MISSISSIPPI LEGISLATURE REGULAR SESSION 2016

By: Senator(s) Hudson To: Elections

SENATE BILL NO. 2221

AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, SUCH PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT; TO PROVIDE THAT A PREFERENTIAL ELECTION SHALL BE HELD THREE WEEKS BEFORE THE GENERAL ELECTION AND THE CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT THE TWO CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL ELECTION BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-173, 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403, 23-15-411, 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559, 23-15-561, 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605, 23-15-673, 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807, 23-15-811, 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885, 23-15-891, 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085 AND 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES

IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972, WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

SECTION 2. The general election in 2016 and every general election thereafter shall be held on the first Tuesday after the first Monday of November of the year. When more than one (1) person has qualified or been certified as a candidate for any office, a preferential election for such office shall be held three (3) weeks before the general election.

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

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

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

SECTION 6. (1) When there is a tie in the preferential election between the candidates receiving the highest number of votes, then only those candidates shall be placed on the ballot as candidates in the general election.

(2) When there is a tie in the preferential election between the candidates receiving the next highest number of votes, and there is not a tie for the highest number of votes, candidates receiving the next highest number of votes, and the one candidate receiving the highest number of votes, no one having received a majority, shall have their names placed on the ballot as candidates in the general or regular election.

(3) If (a) there are more than two (2) candidates in the preferential election, and (b) no candidate in such election

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

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

SECTION 8. All candidates upon entering the race for election to any office, except municipal officers, no later than 5:00 p.m. sixty (60) days before the general election, shall file their intent to be a candidate and pay to the secretary of the proper executive committee of their political party or the appropriate election commission for each election the following amounts:

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

(b) Candidates for United States Representative, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, the sum of Two Hundred Dollars ($200.00);

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

(d) Candidates for State Senator and State Representative, the sum of Fifteen Dollars ($15.00);

(e) Candidates for sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education and board of supervisors, the sum of Fifteen Dollars ($15.00); and

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

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

(2) Candidates for offices set out in Section 8(e) and (f) of this act shall file their intent to be a candidate with the

secretary of the county executive committee of the political party with which the candidate is affiliated, or with the county election commission if not affiliated with a political party.

Not later than fifty-five (55) days before the general election, the respective executive committee shall certify to the appropriate election commission all candidates who have filed their intent to be a candidate.

(3) (a) The fees required to be paid pursuant to Section 8 of this act shall be accompanied by a written statement containing the name and address of the candidate, the party with which he or she is affiliated and the office for which he or she is a candidate.

(b) The appropriate executive committee or election commission, as the case may be, shall transmit to the Secretary of State a copy of the written statements accompanying the fees paid pursuant to subsections (1) and (2) of this section. All copies must be received by the Office of the Secretary of State by not later than 6:00 p.m. on the date of the qualifying deadline; provided, however, the failure of the Office of the Secretary of State to receive such copies by 6:00 p.m. on the date of the qualifying deadline shall not affect the qualification of a person who pays the required fee and files the required statement by 5:00 p.m. not later than sixty (60) days before the general election. The name of any person who pays the required fee and files the required statement after 5:00 p.m. on the date of the qualifying

deadline shall not be placed on the preferential primary election ballot.

(4) The secretary to whom such payments are made shall promptly receipt for same stating the office for which such candidate making payment is running and the political party with which he or she is affiliated, and he or she shall keep an itemized account in detail showing the exact time and date of the receipt of each payment received by him or her and, where applicable, the date of the postmark on the envelope containing the fee and from whom, and for what office the party paying same is a candidate.

(5) The secretaries of the proper executive committee shall hold the funds to be finally disposed of by order of their respective executive committees. The funds may be used or disbursed by the executive committee receiving same to pay all necessary traveling or other necessary expenses of the members of the executive committee incurred in discharging their duties as committeemen, and of their secretary and may pay the secretary such salary as may be reasonable.

