1031 _____

1032 Signature of Voter Signature of Manager

1033 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is
1034 amended as follows:



1035 23-15-593. When the ballot box is opened and examined by
1036 the * * * county election commissioners * * * and it is found that
1037 there have been failures in material particulars to comply with
1038 the requirements of Section 23-15-591 and Section 23-15-895 to
1039 such an extent that it is impossible to arrive at the will of the
1040 voters at a precinct, the entire box may be thrown out unless it
1041 be made to appear with reasonable certainty that the
1042 irregularities were not deliberately permitted or engaged in by
1043 the managers at that box, or by one (1) of them responsible for
1044 the wrong or wrongs, for the purpose of electing or defeating a
1045 certain candidate or candidates by manipulating the election or
1046 the returns thereof at that box in such manner as to have it
1047 thrown out; in which latter case * * * the county election
1048 commission * * * shall conduct a hearing and make a determination
1049 in respect to said box as may appear lawfully just, subject to a
1050 judicial review of the matter as elsewhere provided by this
1051 chapter. Or the * * * election commission, or the court upon
1052 review, may order another election to be held at that box
1053 appointing new managers to hold the same.

1054 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is
1055 amended as follows:

1056 23-15-595. The box containing the ballots and other records
1057 required by this chapter shall, as soon as practical after the
1058 ballots have been counted, be delivered by one (1) of the precinct
1059 managers to the clerk of the circuit court of the county and said
1060 clerk shall, in the presence of the manager making delivery of the
1061 box, place upon the lock of such box a metal seal similar to the
1062 seal commonly used in sealing the doors of railroad freight cars.
1063 Such seals shall be numbered consecutively to the number of ballot
1064 boxes used in the election in the county, and the clerk shall keep
1065 in a place separate from such boxes a record of the number of the
1066 seal of each separate box in the county. The board of supervisors
1067 of the county shall pay the cost of providing such seals. Upon



1068 demand of a county election commissioner the boxes and their
1069 contents shall be delivered to the county election commission, and
1070 after such commission has finished the work of tabulating returns
1071 and counting ballots as required by law the said commission shall
1072 return all papers and ballots to the box of the precinct where the
1073 election was held, and it shall make redelivery of the boxes and
1074 their contents to the circuit clerk who shall reseal the boxes.
1075 Upon every occasion said boxes shall be reopened and each
1076 resealing shall be done as provided in this chapter.

1077 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is
1078 amended as follows:

1079 23-15-601. (1) When the result of the election shall have
1080 been ascertained by the managers they, or one (1) of their number,
1081 or some fit person designated by them, shall, by noon of the * * *
1082 day following the election, deliver to the commissioners of
1083 election, at the courthouse, a statement of the whole number of
1084 votes given for each person and for what office; and the
1085 commissioners of election shall, on the first or second day after
1086 the preferential election and after the general election, canvass
1087 the returns, ascertain and declare the result, and announce the
1088 names of the candidates who have received a majority of the votes
1089 cast for representative in the Legislature of districts composed
1090 of one (1) county or less, or other county office, board of
1091 supervisors, justice court judge and constable, and shall also
1092 announce the names of those candidates for the above mentioned
1093 offices that are to be submitted to the general election.

1094 The vote for state and state district offices shall be
1095 tabulated by precincts and certified to and returned to the state
1096 election commissioners, such returns to be mailed by registered
1097 letter or any safe mode of transportation within thirty-six (36)
1098 hours after the returns are canvassed and the results ascertained.
1099 The state election commissioners shall meet a week from the day
1100 following the preferential election held for state and district



1101 offices, and shall proceed to canvass the returns and to declare
1102 the results and announce the names of the candidates for the
1103 different offices who have received a majority of the votes cast
1104 and the names of those candidates whose names are to be submitted
1105 to the general election. The state election commissioners shall
1106 also meet a week from the day on which the general election is
1107 held and receive and canvass the returns for state and district
1108 offices voted on in such general election. An exact and full
1109 duplicate of all tabulations by precincts, as certified under this
1110 section, shall be filed with the circuit clerk of the county who
1111 shall safely preserve the same in his office.

1112 (2) The commissioners of election shall transmit to the
1113 Secretary of State, on such forms and by such methods as may be
1114 required by rules and regulations promulgated by the Secretary of
1115 State, a statement of the total number of votes cast in the county
1116 for each candidate for each office and the total number of votes
1117 cast for such candidates in each precinct in the district in which
1118 the candidate ran.

