MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Gibbs (72nd)

To: Apportionment and Elections

HOUSE BILL NO. 571

AN ACT TO CREATE THE EARLY VOTING ACT; TO PROVIDE DEFINITIONS; TO PROVIDE THAT THE EARLY VOTING PERIOD SHALL BEGIN FOURTEEN DAYS BEFORE THE ELECTION AND CONTINUE UNTIL THE LAST REGULAR BUSINESS DAY PRECEDING THE ELECTION; TO PROVIDE THAT EARLY VOTING SHALL BE FOR EACH PRIMARY, GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE; TO PROVIDE THE HOURS FOR EARLY VOTING IN THE REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE THAT NOTICE OF EARLY VOTING SHALL BE PROVIDED IN THREE PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING BEGINS; TO PROVIDE THE PROCEDURES TO FOLLOW WHEN CASTING A BALLOT DURING THE EARLY VOTING PERIOD; TO PROVIDE THE MANNER FOR CHALLENGING THE QUALIFICATIONS OF A VOTER DURING THE EARLY VOTING PERIOD; TO AMEND SECTIONS 23-15-625, 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639, 23-15-641, 23-15-647, 23-15-649, 23-15-657, 23-15-713, 23-15-715, 23-15-719 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO REVISE THE VOTERS WHO ARE ELIGIBLE TO VOTE BY ABSENTEE BALLOT; TO PROHIBIT A VOTER FROM CASTING AN ABSENTEE BALLOT IN PERSON AT THE OFFICE OF THE COUNTY REGISTRAR; TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS 23-15-31, 23-15-37, 23-15-43, 23-15-47, 23-15-65, 23-15-127, 23-15-153, 23-15-171, 23-15-173, 23-15-191, 23-15-195, 23-15-197, 23-15-231, 23-15-233, 23-15-239, 23-15-241, 23-15-245, 23-15-247, 23-15-251, 23-15-255, 23-15-263, 23-15-265, 23-15-267, 23-15-309, 23-15-331, 23-15-333, 23-15-335, 23-15-353, 23-15-357, 23-15-359, 23-15-363, 23-15-367, 7-3-39, 23-15-511, 23-15-515, 23-15-531.6, 23-15-545, 23-15-573, 23-15-613, 23-15-781, 23-15-785, 23-15-807, 23-15-833, 23-15-843, 23-15-851, 23-15-853, 23-15-855, 23-15-857, 23-15-859, 23-15-895, 23-15-913, 23-15-963, 23-15-977, 23-15-1031, 23-15-1081, 23-15-1083, 23-15-1085, 23-15-1091, 21-3-3, 21-9-17, 37-5-9, 21-8-7 AND 9-4-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. The title of Sections 1 through 7 of this chapter shall be known and may be cited as the "Early Voting Act."

SECTION 2. For purposes of this act, these words shall have the following meanings, unless their context clearly suggests otherwise:

(a) "Election" means the period of time that is available for casting a final vote. References to the time of an election or the duration of the election shall encompass, unless the context clearly indicates otherwise, the fourteen-day period that has been designed for early voting.

(b) "Polling place" or "voting precinct" means any place that a qualified elector votes during the early voting period and on the actual election day.

SECTION 3. During any primary, general, runoff, special or municipal election for public office, any qualified elector may vote:

(a) In the elector's assigned precinct on election day;

(b) In the office of the registrar in which the elector is registered to vote during the times established in Section 4 of this act for early voting; or

(c) By a mail-in absentee ballot.

SECTION 4. (1) The early voting period shall begin fourteen (14) days before the date of each primary, general, runoff, special and municipal election for public office and continue until 12:00 p.m. on Saturday preceding the election day. If the

date prescribed for beginning the early voting period falls on a Sunday or state holiday, the early voting period shall begin on the next regular business day.

(2) Early voting shall be conducted in the office of the appropriate registrar during regular business hours. If the office space of the registrar is insufficient or inconvenient to accommodate early voting, the registrar may provide an alternate location to conduct early voting, and in such case, adequate notice shall be posted at the registrar's office that informs the public of the location where early voting is being conducted. The registrar may conduct early voting at an additional secure polling place outside his or her office. During the last full week preceding an election, the office of the appropriate registrar may extend the office hours to accommodate early voters. All registrar offices shall remain open from 8:00 a.m. until 12:00 p.m. for the two (2) Saturdays immediately preceding each election.

(3) Notice of the early voting hours shall be given by the officials in charge of the election not less than eight (8) days before the day early voting begins. The notice shall be posted in three (3) public places within the county or municipality, with one (1) place being the county courthouse in a county election or city hall in a municipal election.

SECTION 5. (1) A qualified elector who desires to vote during the early voting period shall appear at the office of the

appropriate registrar in the county or municipality in which the elector is registered to vote and shall present an acceptable form of photo identification. Upon verification of the proper location and identity, the elector shall sign the appropriate receipt book and cast his or her vote in the same manner that the vote would be cast on the day of the election. Except as otherwise provided in Sections 1 through 7 of this act, the election laws that govern the procedures for a person who appears to vote on the day of an election shall apply when a person appears to vote during the early voting period.

(2) All votes cast during the early voting period shall be final.

(3) The votes cast during the early voting period shall be announced simultaneously with all other votes cast on election day.

(4) Qualified electors voting during the early voting period shall be entitled to the same voting assistance that they would be entitled to on the actual election day.

SECTION 6. Each political party, candidate or any representative of a political party or candidate pursuant to Section 23-15-577 shall have the right to be present at the office of the appropriate registrar when it is open for early voting and to challenge the qualifications of any person offering to vote in the same manner as provided by law for challenging qualifications at the polling place on election day.

SECTION 7. The Secretary of State shall promulgate rules and regulations necessary to effectuate early voting, including measures to inform the public about the availability of early voting.

SECTION 8. Section 23-15-625, Mississippi Code of 1972, is amended as follows:

23-15-625. (1) The registrar shall be responsible for providing applications for absentee voting as provided in this section. At least sixty (60) days before any election in which absentee voting is provided for by law, the registrar shall provide a sufficient number of applications. In the event a special election is called and set at a date which makes it impractical or impossible to prepare applications for absent elector's ballot sixty (60) days before the election, the registrar shall provide applications as soon as practicable after the election is called. The registrar shall fill in the date of the particular election on the application for which the application will be used.

(2) The registrar shall be authorized to disburse applications for absentee ballots to any qualified elector within the county where he or she serves. Any person who presents to the registrar an oral or written request for an absentee ballot application for a voter entitled to vote absentee by mail, other than the elector who seeks to vote by absentee ballot, shall, in the presence of the registrar, sign the application and print on

the application his or her name and address and the name of the elector for whom the application is being requested in the place provided for on the application for that purpose. However, if for any reason such person is unable to write the information required, then the registrar shall write the information on a printed form which has been prescribed by the Secretary of State. The form shall provide a place for such person to place his or her mark after the form has been filled out by the registrar.

(3) It shall be unlawful for any person to solicit absentee ballot applications or absentee ballots for persons staying in any skilled nursing facility as defined in Section 41-7-173 unless the person soliciting the absentee ballot applications or absentee ballots is:

(a) A family member of the person staying in the skilled nursing facility; or

(b) A person designated in writing by the person for whom the absentee ballot application or absentee ballot is sought, the registrar or the deputy registrar.

As used in this subsection, "family member" means a spouse, parent, grandparent, sibling, adult child, grandchild or legal guardian.

(4) The registrar * * *, upon receiving by mail the envelopes containing the absentee ballots shall keep an accurate list of all persons preparing such ballots. The list shall be kept in a conspicuous place accessible to the public near the

entrance to the registrar's office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee by mail and in person to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots that voters mailed to the registrar shall be kept by the registrar in his or her office in a secure location. At the time such boxes are delivered to the election commissioners or managers, the registrar shall also turn over a list of all such persons who have voted by absentee ballot and whose mailed ballots are in the registrar's office.

(5) The registrar shall also be authorized to mail one (1) application to any qualified elector of the county, who is eligible to vote by absentee ballot, for use in a particular election.