(6) Upon receipt of the proper fee and all necessary information, the proper executive committee shall then determine whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and whether each candidate meets all other qualifications to hold the office he is seeking or presents absolute proof that he will,

subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The executive committee shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless the offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the proper executive committee finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he seeks and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, or (c) has been convicted of a felony as described in this subsection, and not pardoned, then the name of such candidate shall not be placed upon the ballot. If the proper executive committee determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

Where there is but one (1) candidate for each office contested at the preferential primary election, the proper executive committee when the time has expired within which the names of candidates shall be furnished shall declare such candidates the nominees.

(7) No candidate may qualify by filing the information required by this section by using the Internet.

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

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

SECTION 11. (1) All candidates upon entering the race for election to any municipal office shall, not later than 5:00 p.m.

sixty (60) days prior to any municipal general or regular election, file their intent to be a candidate and pay to the secretary of the municipal executive committee of their political party or to the municipal election commission for each election the amount of Ten Dollars ($10.00).

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

(3) Such election shall be held on the date provided for in Section 23-15-173, Mississippi Code of 1972; and if a preferential election shall be necessary, such preferential election shall be held three (3) weeks before the general or regular municipal election. At such election, or elections, the municipal election commissioners shall perform the same duties as are specified by law and performed by the county election commissioners with regard to state and county general and preferential elections. Except as otherwise provided by law, all municipal elections shall be held and conducted as is provided by law for state and county elections.

(4) Provided, however, that in municipalities operating under a special or private charter which fixes a time for holding elections other than the time fixed herein, the preferential

election shall be three (3) weeks before the general election as fixed by the charter.

(5) Not later than fifty-five (55) days before the general election, the respective municipal executive committees shall certify to the municipal election commission all candidates who have filed, within the time prescribed in this section, with such executive committees their intent to be a candidate.

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

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

SECTION 14. The state executive committee of a political party is hereby authorized to make and promulgate reasonable rules and regulations for the affairs of such political party and may

authorize the county executive committee of such party to have a new registration of the members of that party.

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

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

SECTION 17. Candidates for the offices of Public Service Commissioner, State Highway Commissioner, any other officers elected from each Supreme Court district, representatives in Congress, district attorneys and any other offices elected by districts, shall be voted for by all the counties within their respective districts, and all district candidates, shall be under the supervision and control of the state election commissioners. The commissioners shall discharge, for such state district elections, all the powers and duties imposed upon them in connection with elections of candidates for other state offices.

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

21-7-7. The governing body of any such municipality shall be a council, known and designated as such, consisting of seven (7) members. One (1) of the members shall be the mayor, having the qualifications as prescribed by Section 21-3-9, who shall have full rights, powers and privileges of other councilmen. The mayor shall be nominated and elected at large; the remaining councilmen shall be nominated and elected one (1) from each ward into which the city shall be divided. However, if the city be divided into less than six (6) wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four (4) years to serve until their successors are elected and qualified in accordance with the provisions of Section * * * 11 of this act, said term commencing on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.

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

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

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

(2) Except as otherwise provided in subsection (4) of this section, the mayor and council members shall be elected by the voters of the municipality at a regular municipal election held on the first Tuesday after the first Monday in June as provided in Section *** * *** 11 of this act, and shall serve for a term of four (4) years beginning on the first day of July next following the election that is not on a weekend.

(3) The terms of the initial mayor and council members shall commence at the expiration of the terms of office of the elected officials of the municipality serving at the time of adoption of the mayor-council form of government.

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) council members, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) council members, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) council members, the municipality shall be divided into seven (7) or nine

(9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council members elected to represent wards must be residents of their wards at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly qualified as a candidate under applicable law shall be deemed to be qualified as a candidate in whatever ward the member resides if the ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for council member, using the person's existing residence or by changing the person's residence, not less than fifteen (15) days before the *** * *** <u>preferential election</u> or special party primary, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate the geographical boundaries of the wards within one hundred twenty

(120) days after the election in which the mayor-council form of government is selected. In designating the geographical boundaries of the wards, each ward shall contain, as nearly as possible, the population factor obtained by dividing the municipality's population as shown by the most recent decennial census by the number of wards into which the municipality is to be divided.