1119 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is
1120 amended as follows:

1121 23-15-605. The Secretary of State, immediately after
1122 receiving the returns of a general election, not longer than
1123 thirty (30) days after the election, shall sum up the whole number
1124 of votes given for each candidate other than candidates for state
1125 offices, legislative offices composed of one (1) county or less,
1126 county offices and county district offices, according to the
1127 statements of the votes certified to him and ascertain the person
1128 or persons having the largest number of votes for each office, and
1129 declare such person or persons to be duly elected; and thereupon
1130 all persons chosen to any office at the election shall be
1131 commissioned by the Governor; but if it appears that two (2) or
1132 more candidates for any district office where the district is
1133 composed of two (2) or more counties, standing highest on the



1134 list, and not elected, have an equal number of votes, the election
1135 shall be forthwith decided between the candidates having an equal
1136 number of votes by lot, fairly and publicly drawn, under the
1137 direction of the Governor and Secretary of State.

1138 **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is
1139 amended as follows:

1140 23-15-673. (1) For the purposes of this subarticle, the
1141 term "absent voter" shall mean and include the following:

1142 (a) Any enlisted or commissioned members, male or
1143 female, of the United States Army, or any of its respective
1144 components or various divisions thereof; any enlisted or
1145 commissioned members, male or female, of the United States Navy,
1146 or any of its respective components or various divisions thereof;
1147 any enlisted or commissioned members, male or female, of the
1148 United States Air Force, or any of its respective components or
1149 various divisions thereof; any enlisted or commissioned members,
1150 male or female, of the United States Marines, or any of its
1151 respective components or various divisions thereof; or any persons
1152 in any division of the armed services of the United States, who
1153 are citizens of Mississippi;

1154 (b) Any member of the Merchant Marine and the American
1155 Red Cross who is a citizen of Mississippi;

1156 (c) Any disabled war veteran who is a patient in any
1157 hospital and who is a citizen of Mississippi;

1158 (d) Any civilian attached to and serving outside of the
1159 United States with any branch of the Armed Forces or with the
1160 Merchant Marine or American Red Cross, and who is a citizen of
1161 Mississippi;

1162 (e) Any citizen of Mississippi temporarily residing
1163 outside the territorial limits of the United States and the
1164 District of Columbia;

1165 (f) Any citizen of Mississippi enrolled as a student at
1166 a United States Military Academy.



1167 (2) The spouse and dependents of any absent voter as set out
1168 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1169 section shall also be included in the meaning of absent voter and
1170 may vote an absentee ballot as provided in this subarticle if also
1171 absent from the county of their residence on the date of the
1172 election and otherwise qualified to vote in Mississippi.

1173 (3) For the purpose of this subarticle, the term "election"
1174 shall mean and include the following sets of elections: special
1175 and runoff special elections, preferential and general
1176 elections, * * * or general elections without preferential
1177 elections, whichever * * * is applicable.

1178 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is
1179 amended as follows:

1180 23-15-713. For the purpose of this subarticle, any duly
1181 qualified elector may vote as provided in this subarticle if
1182 he * * * falls within the following categories:

1183 (a) Any qualified elector who is a bona fide student,
1184 teacher or administrator at any college, university, junior
1185 college, high, junior high, or elementary grade school whose
1186 studies or employment at an institution necessitates his absence
1187 from the county of his voting residence on the date of any * * *
1188 election, or the spouse and dependents of the student, teacher or
1189 administrator if such spouse or dependent(s) maintain a common
1190 domicile, outside of the county of his voting residence, with the
1191 student, teacher or administrator.

1192 (b) Any qualified elector who is required to be away
1193 from his place of residence on any election day due to his
1194 employment as an employee of a member of the Mississippi
1195 congressional delegation and the spouse and dependents of the
1196 person if he or she shall be residing with such absentee voter
1197 away from the county of the spouse's voting residence.

1198 (c) Any qualified elector who is away from his county
1199 of residence on election day for any reason.



1200 (d) Any person who has a temporary or permanent
1201 physical disability and who, because of a disability, is unable to
1202 vote in person without substantial hardship to himself or others,
1203 or whose attendance at the voting place could reasonably cause
1204 danger to himself or others.

1205 (e) The parent, spouse or dependent of a person with a
1206 temporary or permanent physical disability who is hospitalized
1207 outside of his county of residence or more than fifty (50) miles
1208 distant from his residence, if the parent, spouse or dependent
1209 will be with such person on election day.

1210 (f) Any person who is sixty-five (65) years of age or
1211 older.

1212 (g) Any member of the Mississippi congressional
1213 delegation absent from Mississippi on election day, and the spouse
1214 and dependents of such member of the congressional delegation.