(6) The registrar shall process all applications for absentee ballots by using the Statewide Election Management System. The registrar shall account for all absentee ballots delivered to and received by mail as well as those who voted absentee in person from qualified voters by processing such ballots using the Statewide Election Management System.

SECTION 9. Section 23-15-627, Mississippi Code of 1972, is amended as follows:

23-15-627. Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the

office of the registrar in the county in which he or she resides. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Except as otherwise provided in Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be used to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section. Such application shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ___ Precinct of the County of _____, and State of Mississippi, coming within

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the purview of the definition 'ABSENT ELECTOR' will be *** * *** unable to vote in person because (check appropriate reason):

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

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

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

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

( ) I am a 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 am a citizen of Mississippi or spouse or dependent of such civilian.

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

*** * ***

( ) I *** * *** <u>am a citizen of Mississippi temporarily residing outside of the county of my residence during the early voting period or</u> on election day.

( ) I am an emergency response provider, deployed due to a state of emergency declared by the President of the United States or the Governor of any state within the United States during the time period provided by law for early voting and election day.

( ) I have a temporary or permanent physical disability, which may include, but is not limited to, a physician-imposed quarantine due to COVID-19 during the year 2020. Or, I am caring for a dependent that is under a physician-imposed quarantine due to COVID-19 beginning with July 8, 2020, and the same being repealed on December 31, 2020.

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

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

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

*** * ***

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

Mail 'Absent Elector's Ballot' to me at the following address _____.

( ) I wish to receive an absentee ballot for the runoff election _____.

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

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

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

IN WITNESS WHEREOF I have hereunto set my hand and seal this the ____ day of _____, 2___.

_____

(Signature of absent elector)

SWORN TO AND SUBSCRIBED before me this the ____ day of _____, 2___.

_____

(Official authorized to administer oaths for absentee balloting.)

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

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

_____

(Signature of witness)

CERTIFICATE OF DELIVERY

I hereby certify that _____ (print name of voter) has requested that I, _____ (print name of person delivering application), deliver to the voter this absentee ballot application.

_____

(Signature of person delivering application)

_____

(Address of person delivering application)"

SECTION 10. Section 23-15-629, Mississippi Code of 1972, is amended as follows:

23-15-629. (1) The application for an absentee ballot of a person who is permanently or temporarily physically disabled shall be accompanied by a statement signed by such person's physician, or nurse practitioner * * *. The statement must show that the person signing the statement is a licensed, practicing * * * physician or nurse practitioner and must indicate that the person applying for the absentee ballot is permanently or temporarily

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physically disabled to such a degree that it is difficult for him or her to vote in person.

(2) An application accompanied by the statement provided for in subsection (1) of this section shall entitle such permanently physically disabled person to automatically receive an absentee ballot for all elections on a continuing basis without the necessity for reapplication. The application accompanied by the statement provided in subsection (1) of this section entitles the temporarily physically disabled person to receive an absentee ballot by mail for that election and a later corresponding runoff election.

(3) The registrar of each county shall keep an accurate list of the names and addresses of all persons whose applications for absentee ballot are accompanied by the statement set forth in subsection (1) of this section. Sixty (60) days before each election, the registrar shall deliver such list to the election commissioners who shall examine the list and delete from it the names of all persons listed who are no longer qualified electors of the county. Upon completion of such examination, the election commissioners shall return the list to the registrar by no later than forty-five (45) days before the election.

(4) The registrar shall mail a ballot to all persons who are determined by the election commissioners to be qualified electors pursuant to subsection (3) of this section by no later than forty (40) days before the election.

SECTION 11. Section 23-15-631, Mississippi Code of 1972, is amended as follows:

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

*** * ***

(*** * ***a) Upon receipt of the enclosed ballot, you will not mark the ballot except in view or sight of the attesting witness. In the sight or view of the attesting witness, mark the ballot according to instructions.

(*** * ***b) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on the back of the envelope so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on the back of the envelope. Place the necessary postage on the envelope and deposit it in the post office or some government receptacle provided for deposit of mail so that the absent elector's ballot will be postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or other officer having authority to administer an oath or take an acknowledgment may be

an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his or her signature on the elector's certificate must be authenticated by the cancellation stamp of their respective post offices. If an officer having authority to administer an oath or take an acknowledgement acts as attesting witness, his or her signature on the elector's certificate, together with his or her title and address, but no seal, shall be required. * * *

(* * *c) When the application accompanies the ballot it shall not be returned in the same envelope as the ballot but shall be returned in a separate preaddressed envelope provided by the registrar. However, if time permits, the registrar shall first send and receive a returned application from the absent elector before mailing the absentee ballot.

(* * *d) A candidate for public office, or the spouse, parent or child of a candidate for public office, may not be an attesting witness for any absentee ballot upon which the candidate's name appears, unless the voter is related within the first degree to the candidate or the spouse, parent or child of the candidate.

(* * *e) Any voter casting an absentee ballot who declares that he or she requires assistance to vote by reason of blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his or her absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, the spouse, parent or child of a candidate whose name appears on the absentee ballot being marked or the voter's employer, an agent of that employer or a union representative; however, a candidate whose name is on the ballot or the spouse, parent or child of such candidate may provide assistance upon request to any voter who is related within the first degree. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

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

* * *

SECTION 12. Section 23-15-635, Mississippi Code of 1972, is amended as follows:

23-15-635. (1) The form of the elector's certificate, attesting witness certification and certificate of person providing voter assistance on the back of the envelope used by absentee voters who are not absent voters as defined in Section 23-15-673, shall be as follows:

"ELECTOR'S CERTIFICATE

STATE OF _____

COUNTY OF _____

I, _____, under penalty of perjury do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the ___ day of _____, 2____, and I hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted.

I further swear that I marked the enclosed ballot in secret. **Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to * * * <u>Three Thousand Dollars ($3,000.00)</u>. (Miss. Code. Ann. Section 97-13-37.)**

_____

(Signature of voter)

CERTIFICATE OF ATTESTING WITNESS

Under penalty of perjury I affirm that the above named voter personally appeared before me, on this the ___ day of _____, 2____, and is known by me to be the person named, and who, after being duly sworn or having affirmed, subscribed the foregoing oath or affirmation. That the voter exhibited to me his or her blank ballot; that the ballot was not marked or voted before the voter exhibited the ballot to me; that the voter was not solicited or advised by me to vote for any candidate, question or issue, and that the voter, after marking his or her ballot, placed it in the envelope, closed and sealed the envelope in my presence, and signed and swore or affirmed the above certificate.

_____ _____

(Attesting witness) (Address)

_____ _____

(Official title) (City and State)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(* * * If the voter has received assistance in marking * * * <u>his or her absentee</u> ballot<u>, the person who provided assistance shall complete the following form</u>.) I, under penalty of perjury, hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed

ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to * * * <u>Three Thousand Dollars ($3,000.00)</u>. (Miss. Code. Ann. Section 97-13-37.)

_____

Signature of person providing assistance

_____

Printed name of person providing assistance

_____

Address of person providing assistance

_____

Date and time assistance provided

_____

Family relationship to voter (if any)"

(2) The envelope shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

SECTION 13. Section 23-15-637, Mississippi Code of 1972, is amended as follows:

23-15-637. (1) (a) Absentee ballots and applications received by mail, except for fax or electronically transmitted ballots as otherwise provided by Section 23-15-699 for UOCAVA ballots, must be postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted.

(b) *** * *** At the close of business each day at the office of the registrar, the ballot box used mailed-in absentee ballots shall be sealed and not unsealed until the beginning of the next business day, and the seal number shall be recorded with the number of ballots cast which shall be stored in a secure location in the registrar's office.

(2) The registrar shall deposit all absentee ballots which have been timely cast and received by mail in a secured and sealed box in a designated location in the registrar's office upon receipt. The registrar shall not send any absentee ballots to the precinct polling locations.

(3) The Secretary of State shall promulgate rules and regulations necessary to ensure that when a qualified elector who is qualified to vote absentee votes by absentee ballot *** * *** by mail *** * *** that person's absentee vote is final and he or she may not vote at the polling place on election day. Notwithstanding any other provisions of law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure

that absentee ballots <u>received by mail</u> shall remain in the registrar's office for counting and not be taken to the precincts on election day.