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

(ii) If the publication of the most recent decennial census occurs less than six (6) months before the * * * preferential election in a municipality, the election shall be held with regard to the existing defined wards; reapportioned wards based on the census shall not serve as the basis for

representation until the next regularly scheduled election in which council members shall be elected.

(d) If annexation of additional territory into the municipal corporate limits of the municipality occurs less than six (6) months before the * * * preferential election in a municipality, the council shall, by ordinance adopted within three (3) days of the effective date of the annexation, assign the annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards; any subsequent redistricting of the municipality by ordinance, as required by this chapter, shall not serve as the basis for representation until the next regularly scheduled election for municipal council members.

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

(6) The mayor shall maintain an office at the city hall. The council members shall not maintain individual offices at the city hall; however, in a municipality having a population of one hundred thousand (100,000) and above according to the latest federal decennial census, council members may have individual offices in the city hall. Clerical work of council members in the performance of the duties of their office shall be performed by municipal employees or at municipal expense, and council members shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

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

21-15-1. All officers elected at the general or regular municipal election provided for in Section * * * 11 of this act, shall qualify and enter upon the discharge of their duties on the first day of July after such general election that is not on a weekend, and shall hold their offices for a term of four (4) years and until their successors are duly elected and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Except as provided in this section, and subject to the following annual limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars ($84.00), to be paid from the county general fund, for

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

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

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

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

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

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

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

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than

one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a

county may authorize, in its discretion, the commissioners of election to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks as required in subsection (1) of this section, for not to exceed five (5) days.

(4) (a) The commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars ($84.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks prior to any special election. For purposes of this paragraph, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this paragraph.

(b) The commissioners of election shall be entitled to receive a per diem in the amount of One Hundred Fifty Dollars ($150.00), to be paid from the county general fund, for the performance of their duties on the day of any general or special

election. The annual limitations set forth in subsection (2) of this section shall apply to this paragraph.

(5) The commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars ($84.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the registration books, pollbooks and in the conduct of a runoff election following either a general or special election.

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

(7) The county registrar shall prepare the pollbooks and the county commissioners of election shall prepare the registration books of each municipality located within the county pursuant to an agreement between the county and each municipality in the county. The county commissioners of election and the county registrar shall be paid by each municipality for the actual cost of preparing registration books and pollbooks for the municipality and shall pay each county commissioner of election a per diem in the amount provided for in subsection (2) of this section for each day or period of not less than five (5) hours accumulated over two

(2) or more days the commissioners are actually employed in preparing the registration books for the municipality, not to exceed five (5) days. The county commissioners of election and county registrar shall provide copies of the registration books and pollbooks to the municipal clerk of each municipality in the county. The municipality shall pay the county registrar for preparing and printing the pollbooks. A municipality may secure "read only" access to the Statewide Centralized Voter System and print its own pollbooks using this information; however, county commissioners of election shall remain responsible for preparing registration books for municipalities and shall be paid for this duty in accordance with this subsection.

(8) County commissioners of election who perform the duties of an executive committee with regard to the conduct of a primary election under a written agreement authorized by law to be entered into with an executive committee shall receive per diem as provided for in subsection (2) of this section. The days that county commissioners of election are employed in the conduct of a primary election shall be treated the same as days county commissioners of election are employed in the conduct of other elections.

(9) Every commissioner of election shall sign personally a certification setting forth the number of hours actually worked in the performance of the commissioner's official duties and for which the commissioner seeks compensation. The certification must

be on a form as prescribed in this subsection. The commissioner's signature is, as a matter of law, made under the commissioner's oath of office and under penalties of perjury.