1215 (h) Any qualified elector who will be unable to vote in
1216 person because he is required to be at work on election day during
1217 the times at which the polls will be open.

1218 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is
1219 amended as follows:

1220 23-15-755. All of the provisions of Sections 23-15-621
1221 through 23-15-735 shall be applicable, insofar as possible, to
1222 municipal, * * * preferential, general and special elections, and
1223 wherever herein any duty is imposed or any power or authority is
1224 conferred upon the county registrar or county election
1225 commissioners, * * * with reference to a state and county
1226 election, such duty shall likewise be imposed and such power and
1227 authority shall likewise be conferred upon the municipal registrar
1228 or municipal election commission * * * with reference to any
1229 municipal election. * * *

1230 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is
1231 amended as follows:



1232 23-15-771. At the state convention, a slate of electors
1233 composed of the number of electors allotted to this state, which
1234 those electors announce a clearly expressed design and purpose to
1235 support the candidates for President and Vice President of the
1236 national political party with which the * * * party of this state
1237 has had an affiliation and identity of purpose heretofore, shall
1238 be designated and selected for a place upon the * * * election
1239 ballot to be held as herein provided.

1240 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is
1241 amended as follows:

1242 23-15-801. (a) "Election" shall mean a preferential,
1243 general or special * * * election.

1244 (b) "Candidate" shall mean an individual who seeks * * *
1245 election to any elective office other than a federal elective
1246 office. For purposes of this article, an individual shall be
1247 deemed to seek * * * election:

1248 (i) If the individual has received contributions
1249 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1250 expenditures aggregating in excess of Two Hundred Dollars
1251 (\$200.00) or for a candidate for the Legislature or any statewide
1252 or state district office, by the qualifying deadlines specified in
1253 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1254 (ii) If such individual has given his or her consent to
1255 another person to receive contributions or make expenditures on
1256 behalf of such individual and if such person has received such
1257 contributions aggregating in excess of Two Hundred Dollars
1258 (\$200.00) during a calendar year, or has made such expenditures
1259 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1260 calendar year.

1261 (c) "Political committee" shall mean any committee, party,
1262 club, association, political action committee, campaign committee
1263 or other groups of persons or affiliated organizations which
1264 receives contributions aggregating in excess of Two Hundred



1265 Dollars (\$200.00) during a calendar year or which makes
1266 expenditures aggregating in excess of Two Hundred Dollars
1267 (\$200.00) during a calendar year for the purpose of influencing or
1268 attempting to influence the action of voters for or against
1269 the * * * election of one or more candidates, or balloted measures
1270 and shall, in addition, include each political party registered
1271 with the Secretary of State.

1272 (d) "Affiliated organization" shall mean any organization
1273 which is not a political committee, but which directly or
1274 indirectly establishes, administers or financially supports a
1275 political committee.

1276 (e) (i) "Contribution" shall include any gift,
1277 subscription, loan, advance or deposit of money or anything of
1278 value made by any person or political committee for the purpose of
1279 influencing any election for elective office or balloted measure;

1280 (ii) "Contribution" shall not include the value of
1281 services provided without compensation by any individual who
1282 volunteers on behalf of a candidate or political committee; or the
1283 cost of any food or beverage for use in any candidate's campaign
1284 or for use by or on behalf of any political committee of a
1285 political party;

1286 (iii) "Contribution to a political party" includes any
1287 gift, subscription, loan, advance or deposit of money or anything
1288 of value made by any person, political committee, or other
1289 organization to a political party and to any committee,
1290 subcommittee, campaign committee, political committee and other
1291 groups of persons and affiliated organizations of the political
1292 party;

1293 (iv) "Contribution to a political party" shall not
1294 include the value of services provided without compensation by any
1295 individual who volunteers on behalf of a political party or a
1296 candidate of a political party.



1297 (f) (i) "Expenditure" shall include any purchase, payment,
1298 distribution, loan, advance, deposit, gift of money or anything of
1299 value, made by any person or political committee for the purpose
1300 of influencing any balloted measure or election for elective
1301 office; and a written contract, promise, or agreement to make an
1302 expenditure;

1303 (ii) "Expenditure" shall not include any news story,
1304 commentary or editorial distributed through the facilities of any
1305 broadcasting station, newspaper, magazine, or other periodical
1306 publication, unless such facilities are owned or controlled by any
1307 political party, political committee, or candidate; or nonpartisan
1308 activity designed to encourage individuals to vote or to register
1309 to vote;

1310 (iii) "Expenditure by a political party" includes 1.
1311 any purchase, payment, distribution, loan, advance, deposit, gift
1312 of money or anything of value, made by any political party and by
1313 any contractor, subcontractor, agent, and consultant to the
1314 political party; and 2. a written contract, promise, or agreement
1315 to make such an expenditure.