SECTION 14. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. (1) The examination and counting of all absentee ballots shall be conducted as follows:

(a) At the opening of the regular balloting and at the opening of the polls, the resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall first take the envelopes containing the absentee ballots of such electors from the secure location at the circuit clerk's office, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the resolution board find that the applicant is a registered and qualified voter or otherwise qualified to vote, the envelope shall then be opened and the ballot removed from the envelope, without *** * *** <u>unfolding the ballot</u>, or *** * *** <u>permitting the ballot</u> to be unfolded or examined.

(c) Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the

resolution board shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose. All absentee ballots received prior to 7:00 p.m. the day before the election shall be counted in the registrar's office by the resolution board when the polls close and then added to the votes cast in each precinct. All absentee ballots received after 7:00 p.m. the day before the election but not later than the fifth business day after the election shall be processed by the resolution board.

*** * ***

(*** * ***2) The resolution board shall process the absentee ballots using the procedure provided in subsection (1) of this section.

SECTION 15. Section 23-15-641, Mississippi Code of 1972, is amended as follows:

23-15-641. (1) For all absentee votes received by mail, if *** * *** a required affidavit or the required certificate of the officer before whom the affidavit is taken is *** * *** insufficient, *** * *** the signatures do not correspond, *** * *** the applicant is not a duly qualified elector in the precinct *** * *** or otherwise qualified to vote, *** * *** the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee, the previously cast vote by absentee ballot shall not be allowed. Without opening the voter's envelope the resolution

board shall mark across its face "REJECTED", with the reason * * * why the ballot was rejected.

(2) For all absentee votes received by mail, if the ballot envelope contains more than one (1) ballot of any kind, the ballot shall not be counted but shall be marked "REJECTED", with the reason * * * why the ballot was rejected, and the registrar shall promptly notify the voter of such rejection. The voter's envelopes and affidavits, * * * when such vote is rejected, without disturbing the contents of the envelope, shall be retained and preserved in the same manner as other ballots at the election. Such votes may be challenged in the same manner and for the same reasons that any other vote cast in such election may be challenged.

* * *

(* * *3) The ballots marked "REJECTED" shall be placed in a separate envelope in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county.

(5) All electors voting absentee shall be provided with written information to inform the person how to ascertain whether his or her ballot was counted and, if rejected, the reason * * * for the rejection.

SECTION 16. Section 23-15-647, Mississippi Code of 1972, is amended as follows:

23-15-647. The registrar shall keep safely and unopened all official absentee ballots which are received by mail after the applicable cutoff period *** * ***. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots *** * *** <u>received by</u> the registrar after the cutoff time shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

SECTION 17. Section 23-15-649, Mississippi Code of 1972, is amended as follows:

23-15-649. For all elections, the election officials shall prepare and print, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days before the election, whichever is later, official ballots for each voting precinct to be known as absentee voter ballots *** * ***<u>. These absentee</u> ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot or with a header of different tint.

SECTION 18. Section 23-15-657, Mississippi Code of 1972, is amended as follows:

23-15-657. The registrar is authorized to accept requests for absentee ballots by telephone. * * * The registrar shall ascertain the name and complete address of the person making the telephone request and the person for whom the request is being made if different than the requestor and shall print upon the absentee ballot application the name and complete address of the requestor * * *, the relation of * * * that person to the voter if requested by a person other than the voter, the name and complete address of the voter if requested by a person other than the voter and the date * * * the request was made. * * * These requests shall be processed through the Statewide Election Management System.

SECTION 19. 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 by an absentee ballot to be received and returned via mail by the elector to the registrar of the elector's county of residence as provided in this subarticle if the elector falls within at least one (1) of the following categories:

* * *

(* * *a) Any qualified elector who is required to be away from his or her place of residence on any election day due to his or her employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents

of such person if he or she * * * resides with such absentee voter away from the county of the spouse's voting residence.

* * *

(* * *b) 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, herself or others, or whose attendance at the voting place could reasonably cause danger to himself, herself or others. For purposes of this paragraph (d), "temporary physical disability" shall include any qualified elector who is under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19 beginning with July 8, 2020, and the same being repealed on December 31, 2020.

(* * *c) The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his or her county of residence or more than fifty (50) miles distant from his or her residence, if the parent, spouse or dependent will be with such person during the early voting period or on election day. For purposes of this paragraph (e), "temporary physical disability" shall include any qualified elector who is under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19 beginning

with July 8, 2020, and the same being repealed on December 31, 2020.

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

(* * *e) 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.

(* * *f) Any qualified elector who * * * is temporarily residing outside of his or her county of residence during the early voting period or on election day during the times at which the polls will be open.

SECTION 20. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector described in Section 23-15-713 and desiring an absentee ballot as provided in this subarticle may secure same if * * * within forty-five (45) days before any election day but not later than seven (7) days before the election day, the elector applies for an absentee ballot as provided in the provisions of this act. * * * All applications, other than those of persons having a temporary or permanent physical disability, shall * * * be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this article. The application must be accompanied by a verifying affidavit as required by this article. The applications of persons have a

temporary or permanent physical disability are not required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. * * *

(c) Except when the voter has requested a runoff ballot on the initial absentee ballot application, upon request for a runoff ballot pursuant to Section 23-15-719, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter for the runoff election.

SECTION 21. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) Except where the registrar has already mailed a ballot with an application, upon receipt of a properly completed application form by an elector qualified to vote absentee as provided in this article, the registrar shall mail the absent voter an absentee ballot within one (1) business day, or as soon as the absentee ballot is prepared and available, containing the names of all the candidates and propositions, if any, to be voted on in the election. The registrar shall include with the absentee ballot an official envelope that complies with the provisions of this article * * *. The registrar shall not personally hand deliver ballots to voters. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

After the absentee voter has sealed the envelope, he or she shall subscribe and swear to an affidavit and mail the ballot to

the address provided on the absentee ballot official envelope. *** * *** Ballots requested under Section 23-15-713(f) shall be mailed to the voter's address outside of the county in which he or she is registered.

*** * ***

SECTION 22. Section 23-15-735, Mississippi Code of 1972, is amended as follows:

23-15-735. *** * *** Absentee ballots shall not be delivered in person to an absentee voter or to any other person.

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

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

SECTION 24. Section 23-15-37, Mississippi Code of 1972, is amended as follows:

23-15-37. (1) The registrar shall register the electors of his or her county at any time during regular office hours.

(2) The county registrar may keep his or her office open to register voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day before any regularly scheduled primary or general election. The county registrar shall also keep his or her office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day before any regularly scheduled primary or general election, unless that Saturday falls on a legal holiday, in which case registration applications submitted on the Monday immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling such voters to vote in the next primary or general election.

(3) The registrar, or any deputy registrar duly appointed by law, may visit and spend such time as he or she may deem necessary at any location in his or her county, selected by the registrar not less than thirty (30) days before *** * *** <u>any regularly scheduled primary or general</u> election, for the purpose of registering voters.

(4) A person who is physically disabled and unable to visit the office of the registrar to register to vote due to such disability may contact the registrar and request that the registrar or the registrar's deputy visit him or her for the purpose of registering such person to vote. The registrar or the registrar's deputy shall visit that person as soon as possible

after such request and provide the person with an application for registration, if necessary. The completed application for registration shall be executed in the presence of the registrar or the registrar's deputy.

(5) (a) In the fall and spring of each year the registrar of each county shall furnish all public schools with mail-in voter registration applications. The applications shall be provided in a reasonable time to enable those students who will be eighteen (18) years of age before a general election to be able to vote in the primary and general elections.

(b) Each public school district shall permit access to all public schools of this state for the county registrar or the county registrar's deputy to register persons who are eligible to vote and to provide voter education.