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER

PER DIEM CLAIM FORM

NAME:_____ COUNTY:_____

ADDRESS:_____ DISTRICT:_____

CITY:_____ ZIP:_____

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

TOTAL NUMBER OF PER DIEM DAYS EARNED
EXCLUDING ELECTION DAYS _____

PER DIEM RATE PER DAY EARNED X $ 84.00

TOTAL NUMBER PER DIEM DAYS EARNED
FOR ELECTION DAYS _____

PER DIEM RATE PER DAY EARNED X $150.00

TOTAL AMOUNT OF PER DIEM CLAIMED $_____

I understand that I am signing this document under my oath as a commissioner of election and under penalties of perjury.

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

Signed this the _____day of _____, ____.

_____

Commissioner's Signature

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

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

commission, the clerk of the board of supervisors or the board of supervisors, as the case may be.

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

(10) Any commissioner of election who has not received a certificate issued by the Secretary of State pursuant to Section 23-15-211 indicating that the commissioner of election has received the required elections seminar instruction and that the commissioner of election is fully qualified to conduct an election, shall not receive any compensation authorized by this section, Section 23-15-491 or Section 23-15-239.

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

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

*** * ***

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

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

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

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

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

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

23-15-313. (1) If there be any political party, or parties, in any municipality which shall not have a party executive committee for *** * *** the municipality, *** * *** the political party, or parties, shall within thirty (30) days of the date for which a candidate for a municipal office is required to qualify in that municipality select qualified electors of that municipality and of that party's political faith to serve on a temporary municipal

executive committee until members of a municipal executive committee are elected at the next regular election for executive committees. The temporary municipal executive committee shall be selected in the following manner: The chairman of the county executive committee of the party desiring to select a temporary municipal executive committee shall call, upon petition of five (5) or more members of that political faith, a mass meeting of the qualified electors of their political faith who reside in such municipality to meet at some convenient place within such municipality, at a time to be designated in the call, and at such mass convention the members of that political faith shall select a temporary municipal executive committee which shall serve until members of a municipal executive committee are elected at the next regular election for executive committees. The public shall be given notice of such mass meeting as provided in Section 23-15-315. The chairman of the county executive committee shall authorize the call within five (5) calendar days of receipt of the petition. If the chairman of the county executive committee is either incapacitated, unavailable or nonresponsive and does not authorize the mass call within five (5) calendar days of receipt of the petition, any elected officer of the county executive committee may authorize the call within five (5) calendar days. If no elected officer of the county executive committee acts to approve such petition after an additional five (5) calendar days from the date, the chair of the county executive committee not

taking action as provided by this section, the petitioners shall be authorized to produce the call themselves.

(2) If no municipal executive committee is selected or otherwise formed before an election, the county executive committee may serve as the temporary municipal executive committee and exercise all of the duties of the municipal executive committee for the municipal election. After a county executive committee has fulfilled its duties as the temporary municipal executive committee, as soon as practicable thereafter, the county executive committee shall select a municipal executive committee no later than before the next municipal election.

(3) A person who has been convicted of a felony in a court of this state or any other state or a court of the United States, shall be barred from serving as a member of a municipal executive committee.

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

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

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

(a) Candidates for national office;

(b) Candidates for statewide office;

(c) Candidates for state district office;

(d) Candidates for legislative office;

(e) Candidates for countywide office;

(f) Candidates for county district office.

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

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

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

23-15-375. Local issue elections may be held on the same date as any regular or general election. A local issue election held on the same date as the regular or general election shall be conducted in the same manner as the regular or general election using the same poll workers and the same equipment. A local issue may be placed on the regular or general election ballot pursuant to the provisions of Section * * * 10 of this act. The provisions of this section and Section * * * 10 of this act, with regard to local issue elections shall not be construed to affect any statutory requirements specifying the notice procedure and the

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

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

23-15-403. The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent any voting machine or machines which shall be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for all candidates of as many political parties or organizations as

may make nominations, and for or against as many questions as submitted; it shall * * * permit the voter to vote for * * * for as many persons for an office as he is lawfully entitled to vote for, but not more; it shall prevent the voter from voting for the same person more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote on, but no other; * * * it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record and accurately count all votes cast for any and all persons and for or against any and all questions; it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one (1) device for each party, for voting for all the presidential electors of that party by one (1) operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice President, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively;