1316 (g) The term "identification" shall mean:

1317 (i) In the case of any individual, the name, the
1318 mailing address, and the occupation of such individual, as well as
1319 the name of his or her employer; and

1320 (ii) In the case of any other person, the full name and
1321 address of such person.

1322 (h) The term "political party" shall mean an association,
1323 committee or organization which nominates a candidate for election
1324 to any elective office whose name appears on the election ballot
1325 as the candidate of such association, committee or organization.

1326 (i) The term "person" shall mean any individual, family,
1327 firm, corporation, partnership, association or other legal entity.

1328 (j) The term "independent expenditure" shall mean an
1329 expenditure by a person expressly advocating the election or



1330 defeat of a clearly identified candidate which is made without
1331 cooperation or consultation with any candidate or any authorized
1332 committee or agent of such candidate, and which is not made in
1333 concert with or at the request or suggestion of any candidate or
1334 any authorized committee or agent of the candidate.

1335 (k) The term "clearly identified" shall mean that:

1336 (i) The name of the candidate involved appears; or

1337 (ii) A photograph or drawing of the candidate appears;

1338 or

1339 (iii) The identity of the candidate is apparent by
1340 unambiguous reference.

1341 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is
1342 amended as follows:

1343 23-15-807. (a) Each candidate or political committee shall
1344 file reports of contributions and disbursements in accordance with
1345 the provisions of this section. All candidates or political
1346 committees required to report may terminate its obligation to
1347 report only upon submitting a final report that it will no longer
1348 receive any contributions or make any disbursement and that such
1349 candidate or committee has no outstanding debts or obligations.
1350 The candidate, treasurer or chief executive officer shall sign
1351 each such report.

1352 (b) Candidates who are seeking election * * * and political
1353 committees that make expenditures for the purpose of influencing
1354 or attempting to influence the action of voters for or against
1355 the * * * election of one or more candidates or balloted measures
1356 at such election, shall file the following reports:

1357 (i) In any calendar year during which there is a
1358 regularly scheduled election, a preelection report, which shall be
1359 filed no later than the seventh day before any election in which
1360 the candidate or political committee has accepted contributions or
1361 made expenditures and which shall be complete as of the tenth day
1362 before such election;



1363 (ii) In 1987 and every fourth year thereafter, periodic
1364 reports, which shall be filed no later than the tenth day after
1365 April 30, May 31, June 30, September 30 and December 31, and which
1366 shall be complete as of the last day of each period; and

1367 (iii) In any calendar years except 1987 and except
1368 every fourth year thereafter, a report covering the calendar year
1369 which shall be filed no later than January 31 of the following
1370 calendar year.

1371 (c) All candidates for judicial office as defined in Section
1372 23-15-975, or their political committees, shall file in the year
1373 in which they are to be elected, periodic reports which shall be
1374 filed no later than the tenth day after April 30, May 31, June 30,
1375 September 30 and December 31.

1376 (d) Contents of reports. Each report under this article
1377 shall disclose:

1378 (i) For the reporting period and the calendar year, the
1379 total amount of all contributions and the total amount of all
1380 expenditures of the candidate or reporting committee which shall
1381 include those required to be identified pursuant to item (ii) of
1382 this paragraph as well as the total of all other contributions and
1383 expenditures during the calendar year. Such reports shall be
1384 cumulative during the calendar year to which they relate;

1385 (ii) The identification of:

1386 1. Each person or political committee who makes a
1387 contribution to the reporting candidate or political committee
1388 during the reporting period, whose contribution or contributions
1389 within the calendar year have an aggregate amount or value in
1390 excess of Two Hundred Dollars (\$200.00) when made to a political
1391 committee or to a candidate for an office other than statewide
1392 office or office elected by Supreme Court district, or in excess
1393 of Five Hundred Dollars (\$500.00) when made to a candidate for
1394 statewide office or office elected by Supreme Court district,
1395 together with the date and amount of any such contribution;



1396 2. Each person or organization, candidate or
1397 political committee who receives an expenditure, payment or other
1398 transfer from the reporting candidate, political committee or its
1399 agent, employee, designee, contractor, consultant or other person
1400 or persons acting in its behalf during the reporting period when
1401 the expenditure, payment or other transfer to such person,
1402 organization, candidate or political committee within the calendar
1403 year have an aggregate value or amount in excess of Two Hundred
1404 Dollars (\$200.00) when received from a political committee or
1405 candidate for an office other than statewide office or office
1406 elected by Supreme Court district, or in excess of Five Hundred
1407 Dollars (\$500.00) when received from a candidate for statewide
1408 office or office elected by the Supreme Court district, together
1409 with the date and amount of such expenditure;