SECTION 25. Section 23-15-43, Mississippi Code of 1972, is amended as follows:

23-15-43. In the event an applicant is not registered, there shall be an automatic review by the county election commissioners under the procedures provided in Sections 23-15-61 through 23-15-79. In addition to the meetings of the election commissioners provided in those sections, the commissioners are required to hold such additional meetings to determine all pending cases of registration on review before the election *** * *** <u>or early voting period during</u> which the applicant desires to vote.

It is not the purpose of this section to indicate the decision that should be reached by the election commissioners in certain cases but to define which applicants should receive further examination by providing for an automatic review.

SECTION 26. Section 23-15-47, Mississippi Code of 1972, is amended as follows:

23-15-47. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his or her county registrar at least thirty (30) days before any election day; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. The postmark date of a mailed application shall be the applicant's date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application either by matching the applicant's Mississippi driver's license number through the

Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators. Within fourteen (14) days of receipt of a mail-in registration application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his or her application.

(c) If the county registrar determines that the applicant is qualified and his or her application is legible and complete, the county registrar shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, municipal voting precinct, if any, polling place and supervisor district in which the person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration card shall be provided by the county registrar to the applicant in accordance with Section 23-15-39. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the applicant. The assigned voter registration number shall be clearly shown on the written notification of approval. In mailing the written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD". If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application makes it impossible for the registrar to determine the eligibility of the applicant to register;

(ii) A portion of the application is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he or she is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section 23-15-11;

(v) The county registrar determines that the applicant is already registered as a qualified elector of the county;

(vi) The county registrar is unable to verify the application pursuant to subsection (2)(b) of this section.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d)(i) through (iii) of this subsection, and it appears to the county registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the

county registrar may write or call the applicant at the telephone number or address, or both, provided on the application. If the county registrar is able to contact the applicant by mail or telephone, the county registrar shall attempt to ascertain the necessary information, and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone, or is not sufficient to complete the application within fourteen (14) days of receipt, the county registrar shall give the applicant written notice of the rejection and provide the reason for the rejection. The county registrar shall further inform the applicant that he or she has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the Statewide Elections Management System, the mail-in application shall be deemed a written request to update the voter's registration pursuant to Section 23-15-13. The county registrar or the election commissioners shall update the voter's residence address in the Statewide Elections Management System and, if necessary, advise the voter of a change in the location of his or

her county or municipal polling place by mailing the voter a new voter registration card.

(3) The instructions and the application form for voter registration by mail shall be in a form established by rule duly adopted by the Secretary of State.

(4) (a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.

(b) The Secretary of State shall distribute without charge sufficient forms for application for voter registration by mail to the Commissioner of Public Safety, who shall distribute the forms to each driver's license examining and renewal station in the state, and shall ensure that the forms are regularly available to the public at such stations.

(c) Bulk quantities of forms for application for voter registration by mail shall be furnished by the Secretary of State to any person or organization. The Secretary of State shall charge a person or organization the actual cost he or she incurs in providing bulk quantities of forms for application for voter registration to such person or organization.

(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar with copies retained in the Statewide Elections Management System.

(6) If the applicant indicates on the application that he or she resides within the city limits of a city or town in the county of registration, the county registrar shall enter the information into the Statewide Elections Management System.

(7) If the applicant indicates on the application that he or she has previously registered to vote in another county of this state or another state, notice to the voter's previous county of registration in this state shall be provided through the Statewide Elections Management System. If the voter's previous place of registration was in another state, notice shall be provided to the voter's previous state of residence.

(8) Any person who attempts to register to vote by mail shall be subject to the penalties for false registration provided for in Section 23-15-17.

SECTION 27. Section 23-15-65, Mississippi Code of 1972, is amended as follows:

23-15-65. The board of election commissioners shall meet at the courthouse of its county on the second Monday in September preceding any general election <u>or in a sufficient amount of time to hear appeals before the period for early voting begins</u>, and shall remain in session from day to day, so long as business may require. Three (3) election commissioners shall constitute a quorum to do business; but the concurrence of at least three (3) election commissioners shall be necessary in all cases for the rendition of a decision. The election commissioners shall hear

and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as affected by registration, to those who may be illegally or improperly denied the same.

SECTION 28. Section 23-15-127, Mississippi Code of 1972, is amended as follows:

23-15-127. (1) It shall be the duty of the registrar of the county or municipality to prepare and furnish to the appropriate election commissioner pollbooks for each voting precinct in which the election is to be conducted, or to the appropriate registrar pollbooks for each registrar's office in which early voting is to be conducted, in which shall be entered the name, residence, date of birth and date of registration of each person duly registered in * * * that voting precinct as now provided by law, and which pollbooks shall be known as "primary election pollbooks" and shall be used only in holding primary elections.

(2) The election commissioners of the county or municipality shall revise the primary pollbooks at the time and in the manner and in accordance with the laws now fixed and in force for revising pollbooks now provided for under the law, except they shall not remove from the pollbook any person who is qualified to participate in primary elections * * *. However, upon the written request of the municipal election commission, the county election

commissioners *** * *** shall revise the primary pollbooks of the municipality as provided in this subsection.

(3) All laws applicable to the revision of pollbooks now in use shall be applicable to the revision of pollbooks for primary elections, and all rights of voters to be heard and to appeal to the executive committee of his or her party from the action of the election commissioners now provided by law shall be available to the voter in the revisions of the pollbooks for primary elections provided for in this section.

SECTION 29. Section 23-15-153, Mississippi Code of 1972, is amended as follows:

23-15-153. (1) At least during the following times, the election commissioners shall meet at the office of the registrar or the office of the election commissioners to carefully revise the county voter roll as electronically maintained by the Statewide Elections Management System and remove from the roll the names of all voters who have requested to be purged from the voter roll, died, received an adjudication of non compos mentis, been convicted of a disenfranchising crime, or otherwise become disqualified as electors for any cause, and shall register the names of all persons who have duly applied to be registered but 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 * * * before the early voting period begins for the first primary election for members of Congress in the years when members of Congress are elected;

(c) On the first Monday in the month immediately * * * before the early voting period begins for the first primary 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 * * * before the early voting period begins for the general election or regular special election day in years in which a general election is not conducted.

Except for the names of those voters who are duly qualified to vote in the election, no name shall be permitted to remain in the Statewide Elections Management System; however, no name shall be purged from the Statewide Elections Management System 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. Except as otherwise provided by Section 23-15-573, no person shall vote at any election whose name is not in the county voter roll electronically maintained by the Statewide Elections Management System.

(2) Except as provided in this section, and subject to the following annual limitations, the election commissioners shall be

entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), 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 county voter roll as electronically maintained by the Statewide Elections Management System 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 (l) 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 election commissioners 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 county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section, not to exceed five (5) days.

(4) (a) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), 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 county voter roll as electronically maintained by the Statewide Elections Management System before 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 election commissioners 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 primary, runoff, general or special election. The annual limitations set forth in subsection (2) of this section shall apply to this paragraph.

(c) The board of supervisors may, in its discretion, pay the election commissioners an additional amount not to exceed Fifty Dollars ($50.00) for the performance of their duties at any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such compensation shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

(5) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), 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 county voter roll as electronically maintained by the Statewide Elections Management System and in the conduct of a runoff election following either a general or special election.

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

(7) In preparation for a municipal primary, runoff, general or special election, the county registrar shall generate and distribute the master voter roll and pollbooks from the Statewide Elections Management System for the municipality located within the county. The municipality shall pay the county registrar for the actual cost of preparing and printing the municipal master voter roll pollbooks. A municipality may secure "read only" access to the Statewide Elections Management System and print its own pollbooks using this information.

(8) County election commissioners 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 election commissioners are employed in the conduct of a primary election shall be treated the same as days county election commissioners are employed in the conduct of other elections.

(9) In addition to any per diem authorized by this section, any election commissioner shall be entitled to the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel on election day.

(10) Every election commissioner 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 $100.00

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 an election commissioner 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 chair of the commission, any member of the board of supervisors or the clerk of the board of supervisors of the 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 or her 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.