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

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

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

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

23-15-463. The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are * * * authorized and empowered, in their discretion, to purchase or rent voting devices and automatic tabulating equipment used in an electronic voting system which meets the requirements of Section 23-15-465, and may use such system in all or a part of the precincts within its boundaries, or in combination with paper ballots in any

election *** * ***. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used. The provisions of Sections 23-15-461 through 23-15-485 shall be controlling with respect to elections where an electronic voting system is used, and shall be liberally construed so as to carry out the purpose of this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, insofar as they are applicable and not inconsistent with the efficient conduct of elections with electronic voting systems, shall apply. Absentee ballots shall be voted as now provided by law.

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

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

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

(b) Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card or

paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

single ballot. In those years when a special election shall occur on the same day as the general election, the names of candidates in any special election and the general election shall be placed on the same ballot by the commissioners of elections or officials in charge of the election, but the general election candidates shall be clearly distinguished from the special election candidates. At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot, but shall be clearly distinguished as special election candidates or primary election candidates.

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR tabulating equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are

more candidates for an office * * * than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is continued on the following column. The names of candidates for each office shall be printed in vertical columns, grouped by the offices which they seek. * * * The party designation, if any, of each candidate * * * shall be printed following his name as provided for in Section 10 of this act.

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

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

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

23-15-559. The provisions of * * * Section 23-15-173 fixing the time for the holding of * * * general elections shall not apply to any municipality operating under a special or private

charter where the governing board or authority thereof, on or before June 25, 1952, shall have adopted and spread upon its minutes a resolution or ordinance declining to accept such provisions, in which event the * * * general elections shall be held at the time fixed by the charter of such municipality.

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

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

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

(2) Any person who shall violate the provisions of subsection (1) of this section shall, upon conviction thereof, be

punished by a fine in an amount not to exceed Five Thousand Dollars ($5,000.00).

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

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

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

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

23-15-573. (1) If any person declares that he is a registered voter in the jurisdiction in which he offers to vote and that he is eligible to vote in the election, but his name does not appear upon the pollbooks, or that he is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote, or that he has been illegally denied registration:

(a) A poll manager shall notify the person that he may cast an affidavit ballot at the election.

(b) The person shall be permitted to cast an affidavit ballot at the polling place upon execution of a written affidavit before one (1) of the managers of election stating that the individual:

(i) Believes he is a registered voter in the jurisdiction in which he desires to vote and is eligible to vote in the election; or

(ii) Is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote; or

(iii) Believes that he has been illegally denied registration.

(c) The manager shall allow the individual to prepare his vote which shall be delivered by him to the proper election official who shall enclose it in an envelope with the written affidavit of the voter, seal the envelope and mark plainly upon it the name of the person offering to vote.

(2) The affidavit shall include:

(a) The complete name, all required addresses and telephone numbers;

(b) A statement that the affiant believes he is registered to vote in the jurisdiction in which he offers to vote;

(c) The signature of the affiant; and

(d) The signature of a poll manager at the precinct at which the affiant offers to vote.

(3) (a) A separate register shall be maintained for affidavit ballots and the affiant shall sign the register upon completing the affidavit ballot.

(b) In canvassing the returns of the election, * * * the election commissioners * * * shall examine the records and allow the ballot to be counted, or not counted as it appears legal.

(4) When a person is offered the opportunity to vote by affidavit ballot, he shall be provided with written information that informs the person how to ascertain whether his affidavit ballot was counted and, if the vote was not counted, the reasons the vote was not counted.

(5) The Secretary of State shall, by rule duly adopted, establish a uniform affidavit and affidavit ballot envelope which shall be used in all elections in this state. The Secretary of State shall print and distribute a sufficient number of affidavits and affidavit ballot envelopes to the registrar of each county for use in elections. The registrar shall distribute the affidavits and affidavit ballot envelopes to municipal and county executive committees for use in primary elections and to municipal and county election commissioners for use in other elections.