1410 (iii) The total amount of cash on hand of each
1411 reporting candidate and reporting political committee;

1412 (iv) In addition to the contents of reports specified
1413 in items (i), (ii) and (iii) of this paragraph, each political
1414 party shall disclose:

1415 1. Each person or political committee who makes a
1416 contribution to a political party during the reporting period and
1417 whose contribution or contributions to a political party within
1418 the calendar year have an aggregate amount or value in excess of
1419 Two Hundred Dollars (\$200.00), together with the date and amount
1420 of the contribution;

1421 2. Each person or organization who receives an
1422 expenditure by a political party or expenditures by a political
1423 party during the reporting period when the expenditure or
1424 expenditures to the person or organization within the calendar
1425 year have an aggregate value or amount in excess of Two Hundred
1426 Dollars (\$200.00), together with the date and amount of the
1427 expenditure.



1428 (e) The appropriate office specified in Section 23-15-805
1429 must be in actual receipt of the reports specified in this article
1430 by 5:00 p.m. on the dates specified in paragraph (b) of this
1431 section. If the date specified in paragraph (b) of this section
1432 shall fall on a weekend or legal holiday then the report shall be
1433 due in the appropriate office at 5:00 p.m. on the first working
1434 day before the date specified in paragraph (b) of this section.
1435 The reporting candidate or reporting political committee shall
1436 ensure that the reports are delivered to the appropriate office by
1437 the filing deadline. The Secretary of State may approve specific
1438 means of electronic transmission of completed campaign finance
1439 disclosure reports, which may include, but not be limited to,
1440 transmission by electronic facsimile (FAX) devices.

1441 (f) (i) If any contribution of more than Two Hundred
1442 Dollars (\$200.00) is received by a candidate or candidate's
1443 political committee after the tenth day, but more than forty-eight
1444 (48) hours before 12:01 a.m. of the day of the election, the
1445 candidate or political committee shall notify the appropriate
1446 office designated in Section 23-15-805, within forty-eight (48)
1447 hours of receipt of the contribution. The notification shall
1448 include:

- 1449 1. The name of the receiving candidate;
- 1450 2. The name of the receiving candidate's political
1451 committee, if any;
- 1452 3. The office sought by the candidate;
- 1453 4. The identification of the contributor;
- 1454 5. The date of receipt;
- 1455 6. The amount of the contribution;
- 1456 7. If the contribution is in-kind, a description
1457 of the in-kind contribution; and
- 1458 8. The signature of the candidate or the treasurer
1459 or director of the candidate's political committee.



1460 (ii) The notification shall be in writing, and may be
1461 transmitted by overnight mail, courier service, or other reliable
1462 means, including electronic facsimile (FAX), but the candidate or
1463 candidate's committee shall ensure that the notification shall in
1464 fact be received in the appropriate office designated in Section
1465 23-15-805 within forty-eight (48) hours of the contribution.

1466 **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is
1467 amended as follows:

1468 23-15-811. (a) Any candidate or any other person who shall
1469 willfully and deliberately and substantially violate the
1470 provisions and prohibitions of this article shall be guilty of a
1471 misdemeanor and upon conviction thereof shall be punished by a
1472 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or
1473 imprisoned for not longer than six (6) months or by both fine and
1474 imprisonment.

1475 (b) In addition to the penalties provided in paragraph (a)
1476 of this section, any candidate or political committee which is
1477 required to file a statement or report which fails to file such
1478 statement or report on the date in which it is due may be
1479 compelled to file such statement or report by an action in the
1480 nature of a mandamus.

1481 (c) No candidate shall be certified * * * as elected to
1482 office unless and until he files all reports required by this
1483 article due as of the date of certification.

1484 (d) No candidate who is elected to office shall receive any
1485 salary or other remuneration for the office unless and until he
1486 files all reports required by this article due as of the date such
1487 salary or remuneration is payable.

1488 (e) In the event that a candidate fails to timely file any
1489 report required under this article but subsequently files a report
1490 or reports containing all of the information required to be
1491 reported by him as of the date on which the sanctions of
1492 paragraphs (c) and (d) of this section would be applied to him,



1493 such candidate shall not be subject to the sanctions of * * *
1494 paragraphs (c) and (d).

1495 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is
1496 amended as follows:

1497 23-15-833. Except as otherwise provided by law, the first
1498 Tuesday after the first Monday in November of each year shall be
1499 designated the regular special election day, and on that day an
1500 election shall be held to fill any vacancy in county, county
1501 district and district attorney elective offices.