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

SECTION 30. Section 23-15-171, Mississippi Code of 1972, is amended as follows:

23-15-171. (1) <u>Except as otherwise provided in Section 4 of this act,</u> municipal primary elections shall be held on the first

Tuesday in April preceding the general municipal election and, in the event a second primary shall be necessary, such second primary shall be held on the fourth Tuesday in April preceding such general municipal election. The candidate receiving a majority of the votes cast in the election shall be the party nominee. If no candidate shall receive a majority vote at the election, the two (2) candidates receiving the highest number of votes shall have their names placed on the ballot for the second primary election. The candidate receiving the most votes cast in the second primary election shall be the party nominee. However, if no candidate shall receive a majority vote at the first primary, and there is a tie in the election of those receiving the next highest vote, those candidates receiving the next highest vote and the candidate receiving the highest vote shall have their names placed on the ballot for the second primary election, and whoever receives the most votes cast in the second primary election shall be the party nominee. At the primary election the municipal executive committee shall perform the same duties as are specified by law and performed by members of the county executive committee with regard to state and county primary elections. Each municipal executive committee shall have as many members as there are elective officers of the municipality, and the members of the municipal executive committee of each political party shall be elected in the primary elections held for the nomination of candidates for municipal offices. The provisions of this section

shall govern all municipal primary elections as far as applicable, but the officers to prepare the ballots and the poll managers and other officials of the primary election shall be appointed by the municipal executive committee of the party holding the primary, and the returns of such election shall be made to such municipal executive committee. Vacancies in the executive committee shall be filled by it.

(2) Provided, however, that in municipalities operating under a special or private charter which fixes a time for holding elections, other than the time fixed by Chapter 491, Laws of 1950, the first primary election shall be held on the first Tuesday, two (2) months before the time for holding the general election, as fixed by the charter, and the second primary election, where necessary, shall be held three (3) weeks after the first primary election, unless the charter of any such municipality provides otherwise, in which event the provisions of the special or private charter shall prevail as to the time of holding such primary elections.

(3) All primary elections in municipalities shall be held and conducted in the same manner as is provided by law for state and county primary elections.

SECTION 31. Section 23-15-173, Mississippi Code of 1972, is amended as follows:

23-15-173. (1) 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. Early voting for those general municipal elections shall be conducted as provided in Sections 1 through 7 of this act.

(2) All municipal general elections shall be held and conducted in the same manner as is provided by law for state and county general elections.

(3) The provisions of Sections 23-15-171 and 23-15-173, which fix the times to hold primary and 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 the provisions, in which event the primary and general elections shall be held at the time fixed by the charter of the municipality.

SECTION 32. Section 23-15-191, Mississippi Code of 1972, is amended as follows:

23-15-191. The first primary shall be held on the first Tuesday after the first Monday of August preceding any regular or general election; and the second primary shall be held three (3) weeks thereafter. Early voting for the primary election shall be conducted as provided for in Sections 1 through 7 of this act. The candidate that receives a majority of the votes cast in the election shall be the party nominee. If no candidate receives a majority vote at the election, then the two (2) candidates who

receive the highest number of votes shall have their names placed on the ballot for the second primary election to be held three (3) weeks later. The candidate who receives the most votes in the second primary election shall be the party nominee. However, if no candidate receives a majority vote at the first primary, and there is a tie in the election of those receiving the next highest vote, then those candidates receiving the next highest vote and the candidate receiving the highest vote shall have their names placed on the ballot for the second primary election to be held three (3) weeks later, and whoever receives the most votes cast in the second primary election shall be the party nominee.

SECTION 33. Section 23-15-195, Mississippi Code of 1972, is amended as follows:

23-15-195. Except as otherwise provided in Sections 1 through 7 of this act, all elections by the people shall be by ballot, and shall be concluded in one (1) day.

SECTION 34. Section 23-15-197, Mississippi Code of 1972, is amended as follows:

23-15-197. (1) Times for holding primary and general elections for congressional offices shall be as prescribed in Sections 23-15-1031, 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, and times for holding

elections for the office of judge of the Court of Appeals shall be as prescribed in Section 9-4-5.

(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.

(5) Times for holding elections for the office of levee commissioner shall be as prescribed in Chapter 12, Laws of 1928; Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317, Laws of 1983; and Chapter 438, Laws of 2010.

(6) Times for holding early voting shall be as provided in Sections 1 through 7 of this act.

SECTION 35. Section 23-15-231, Mississippi Code of 1972, is amended as follows:

23-15-231. Before every *** * *** early voting period begins, the election commissioners shall appoint three (3) persons for each voting precinct to be poll managers, one (1) of whom shall be designated by the election commissioners as election bailiff. For general and special elections, the poll managers shall not all be of the same political party if suitable persons of different political parties can be found in the district. If any person appointed shall fail to attend and serve, the poll managers

present, if any, may designate someone to fill his or her place; and if the election commissioners fail to make the appointments or in case of the failure of all those appointed to attend and serve, any three (3) qualified electors present when the polls should be opened may act as poll managers. Provided, however, any person appointed to be poll manager or act as poll manager shall be a qualified elector of the county in which the polling place is located.

SECTION 36. Section 23-15-233, Mississippi Code of 1972, is amended as follows:

23-15-233. The poll managers shall take care that the election *** * *** and the early voting are conducted fairly and agreeably to law, and they shall be judges of the qualifications of electors, and may examine, on oath, any person duly registered and offering to vote touching his or her qualifications as an elector, which oath any of the poll managers may administer.

SECTION 37. Section 23-15-239, Mississippi Code of 1972, is amended as follows:

[Until January 1, 2020, this section shall read as follows:]

23-15-239. (1) The executive committee of each county, in the case of a primary election, or the election commissioners of each county, in the case of all other elections, in conjunction with the circuit clerk, shall, in the years in which counties conduct an election, sponsor and conduct, not less than five (5) days before the early voting period begins for each election, not

less than four (4) hours and not more than eight (8) hours of poll manager training to instruct poll managers as to their duties in the proper administration of the election and the operation of the polling place. Any poll manager who completes the online training course provided by the Secretary of State shall only be required to complete two (2) hours of in-person poll manager training. No poll manager shall serve in any election unless he or she has received these instructions once during the twelve (12) months immediately preceding the date upon which the early voting period for each election * * * begins; however, nothing in this section shall prevent the appointment of an alternate poll manager to fill a vacancy in case of an emergency. The county executive committee or the election commissioners, as appropriate, shall train a sufficient number of alternates to serve in the event a poll manager is unable to serve for any reason.

(2) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive

committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

(3) The board of supervisors and the municipal governing authority, in their discretion, may compensate poll managers who attend these training sessions. The compensation shall be at a rate of not less than the federal hourly minimum wage nor more than Twelve Dollars ($12.00) per hour. Poll managers shall not be compensated for more than sixteen (16) hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions.

(4) The time and location of the training sessions required pursuant to this section shall be announced to the general public by posting a notice thereof at the courthouse and by delivering a

copy of the notice to the office of a newspaper having general circulation in the county five (5) days before the date upon which the training session is to be conducted. Persons who will serve as poll watchers for candidates and political parties, as well as members of the general public, shall be allowed to attend the sessions.

(5) Subject to the following annual limitations, the election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), 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 for the necessary time spent in conducting training sessions as required by this section:

(a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than five (5) days per 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 eight (8) days per 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 ten (10) days per 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 twelve (12) days per 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 fifteen (15) days per 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 eighteen (18) days per 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 nineteen (19) days per year;

(h) In counties having two hundred twenty-five thousand (225,000) residents or more according to the latest federal decennial census, not more than twenty-two (22) days per year.

(6) Election commissioners shall claim the per diem authorized in subsection (5) of this section in the manner provided for in Section 23-15-153(6).

(7) (a) To provide poll manager training, the Secretary of State has developed a single, comprehensive poll manager training program to ensure uniform, secure elections throughout the state. The program includes online training on all state and federal election laws and procedures and voting machine opening and closing procedures.

(b) County election commissioners shall designate one (1) poll manager per precinct, who shall individually access and complete the online training program, including all skills assessments, at least five (5) days before the early voting period for an election begins. The poll manager shall be defined as a "certified poll manager," and entitled to a "Certificate of Completion" and compensation for the successful completion of the training and skills assessment in the amount of Twenty-five Dollars ($25.00) payable from the Secretary of State. Compensation paid to any poll manager under this paragraph (b) shall not exceed Twenty-five Dollars ($25.00) per calendar year.