(6) County registrars and municipal registrars shall implement a secure free access system that complies with the Help America Vote Act of 2002, by which persons who vote by affidavit ballot may determine if their ballots were counted, and if not, the reasons the ballot was not counted.

(7) Any person who votes in any election as a result of a federal or state court order or other order extending the time

established by law for closing the polls, may only vote by affidavit ballot. Any affidavit ballot cast under this subsection shall be separated and kept apart from other affidavit ballots cast by voters not affected by the order.

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

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

election to be held at that box appointing new managers to hold the same.

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

23-15-595. The box containing the ballots and other records required by this chapter shall, as soon as practical after the ballots have been counted, be delivered by one (1) of the precinct managers to the clerk of the circuit court of the county and said clerk shall, in the presence of the manager making delivery of the box, place upon the lock of such box a metal seal similar to the seal commonly used in sealing the doors of railroad freight cars. Such seals shall be numbered consecutively to the number of ballot boxes used in the election in the county, and the clerk shall keep in a place separate from such boxes a record of the number of the seal of each separate box in the county. The board of supervisors of the county shall pay the cost of providing such seals. Upon demand of * * * a county election commissioner, the boxes and their contents shall be delivered to the county election commission, and after such commission has finished the work of tabulating returns and counting ballots as required by law, the said commission shall return all papers and ballots to the box of the precinct where * * * the election was held, and it shall make redelivery of * * * the boxes and their contents to the circuit clerk who shall reseal * * * the boxes. Upon every occasion * * *

the boxes shall be reopened and each resealing shall be done as provided in this chapter.

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

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

*** * ***

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

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

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

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

23-15-605. The Secretary of State, immediately after receiving the returns of *** * *** a general election, not longer than thirty (30) days after the election, shall sum up the whole number

of votes given for each candidate other than candidates for state offices, legislative offices composed of one (1) county or less, county offices and county district offices, according to the statements of the votes certified to him and ascertain the person or persons having the largest number of votes for each office, and declare such person or persons to be duly elected; and thereupon all persons chosen to any office at the election shall be commissioned by the Governor; but if it appears that two (2) or more candidates for any district office where the district is composed of two (2) or more counties, standing highest on the list, and not elected, have an equal number of votes, the election shall be forthwith decided between the candidates having an equal number of votes by lot, fairly and publicly drawn, under the direction of the Governor and Secretary of State.

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

23-15-673. (1) For the purposes of this subarticle, the term "absent voter" shall mean and include the following persons if they are absent from their county of residence and are otherwise qualified to vote in Mississippi:

(a) Any enlisted or commissioned members, male or female, of the United States Army, or any of its respective components or various divisions thereof; any enlisted or commissioned members, male or female, of the United States Navy, or any of its respective components or various divisions thereof;

any enlisted or commissioned members, male or female, of the United States Air Force, or any of its respective components or various divisions thereof; any enlisted or commissioned members, male or female, of the United States Marines, or any of its respective components or various divisions thereof; or any persons in any division of the armed services of the United States, who are citizens of Mississippi;

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

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

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

(e) Any trained or certified emergency response provider who is deployed during the time period authorized by law for absentee voting, on election day, or during any state of emergency declared by the President of the United States or any Governor of any state within the United States;

(f) Any citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia;

(g) Any citizen of Mississippi enrolled as a student at the United States Naval Academy, the United States Coast Guard

Academy, the United States Merchant Marine Academy, the United States Air Force Academy or the United States Military Academy.