1502 All special elections, or elections to fill vacancies, shall
1503 in all respects be held, conducted and returned in the same manner
1504 as general elections, except that where no candidate receives a
1505 majority of the votes cast in such election, then a runoff
1506 election shall be held two (2) weeks after such election and the
1507 two (2) candidates who receive the highest popular votes for such
1508 office shall have their names submitted as the candidates to
1509 the * * * runoff and the candidate who leads in the runoff
1510 election shall be elected to the office. When there is a tie in
1511 the first election of those receiving the next highest vote, these
1512 two (2) and the one receiving the highest vote, none having
1513 received a majority, shall go into the runoff election and whoever
1514 leads in such runoff election shall be entitled to the office.

1515 In those years when the regular special election day shall
1516 occur on the same day as the general election, the names of
1517 candidates in any special election and the general election shall
1518 be placed on the same ballot, but shall be clearly distinguished
1519 as general election candidates or special election candidates.

1520 * * *

1521 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is
1522 amended as follows:

1523 23-15-859. Whenever under any statute a special election is
1524 required or authorized to be held in any municipality, and the
1525 statute authorizing or requiring such election does not specify



1526 the time within which such election shall be called, or the notice
1527 which shall be given thereof, the governing authorities of the
1528 municipality shall, by resolution, fix a date upon which such
1529 election shall be held. Such date shall not be less than
1530 twenty-one (21) nor more than thirty (30) days after the date upon
1531 which such resolution is adopted, and not less than three (3)
1532 weeks' notice of such election shall be given by the clerk by a
1533 notice published in a newspaper published in the municipality once
1534 each week for three (3) weeks next preceding the date of such
1535 election and by posting a copy of such notice at three (3) public
1536 places in such municipality. Nothing in this section, however,
1537 shall be applicable to elections on the question of the issuance
1538 of the bonds of a municipality or to preferential or general * * *
1539 elections for the election of municipal officers.

1540 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is
1541 amended as follows:

1542 23-15-873. No person, whether an officer or not, shall, in
1543 order to promote his own candidacy, or that of any other person,
1544 to be a candidate for public office in this state, directly or
1545 indirectly, himself or through another person, promise to appoint,
1546 or promise to secure or assist in securing the appointment * * *
1547 or election of another person to any public position or
1548 employment, or to secure or assist in securing any public contract
1549 or the employment of any person under any public contractor, or to
1550 secure or assist in securing the expenditure of any public funds
1551 on the personal behalf of any particular person or group of
1552 persons, except that the candidate may publicly announce what is
1553 his choice or purpose in relation to an election in which he may
1554 be called on to take part if elected. It shall be unlawful for
1555 any person to directly or indirectly solicit or receive any
1556 promise by this section prohibited. But this does not apply to a
1557 sheriff, chancery clerk, circuit clerk or any other person of the
1558 state or county when it comes to their office force.



1559 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is
1560 amended as follows:

1561 23-15-881. It shall be unlawful for the Mississippi
1562 Transportation Commission or any member of the Mississippi
1563 Transportation Commission, or the board of supervisors of any
1564 county or any member of the board of supervisors of such county,
1565 to employ, during the months of * * * August, September, October
1566 and November of any year in which a general * * * election is held
1567 for the * * * election of members of the Mississippi
1568 Transportation Commission and members of the boards of
1569 supervisors, a greater number of persons to work and maintain the
1570 state highways in any highway district, or the public roads in any
1571 supervisors district of the county, as the case may be, than the
1572 average number of persons employed for similar purposes in such
1573 highway district or supervisors district, as the case may be,
1574 during the months of * * * August, September, October and November
1575 of the three (3) years immediately preceding the year in which
1576 such general * * * election is held. It shall be unlawful for the
1577 Mississippi Transportation Commission, or the board of supervisors
1578 of any county, to expend out of the state highway funds, or the
1579 road funds of the county or any supervisors district thereof, as
1580 the case may be, in the payment of wages or other compensation for
1581 labor performed in working and maintaining the highways of any
1582 highway district, or the public roads of any supervisors district
1583 of the county, as the case may be, during the months of * * *
1584 August, September, October and November of such election year, a
1585 total amount in excess of the average total amount expended for
1586 such labor, in such highway district or supervisors district, as
1587 the case may be, during the corresponding four-month period of the
1588 three (3) years immediately preceding.