(c) Every election held after January 1, 2018, shall have at least one (1) certified poll manager appointed by the county election officials to work in each polling place in the county during each general election.

[From and after January 1, 2020, this section shall read as follows:]

23-15-239. (1) The executive committee of each county, in the case of a primary election, or the election commissioners of each county, in the case of all other elections, in conjunction with the circuit clerk, shall, in the years in which counties conduct an election, sponsor and conduct, not less than five (5) days before the early voting period for each election begins, not less than four (4) hours and not more than eight (8) hours of poll manager training to instruct poll managers as to their duties in the proper administration of the election and the operation of the polling place. Any poll manager who completes the online training course provided by the Secretary of State shall only be required to complete two (2) hours of in-person poll manager training. No poll manager shall serve in any election unless he or she has received these instructions once during the twelve (12) months immediately preceding the date upon which the election is held; however, nothing in this section shall prevent the appointment of an alternate poll manager to fill a vacancy in case of an emergency. The county executive committee or the election commissioners, as appropriate, shall train a sufficient number of alternates to serve in the event a poll manager is unable to serve for any reason.

(2) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with

the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

(3) The board of supervisors and the municipal governing authority, in their discretion, may compensate poll managers who attend these training sessions. The compensation shall be at a rate of not less than the federal hourly minimum wage nor more

than Twelve Dollars ($12.00) per hour. Poll managers shall not be compensated for more than sixteen (16) hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions.

(4) The time and location of the training sessions required pursuant to this section shall be announced to the general public by posting a notice thereof at the courthouse and by delivering a copy of the notice to the office of a newspaper having general circulation in the county five (5) days before the date upon which the training session is to be conducted. Persons who will serve as poll watchers for candidates and political parties, as well as members of the general public, shall be allowed to attend the sessions.

(5) Subject to the following annual limitations, the election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), 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 for the necessary time spent in conducting training sessions as required by this section:

(a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than five (5) days per 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 eight (8) days per 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 ten (10) days per 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 twelve (12) days per 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 fifteen (15) days per 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 eighteen (18) days per 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 nineteen (19) days per year;

(h) In counties having two hundred twenty-five thousand (225,000) residents or more according to the latest federal decennial census, not more than twenty-two (22) days per year.

(6) Election commissioners shall claim the per diem authorized in subsection (5) of this section in the manner provided for in Section 23-15-153(6).

(7) (a) To provide poll manager training, the Secretary of State has developed a single, comprehensive poll manager training program to ensure uniform, secure elections throughout the state. The program includes online training on all state and federal election laws and procedures and voting machine opening and closing procedures.

(b) County poll managers who individually access and complete the online training program, including all skills assessments, at least five (5) days before the early voting period for an election begins shall be defined as "certified poll managers," and entitled to a "Certificate of Completion."

(c) At least one (1) certified poll manager shall be appointed by the county election officials to work in each polling place in the county during each general election.

SECTION 38. Section 23-15-241, Mississippi Code of 1972, is amended as follows:

23-15-241. The poll manager designated an election bailiff shall, in addition to his or her other duties, be present during the early voting period and on election day to keep the peace and to protect the voting place, and to prevent improper intrusion upon the voting place or interference with the election, and to arrest all persons creating any disturbance about the voting place, and to enable all qualified electors who have not voted, and who desire to vote, to have unobstructed access to the polls for the purpose of voting when others are not voting.

SECTION 39. Section 23-15-245, Mississippi Code of 1972, is amended as follows:

23-15-245. It shall be the duty of the poll manager designated as bailiff to be present at the voting place, and to take such steps as will accomplish the purpose of his or her appointment, and the poll manager designated as bailiff shall have full power to do so and may summon to his or her aid all persons present at the voting place. A space thirty (30) feet in every direction from the polls, or the room in which the * * * voting is held, shall be kept open and clear of all persons except the election officials, individuals present to vote and credentialed poll watchers as defined by Section 23-15-577. The electors shall approach the polls from one (1) direction, line, door or passage, and depart in another as nearly opposite as convenient.

SECTION 40. Section 23-15-247, Mississippi Code of 1972, is amended as follows:

23-15-247. The election commissioners in each county shall procure, if not already provided, a sufficient number of ballot boxes, which shall be distributed by them to the voting precincts of the county before the time for opening the polls for early voting and on election day. The boxes shall be securely sealed from the opening of the polls * * * for early voting until the polls close on election day; and the box shall be kept by one (1) of the managers, and the manager having the box shall carefully keep it, and neither open it himself or herself nor permit it to be opened, nor permit any person to have any access to it throughout the voting period during an election. The box shall not be removed from the polling building or place after the polls are opened until the polls close and the count is complete. After each election the ballot boxes shall be delivered to the clerk of the circuit court of the county for preservation; and he or she shall keep them for future use, and, when called for, deliver them to the election commissioners.

SECTION 41. Section 23-15-251, Mississippi Code of 1972, is amended as follows:

23-15-251. The election commissioners, in appointing the poll managers of an election, shall designate one (1) of the poll managers at each voting place to receive and distribute the official ballots, and shall deliver to him or her the proper number of ballots for his or her district not less than one (1) day before the early voting period begins and not less than one

(1) day before election day; and the poll manager receiving the ballots from the election commissioners shall distribute the same to the electors of his or her district in the manner herein provided. It shall be the duty of the designated poll manager for service at a voting place other than the courthouse, to carry to that voting place, on the day before the early voting period begins and on the day before election day, or before 6:00 a.m. on the morning the early voting period begins and on the morning of the election day, the ballot box, the pollbook, the blank tally sheets, the blank forms to be used in making returns, the other necessary stationery and supplies and the official printed ballots aforesaid, and all of the same used and unused shall be returned by the designated poll manager to the election commissioners on the day *** * *** after the election.

SECTION 42. Section 23-15-255, Mississippi Code of 1972, is amended as follows:

23-15-255. (1) The supervisor of each respective supervisors district shall provide at each election place a sufficient number of voting compartments, shelves and tables for the use of electors, which shall be so arranged that it will be impossible for a voter in one (1) compartment to see another voter who is preparing his or her ballot. The number of voting compartments and shelves or tables shall not be less than one (1) to every two hundred (200) electors in the voting precinct.

(2) The poll managers of each precinct shall publicly post the following information at the precinct polling place * * * during any election:

(a) A sample ballot that will be used at the election;

(b) The hours during which the polling places will be open for early voting and on election day;

(c) Instructions on how to vote, including how to cast a vote and how to cast an affidavit ballot;

(d) Instructions for persons who have registered to vote by mail and first time voters, if appropriate;

(e) General information on voting rights, including information on the right of an individual to cast an affidavit ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; * * *

(f) The consequences under federal and state laws regarding fraud and misrepresentation;

(g) A list of voters in each polling place that have already cast an absentee ballot or voted during the early voting period; and

(h) The acceptable forms of photo identification that may be presented in the polling place.

SECTION 43. Section 23-15-263, Mississippi Code of 1972, is amended as follows:

23-15-263. (1) Unless otherwise provided in this chapter, the county executive committee at primary elections shall perform

all duties that relate to the qualification of candidates for primary elections, print ballots for the early voting period for primary elections and for primary * * * election day, appoint the primary election officers, resolve contests in regard to primary elections, and perform all other duties required by law to be performed by the county executive committee; however, each house of the Legislature shall rule on the qualifications of the membership of its respective body in contests involving the qualifications of * * * its members. The executive committee shall be subject to all the penalties to which county election commissioners are subject, except that Section 23-15-217 shall not apply to members of the county executive committee who seek elective office.

(2) A member of a county executive committee shall be automatically disqualified to serve on the county executive committee, and shall be considered to have resigned * * * from the county executive committee, upon his or her qualification as a candidate for any elective office. The provisions of this subsection shall not apply to a member of a county executive committee who qualifies as a candidate for a municipal elective office.