(2) The spouse and dependents of any absent voter as set out in paragraphs (a) through (g) of subsection (1) of this section shall also be included in the meaning of absent voter and may register to vote and vote an absentee ballot as provided in this subarticle if also absent from the county of their residence on the date of the election and otherwise qualified to vote in Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23-15-771. At the state convention, a slate of electors composed of the number of electors allotted to this state, which * * * those electors announce a clearly expressed design and purpose to support the candidates for President and Vice President of the national political party with which the * * * party of this

state has had an affiliation and identity of purpose heretofore, shall be designated and selected for a place upon the * * * election ballot to be held as herein provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The term "identification" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

(i) In any calendar year during which there is a regularly scheduled election, a preelection report, which shall be filed no later than the seventh day before any election in which

such candidate or political committee has accepted contributions or made expenditures and which shall be complete as of the tenth day before such election;

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

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

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

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

(i) For the reporting period and the calendar year, the total amount of all contributions and the total amount of all expenditures of the candidate or reporting committee which shall include those required to be identified pursuant to *** * *** paragraph (ii) of this *** * *** subsection as well as the total of all other contributions and expenditures during the calendar year.

Such reports shall be cumulative during the calendar year to which they relate;

(ii) The identification of:

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

2. Each person or organization, candidate or political committee who receives an expenditure, payment or other transfer from the reporting candidate, political committee or its agent, employee, designee, contractor, consultant or other person or persons acting in its behalf during the reporting period when the expenditure, payment or other transfer to such person, organization, candidate or political committee within the calendar year have an aggregate value or amount in excess of Two Hundred Dollars ($200.00) when received from a political committee or candidate for an office other than statewide office or office elected by Supreme Court district, or in excess of Five Hundred Dollars ($500.00) when received from a candidate for statewide

office or office elected by Supreme Court district, together with the date and amount of such expenditure * * *;

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

(iv) In addition to the contents of reports specified in * * * paragraphs (i), (ii) and (iii) of this * * * subsection, each political party shall disclose:

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

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

(e) The appropriate office specified in Section 23-15-805 must be in actual receipt of the reports specified in this article by 5:00 p.m. on the dates specified in * * * subsection (b) of this section. If the date specified in * * * subsection (b) of this section shall fall on a weekend or legal holiday then the

report shall be due in the appropriate office at 5:00 p.m. on the first working day before the date specified in * * * subsection (b) of this section. The reporting candidate or reporting political committee shall ensure that the reports are delivered to the appropriate office by the filing deadline. The Secretary of State may approve specific means of electronic transmission of completed campaign finance disclosure reports, which may include, but not be limited to, transmission by electronic facsimile (FAX) devices.

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

1. The name of the receiving candidate;

2. The name of the receiving candidate's political committee, if any;

3. The office sought by the candidate;

4. The identification of the contributor;

5. The date of receipt;

6. The amount of the contribution;

7. If the contribution is in-kind, a description of the in-kind contribution; and

8. The signature of the candidate or the treasurer or director of the candidate's political committee.

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

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

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

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

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

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

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

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

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

All special elections, or elections to fill vacancies, shall in all respects be held, conducted and returned in the same manner as general elections, except that where no candidate receives a

majority of the votes cast in such election, then a runoff election shall be held three (3) weeks after such election and the two (2) candidates who receive the highest number of popular votes for such office shall have their names submitted as * * * the candidates to the * * * runoff and the candidate who leads in such runoff election shall be elected to the office. When there is a tie in the first election of those receiving the next highest number of votes, these two (2) and the one receiving the highest number of votes, none having received a majority, shall go into the runoff election and whoever leads in such runoff election shall be entitled to the office.

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

* * *

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

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

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

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

23-15-873. No person, whether an officer or not, shall, in order to promote his own candidacy, or that of any other person, to be a candidate for public office in this state, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, * * * or election of another person to any public position or employment, or to secure or assist in securing any public contract or the employment of any person under any public contractor, or to secure or assist in securing the expenditure of any public funds * * * on the personal behalf of any particular person or group of persons, except that the candidate may publicly announce what is his choice or purpose in relation to an election in which

he may be called on to take part if elected. It shall be unlawful for any person to directly or indirectly solicit or receive any promise by this section prohibited. But this does not apply to a sheriff, chancery clerk, circuit clerk, or any other person, of the state or county when it comes to their office force.