1589 It shall be the duty of the Mississippi Transportation
1590 Commission and the board of supervisors of each county,
1591 respectively, to keep sufficient records of the numbers of



1592 employees and expenditures made for labor on the state highways of
1593 each highway district, and the public roads of each supervisors
1594 district, for the months of * * * August, September, October and
1595 November of each year to show the number of persons employed for
1596 such work in each highway district and each supervisors district,
1597 as the case may be, during said four-month period, and the total
1598 amount expended in the payment of salaries and other compensation
1599 to such employees, so that it may be ascertained, from an
1600 examination of such records, whether or not the provisions of this
1601 chapter have been violated.

1602 It is provided, however, because of the abnormal conditions
1603 existing in certain counties of the state due to recent floods in
1604 which roads and bridges have been materially damaged or washed
1605 away and destroyed, if the board of supervisors in any county
1606 passes a resolution as provided in Section 19-9-11, Mississippi
1607 Code of 1972, for the emergency issuance of road and bridge bonds,
1608 the provisions of this section shall not be applicable to or in
1609 force concerning the board of supervisors during the calendar year
1610 1955.

1611 **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is
1612 amended as follows:

1613 23-15-885. The restrictions imposed in Sections 23-15-881
1614 and 23-15-883 shall likewise apply to the mayor and board of
1615 aldermen, or other governing authority, of each municipality, in
1616 the employment of labor for working and maintaining the streets of
1617 the municipality during the four-month period next preceding the
1618 date of holding the general * * * election in such municipality
1619 for the election of municipal officers.

1620 **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is
1621 amended as follows:

1622 23-15-891. No common carrier, telegraph company or telephone
1623 company shall give to any candidate, or to any member of any
1624 political committee, or to any person to be used to aid or promote



1625 the success or defeat of any candidate for election for any public
1626 office, free transportation or telegraph or telephone service, as
1627 the case may be, or any reduction thereof that is not made alike
1628 to all other persons. All persons required by the provisions of
1629 this chapter to make and file statements shall make oath that they
1630 have not received or made use of, directly or indirectly, in
1631 connection with any candidacy for election to any public office,
1632 free transportation or telegraph or telephone service.

1633 **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is
1634 amended as follows:

1635 23-15-899. Every placard, bill, poster, pamphlet or other
1636 printed matter having reference to any election, or to any
1637 candidate, that has not been submitted to and approved and
1638 subscribed by a candidate or his campaign manager or assistant
1639 manager pursuant to the provisions of Section 23-15-897, shall
1640 bear upon the face thereof the name and the address of the author
1641 and of the printer and publisher thereof, and failure to so
1642 provide shall be a misdemeanor, and it shall be a misdemeanor for
1643 any person to mutilate or remove, previously to the date of the
1644 election, any placard, poster or picture which has been lawfully
1645 placed or posted.

1646 **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is
1647 amended as follows:

1648 23-15-911. (1) When the returns for a box and the contents
1649 of the ballot box and the conduct of the election * * * have been
1650 canvassed and reviewed by the county election commission * * *,
1651 all the contents of the box required to be placed and sealed in
1652 the ballot box by the managers shall be replaced therein by the
1653 election commission * * *, and the box shall be * * * resealed and
1654 delivered to the circuit clerk, who shall safely keep and secure
1655 the same against any tampering therewith. At any time within
1656 twelve (12) days after the canvass and examination of the box and
1657 its contents by the election commission * * *, any candidate or



1658 his representative authorized in writing by him shall have the
1659 right of full examination of the box and its contents upon three
1660 (3) days' notice of his application therefor served upon the
1661 opposing candidate or candidates, or upon any member of their
1662 family over the age of eighteen (18) years, which examination
1663 shall be conducted in the presence of the circuit clerk or his
1664 deputy who shall be charged with the duty to see that none of the
1665 contents of the box are removed from the presence of the clerk or
1666 in any way tampered with. Upon the completion of the examination
1667 the box shall be resealed with all its contents as theretofore.
1668 And if any contest or complaint before the court shall arise over
1669 the box, it shall be kept intact and sealed until the court
1670 hearing and another ballot box, if necessary, shall be furnished
1671 for the precinct involved.

1672 (2) The provisions of this section allowing the examination
1673 of ballot boxes shall apply in the case of an election contest
1674 regarding the seat of a member of the State Legislature. In such
1675 a case, the results of the examination shall be reported by the
1676 applicable circuit clerk to the Clerk of the House of
1677 Representatives or the Secretary of the Senate, as the case may
1678 be.