(3) The primary election officers appointed by the executive committee of the party shall have the powers and perform the duties, where not otherwise provided, required of * * * those officers in a general election, and any * * * act or omission

which by law is an offense when committed in or about or in respect to * * * the general elections, shall be an offense if committed in or about or in respect to a primary election; and the same shall be indictable and punishable in the same way as if the election was a general election for the election of state and county officers, except as specially modified or otherwise provided in this chapter.

SECTION 44. Section 23-15-265, Mississippi Code of 1972, is amended as follows:

23-15-265. (1) The county executive committee of each county shall meet not less than two (2) weeks before the date * * * the period for early voting begins for any primary election and appoint the poll managers for same, all of whom may be members of the same political party. The number of poll managers appointed by the county executive committee shall be the same number as election commissioners are allowed to appoint pursuant to Sections 23-15-231 and 23-15-235. If the county executive committee fails to meet on the date named, supra, further notice shall be given of the time and place of meeting.

(2) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this

subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

SECTION 45. Section 23-15-267, Mississippi Code of 1972, is amended as follows:

23-15-267. (1) The ballot boxes provided by the election commissioners in each county shall be used in primary elections, and the county executive committees shall distribute them to the voting precincts of the county before the time for opening the polls, in the same manner, as near as may be, as that provided for in general elections.

(2) The boxes shall be securely sealed and locked beginning at the start of voting during the period for early voting and on election day until the end of voting on election day; and the box shall be kept by one (1) of the poll managers, and the poll manager having the box shall carefully keep it, and neither open it himself or herself nor permit it to be done, nor permit any person to have any access to it throughout voting during the period for early voting and during election day. The box shall not be removed from the polling place after the polls are open until the polls close and the count is completed.

(3) After each election, the ballot boxes shall be delivered to the clerk of the circuit court of the county for preservation; and he or she shall keep them for future use, and, when called for, deliver them to the election commissioners.

(4) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the State Executive Committee and the Secretary of State of the existence of such agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the State Executive Committee and the Secretary of State of the existence of such agreement.

(5) The person, or persons, whose duty it is to comply with the provisions of this section and who shall fail, or neglect, from any cause, to deliver the boxes or any of them as herein provided shall, upon conviction, be fined not less than Two Hundred Dollars ($200.00) and be imprisoned in the county jail of the residence of the person, or persons, who violates any of the provisions of this section, for a period of not less than thirty (30) days or more than six (6) months, and fined not more than Five Hundred Dollars ($500.00).

SECTION 46. Section 23-15-309, Mississippi Code of 1972, is amended as follows:

23-15-309. (1) Nominations for all municipal officers which are elective shall be made *** * *** <u>during the days for conducting</u> a

primary election, or elections, to be held in the manner prescribed by law. All persons desiring to be candidates for the nomination in the primary elections shall first pay Ten Dollars ($10.00) to the clerk of the municipality, at least sixty (60) days before the date the early voting period begins for the first primary election, no later than 5:00 p.m. on such deadline day. If the sixtieth day to file the fee and written statement before the date the early voting period begins for an election falls on a Sunday or legal holiday, the fees and written statements submitted on the business day immediately following the Sunday or legal holiday shall be accepted.

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

(3) The clerk shall promptly receipt the payment, stating the office for which the person making the payment is running and the political party with which such person is affiliated. The clerk shall keep an itemized account in detail showing the time and date of the receipt of such payment received by him or her, from whom such payment was received, the party with which such person is affiliated and for what office the person paying the fee is a candidate. No candidate may attempt to qualify with any political party that does not have a duly organized municipal

executive committee, and the municipal clerk shall not accept any assessments made pursuant to subsection (1) if the municipal clerk does not have contact information for the secretary of the municipal executive committee for that political party. The clerk shall promptly supply all necessary information and pay over all fees so received to the secretary of the proper municipal executive committee. The funds may be used and disbursed in the same manner as is allowed in Section 23-15-299 in regard to other executive committees.

(4) Upon receipt of the above information, the proper municipal executive committee shall then determine, at the time of the qualifying deadline, whether each candidate is a qualified elector of the municipality, and of the ward if the office sought is a ward office, shall determine whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she 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 on or after December 8, 1992, 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 on or after December 8, 1992. 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 such offense also involved misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. If the proper municipal executive committee finds that a candidate either (a) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date *** * *** the early voting period begins for the general or special election at which he or she could be elected, or (b) has been convicted of a felony as described in this subsection and not pardoned, then the executive committee shall notify the candidate and give the candidate an opportunity to be heard. The executive committee shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the 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.

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

SECTION 47. Section 23-15-331, Mississippi Code of 1972, is amended as follows:

23-15-331. It shall be the duty of the state executive committee of each political party to furnish to each county executive committee, not less than fifty (50) days *** * *** before the *** * *** period for early voting begins the names of all state and state district candidates and all candidates for legislative districts composed of more than one (1) county or parts of more than one (1) county who have qualified as provided by law, and in accordance with the requirements of Section 23-15-333 a sample of the official ballot to be used in the primary, the general form of which shall be followed as nearly as practicable.

SECTION 48. Section 23-15-333, Mississippi Code of 1972, is amended as follows:

23-15-333. (1) The county executive committee shall have printed all necessary ballots, for use in primary elections. The county executive committee shall have printed all necessary absentee ballots forty-five (45) days before the period for early voting begins for the election as required by law. The ballots

shall contain the names of all the candidates to be voted for at the election, and there shall be left on each ballot one (1) blank space under the title of each office for which a nominee is to be elected; and in the event of the death of any candidate whose name shall have been printed on the ballot, the name of the candidate duly substituted in the place of the deceased candidate may be written in such blank space by the voter. Except as otherwise provided in subsection (2) of this section, the order in which the titles to the various offices shall be printed, and the size, print and quality of the paper of the ballot is left to the discretion of the county executive committee. Provided, however, that in all cases the arrangement of the names of the candidates for each office shall be alphabetical. No ballot shall be used except those so printed.

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

(a) Candidates, electors or delegates for the following national offices:

(i) President of the United States of America;

(ii) United States Senator or United States Representative;

(b) Candidates for the following statewide offices: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, Commissioner of Agriculture and Commerce, Commissioner of Insurance;

(c) Candidates for the following state district offices: Mississippi Transportation Commissioner, Public Service Commissioner, District Attorney;

(d) Candidates for the following legislative offices: Senator and House of Representatives;

(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 paragraphs (e) and (f) are left to the discretion of the county executive committee. Candidates' names shall be listed alphabetically under each office by the candidate's last name.

(3) If after the deadline to qualify as a candidate for an office, only one (1) person has duly qualified to be a candidate for the office in the primary election, the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person has duly qualified to be a candidate for each office on the primary election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate executive committee shall declare each candidate as the party nominee if the candidate meets all the qualifications to hold the office.

(4) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing

the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

SECTION 49. Section 23-15-335, Mississippi Code of 1972, is amended as follows:

23-15-335. (1) The county executive committee shall designate a person whose duty it shall be to distribute all necessary ballots for use *** * *** during a primary election, and

shall designate one (1) among the poll managers at each polling place to receive and receipt for the blank ballots to be used at that place. When the blank ballots are delivered to a local poll manager, the distributor shall take from the local poll manager a receipt therefor signed in duplicate by both the distributor and the poll manager, one (1) of which receipts the distributor shall deliver to the circuit clerk and the other shall be retained by the local poll manager and the last mentioned duplicate receipt shall be enclosed in the ballot box with the voted ballots when the polls have been closed and the votes have been counted. The printer of the ballots shall take a receipt from the distributor of the ballots for the total number of the blank ballots delivered to the distributor. The printer shall secure all ballots printed by him or her in such a safe manner that no person can procure them or any of them, and he or she shall deliver no blank ballot or ballots to any person except the distributor above mentioned, and then only upon his or her receipt therefor as above specified. The distributor of the blank ballots shall so securely hold the same that no person can obtain any of them, and he or she shall not deliver any of them to any person other than to the authorized local poll managers and upon their respective receipts therefor. The executive committee shall see to it that the total blank ballots delivered to the distributor, shall correspond with the total of the receipts executed by the local poll managers.