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

23-15-881. It shall be unlawful for the * * * Mississippi Transportation Commission or any member of the * * * Mississippi Transportation Commission, or the board of supervisors of any county or any member of the board of supervisors of such county, to employ, during the months of * * * August, September, October and November of any year in which a general * * * election is held for the * * * election of members of the * * * Mississippi Transportation Commission and members of the boards of supervisors, a greater number of persons to work and maintain the state highways, in any highway district, or the public roads, in any supervisors district of the county, as the case may be, than the average number of persons employed for similar purposes in such highway district or supervisors district, as the case may be, during the months of * * * August, September, October and November of the three (3) years immediately preceding the year in which such general * * * election is held. It shall be unlawful for the * * * Mississippi Transportation Commission, or the board of supervisors of any county, to expend out of the state highway

funds, or the road funds of the county or any supervisors district thereof, as the case may be, in the payment of wages or other compensation for labor performed in working and maintaining the highways of any highway district, or the public roads of any supervisors district of the county, as the case may be, during the months of May, June, July and August of such election year, a total amount in excess of the average total amount expended for such labor, in such highway district or supervisors district, as the case may be, during the corresponding four * * *-month period of the three (3) years immediately preceding.

It shall be the duty of the * * * Mississippi Transportation Commission and the board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the state highways of each highway district, and the public roads of each supervisors district, for the months of * * * August, September, October and November of each year, to show the number of persons employed for such work in each highway district and each supervisors district, as the case may be, during said four * * *-month period, and the total amount expended in the payment of salaries and other compensation to such employees, so that it may be ascertained, from an examination of such records, whether or not the provisions of this chapter have been violated.

It is provided, however, because of the abnormal conditions existing in certain counties of the state due to recent floods in

which roads and bridges have been materially damaged or washed away and destroyed, if the board of supervisors in any county passes a resolution as provided in Section 19-9-11, Mississippi Code of 1972, for the emergency issuance of road and bridge bonds, the provisions of this section shall not be applicable to or in force concerning the board of supervisors during the calendar year 1955.

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

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

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

23-15-891. No common carrier, telegraph company or telephone company shall give to any candidate, or to any member of any political committee, or to any person to be used to aid or promote the success or defeat of any candidate for election for any public office, free transportation or telegraph or telephone service, as the case may be, or any reduction thereof that is not made alike to all other persons. All persons required by the provisions of

this chapter to make and file statements shall make oath that they have not received or made use of, directly or indirectly, in connection with any candidacy for * * * election to any public office, free transportation or telegraph or telephone service.

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

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

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

23-15-911. (1) When the returns for a box and the contents of the ballot box and the conduct of the election * * * have been canvassed and reviewed by the county election commission * * *, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission * * * and the box shall be * * * resealed and

delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission *** * ***, any candidate or his representative authorized in writing by him shall have the right of full examination of *** * *** the box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of *** * *** the examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

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

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

23-15-973. It shall be the duty of the judges of the circuit court to give a reasonable time and opportunity to the candidates for the office of judge of the Supreme Court, judges of the Court of Appeals, circuit judge and chancellor to address the people during court terms. In order to give further and every possible emphasis to the fact that the said judicial offices are not political but are to be held without favor and with absolute impartiality as to all persons, and because of the jurisdiction conferred upon the courts by this chapter, the judges thereof should be as far removed as possible from any political affiliations or obligations. It shall be unlawful for any candidate for any of the offices mentioned in this section to align himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any * * * election campaign. Likewise it shall be unlawful for any candidate for any other office * * * and any candidate for any of the judicial offices in this section mentioned, * * * to align himself with any one or more of the candidates for * * * the offices or to take any part whatever in any * * * election for any one or more of * * * the judicial offices, except to cast his individual vote. If any candidate for any office * * * whether * * * elected with or without opposition * * * at any * * * election, as a candidate for any one

(1) of the judicial offices * * * listed in this section, shall deliberately, knowingly and willfully violate the provisions of this section shall * * * void his election * * *.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 72. Section 23-15-1083, Mississippi Code of 1972, which requires that certain congressional primaries be held on the

same day as the presidential preference primary, is hereby repealed.

SECTION 73. This act shall take effect and be in force from and after July 1, 2016.