1679 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is
1680 amended as follows:

1681 23-15-973. It shall be the duty of the judges of the circuit
1682 court to give a reasonable time and opportunity to the candidates
1683 for the office of judge of the Supreme Court, judges of the Court
1684 of Appeals, circuit judge and chancellor to address the people
1685 during court terms. In order to give further and every possible
1686 emphasis to the fact that the said judicial offices are not
1687 political but are to be held without favor and with absolute
1688 impartiality as to all persons, and because of the jurisdiction
1689 conferred upon the courts by this chapter, the judges thereof
1690 should be as far removed as possible from any political



1691 affiliations or obligations. It shall be unlawful for any
1692 candidate for any of the offices mentioned in this section to
1693 align himself with any candidate or candidates for any other
1694 office or with any political faction or any political party at any
1695 time during any * * * election campaign. Likewise, it shall be
1696 unlawful for any candidate for any other office * * * wherein any
1697 candidate for any of the judicial offices in this section
1698 mentioned, is or are to be elected, to align himself with any one
1699 or more of the candidates for said offices or to take any part
1700 whatever in any election for any one or more of said judicial
1701 offices, except to cast his individual vote. If any candidate for
1702 any office, whether elected with or without opposition, at any
1703 election wherein a candidate for any one of the judicial offices
1704 in this section mentioned is to be elected, shall deliberately,
1705 knowingly and willfully violate the provisions of this
1706 section * * *, his election shall be void.

1707 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is
1708 amended as follows:

1709 23-15-1065. No person shall claim or represent himself in
1710 any manner to be a member of any state, district or county
1711 executive committee of any political party in this state, or claim
1712 to be the national committeeman or national committeewoman or any
1713 other officer or representative of a political party without
1714 having been lawfully elected or chosen as such in the manner
1715 provided by the laws of this state, or by such political party in
1716 the manner provided by the laws of this state * * *.

1717 Any person who violates the provisions of this section, in
1718 addition to other measures or penalties provided by law, may be
1719 enjoined therefrom upon application to the courts by any person or
1720 persons, or any political party, official or representative of
1721 such political party aggrieved thereby.

1722 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is
1723 amended as follows:



1724 23-15-1085. The chairman of a party's state executive
1725 committee shall notify the Secretary of State if the party intends
1726 to hold a presidential preference primary. The Secretary of State
1727 shall be notified prior to December 1 of the year preceding the
1728 year in which a presidential preference primary may be held
1729 pursuant to Section 23-15-1081. * * *

1730 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is
1731 amended as follows:

1732 23-15-1087. Except as otherwise provided in this chapter,
1733 the laws regulating * * * elections shall, insofar as practical,
1734 apply to and govern presidential preference primary elections.

1735 **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,
1736 which provides for the preparation, use and revision of primary
1737 election pollbooks, is hereby repealed.

1738 **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,
1739 which provides for the dates of municipal primary elections, is
1740 hereby repealed.

1741 **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,
1742 which provides for the date of state, district and county primary
1743 elections, is hereby repealed.

1744 **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,
1745 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1746 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1747 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1748 1972, which provide for the duties of the state executive
1749 committee and county executive committees in primary elections,
1750 provide for the qualification of candidates for party primary
1751 elections, and provide for the conduct of party primary elections,
1752 are hereby repealed.

1753 **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,
1754 Mississippi Code of 1972, which provide for the contents of
1755 general election ballots, are hereby repealed.



1756 **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi
1757 Code of 1972, which provide for the canvass of returns and
1758 announcement of vote by the county executive committees in primary
1759 elections, and require the state executive committee to transmit
1760 to the Secretary of State a tabulated statement of the party vote
1761 for certain offices, are hereby repealed.

1762 **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,
1763 which provides for primary elections for nominations of candidates
1764 to fill vacancies in county and county district offices, is hereby
1765 repealed.

1766 **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,
1767 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1768 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1769 procedures for contests of primary elections, are hereby repealed.

1770 **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,
1771 which provides for the date of primary elections for Congressmen
1772 and United States Senators, is hereby repealed.

1773 **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,
1774 which prohibits unregistered political parties from conducting
1775 primary elections, is hereby repealed.

1776 **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,
1777 which requires that certain congressional primaries be held on the
1778 same day as the presidential preference primary, is hereby
1779 repealed.

1780 **SECTION 73.** The Attorney General of the State of Mississippi
1781 shall submit this act, immediately upon approval by the Governor,
1782 or upon approval by the Legislature subsequent to a veto, to the
1783 Attorney General of the United States or to the United States
1784 District Court for the District of Columbia in accordance with the
1785 provisions of the Voting Rights Act of 1965, as amended and
1786 extended.



1787 **SECTION 74.** This act shall take effect and be in force from
1788 and after the date it is effectuated under Section 5 of the Voting
1789 Rights Act of 1965, as amended and extended.