(2) (a) If it is eligible under Section 23-15-266, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

(b) If it is eligible under Section 23-15-266, the municipal executive committee may enter into a written agreement with the municipal clerk or the municipal election commission authorizing the municipal clerk or the municipal election commission to perform any of the duties required of the municipal executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the municipal executive committee and the municipal clerk or the chair of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

(3) Any person charged with any of the duties prescribed in this section who shall willfully or with culpable carelessness violate the same shall be guilty of a misdemeanor.

SECTION 50. Section 23-15-353, Mississippi Code of 1972, is amended as follows:

23-15-353. The officer charged with printing and distributing the official ballot shall ascertain from the registrar, at least ten (10) days before the day *** * *** early voting for that election begins, the number of registered voters in each voting precinct; and he or she shall have printed and distributed a sufficient number of ballots for use in each precinct.

SECTION 51. Section 23-15-357, Mississippi Code of 1972, is amended as follows:

23-15-357. On the back and outside of the ballot shall be printed the words "OFFICIAL BALLOT," the name of the voting precinct or place for which the ballot is prepared, *** * *** the date of the election and the date of the period for early voting.

SECTION 52. Section 23-15-359, Mississippi Code of 1972, is amended as follows:

23-15-359. (1) Except as provided in this section, the ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures and assessments that must be paid pursuant to

Section 23-15-297, if the candidates and nominees meet all of the qualifications to hold the office sought. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors:

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

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

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

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

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

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

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

(h) For the Office of President of the United States, a party nominee or independent candidate shall pay an assessment in the amount of Two Thousand Five Hundred Dollars ($2,500.00).

(2) (a) Unless the petition or fee, whichever is applicable, required above shall be filed as provided for in subsection (3), (4) or (5) of this section, as appropriate, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each office, and the names shall be listed under the name of the political party that candidate represents as provided by law and as certified to the circuit clerk by the state executive committee of the political party. In the event the candidate qualifies as an independent as provided in this section, he or she shall be listed on the ballot as an independent candidate.

(b) The name of an independent or special election candidate who dies before the printing of the ballots, shall not be placed on the ballots.

(3) Petitions for offices described in paragraphs (a), (b), (c), (d) and (e) of subsection (1) of this section shall be filed with the Secretary of State by no later than 5:00 p.m. on the same date or business day, as applicable, by which candidates are

required to pay the fee provided for in Section 23-15-297; however, no petition may be filed before January 1 of the year in which the election for the office is held.

(4) Petitions for offices described in paragraphs (f) and (g) of subsection (1) of this section shall be filed with the proper circuit clerk by no later than 5:00 p.m. on the same date by which candidates are required to pay the fee provided for in Section 23-15-297; however, no petition may be filed before January 1 of the year in which the election for the office is held. The circuit clerk shall notify the county election commissioners of all persons who have filed petitions with the clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(5) The assessment for the office described in paragraph (h) of subsection (1) of this section shall be paid to the Secretary of State. The Secretary of State shall deposit any qualifying fees received from candidates into the Elections Support Fund established in Section 23-15-5.

(6) The election commissioners may also have printed upon the ballot any local issue election matter that is authorized to be * * * voted on * * * during the period for voting for the regular or general election pursuant to Section 23-15-375; however, the ballot form of the local issue must be filed with the election commissioners by the appropriate governing authority not

less than sixty (60) days before the date * * * the early voting period begins for the election.

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

(8) Nothing in this section shall prohibit special elections to fill vacancies in either house of the Legislature from being held as provided in Section 23-15-851. In all elections conducted under the provisions of Section 23-15-851, there shall be printed on the ballot the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the Secretary of State and signed by not less than fifty (50) qualified electors.

(9) (a) The appropriate election commission shall determine whether each candidate is a qualified elector of the state, state district, county or county district they seek to serve, and whether each candidate meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date * * * the early voting period begins for the general or special election at which he or she could be elected to office. The election commission shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The election commission also

shall determine whether any candidate has been convicted (i) of any felony in a court of this state, (ii) on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, (iii) of any felony in a federal court on or after December 8, 1992, or (iv) of any offense that involved the misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. 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.

(b) If the appropriate election commission finds that a candidate either (i) is not a qualified elector, (ii) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date *** * *** the early voting period begins the general or special election at which he or she could be elected, or (iii) has been convicted of a felony or other disqualifying offense as described in paragraph (a) of this subsection, and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate

provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the appropriate election commission 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.

(10) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, only one (1) person has duly qualified to be a candidate for the office in the general election, the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (9) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

(11) The petition required by this section may not be filed by using the Internet.

SECTION 53. Section 23-15-363, Mississippi Code of 1972, is amended as follows:

23-15-363. After the proper officer has knowledge of or has been notified of the nomination, as provided, of any candidate for office, the officer shall not omit his or her name from the ballot, unless upon the written request of the candidate nominated, made at least ten (10) days before the early voting period for the election begins, and in no case after * * * the ballot has been printed; and every ballot shall contain the names of all candidates nominated as specified, and not duly withdrawn.

SECTION 54. Section 23-15-367, Mississippi Code of 1972, is amended as follows:

23-15-367. (1) Except as otherwise provided by Sections 23-15-974 through 23-15-985 and subsection (2) of this section, the 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, electors or delegates for the following national offices:

(i) President;

(ii) United States Senator or United States Representative;

(b) Candidates for the following statewide office: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, Commissioner of Agriculture and Commerce, Commissioner of Insurance;

(c) Candidates for the following state district offices: Mississippi Transportation Commissioner, Public Service Commissioner, District Attorney;

(d) Candidates for the following legislative offices: Senate and House of Representatives;

(e) Candidates for countywide office;

(f) Candidates for county district office.

The order in which the titles for the various offices are listed within paragraphs (e) and (f) is left to the discretion of the county election commissioners. Nominees of the political parties, qualified to conduct primary elections as defined in Section 23-15-291, shall be listed first alphabetically by the candidate's last name, followed by any other candidates listed alphabetically by last name.

(3) It is the duty of the Secretary of State, with the approval of the Governor, to furnish the designated election commissioner of each county a sample of the official ballot, not less than fifty-five (55) days before the early voting period begins for the election, the general form of which shall be followed as nearly as practicable.

SECTION 55. Section 7-3-39, Mississippi Code of 1972, is amended as follows:

7-3-39. The Secretary of State shall have published in full each constitutional amendment two (2) weeks * * * before the period for early voting for the election begins, if early voting is authorized for that election, at which the qualified electors shall vote on * * * the amendments, in each county in each newspaper having a general circulation in the county, as defined in Section 13-3-31; or * * * the Secretary of State shall have each amendment posted in three (3) public places in the county if all * * * the newspapers in the county refuse to publish same at the price provided in Section 7-3-41.

SECTION 56. 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 the 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 * * * during the same voting period 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 election commissioners 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 * * * during the same voting period as a party primary election, the names of the candidates in the special election may be placed on the same ballot by the officials in charge of the election, 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 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 that they seek. In partisan elections, the party designation of each candidate, which may be abbreviated, shall be printed following his or her name.

One (1) sample ballot, which shall be a facsimile of the official ballot and instructions to the voters, shall be provided for each precinct and shall be posted in each polling place during early voting and on election day.

A separate ballot security envelope or suitable equivalent in which the voter can place his or her 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 57. Section 23-15-515, Mississippi Code of 1972, is amended as follows:

23-15-515. The circuit clerk shall be the custodian of OMR equipment acquired by the county, who shall be charged with the proper storage, maintenance and repair of the OMR equipment. The municipal clerk shall be the custodian of the OMR equipment acquired by the municipality, and shall be charged with the proper storage, maintenance and repair of the OMR equipment. The custodian or the officials in charge of the election shall repair

or replace any OMR equipment which fails to function properly during the early voting period or on election day.

SECTION 58. Section 23-15-531.6, Mississippi Code of 1972, is amended as follows:

23-15-531.6. (1) For each primary or general election, the officials in charge of the election shall use at least seventy-five percent (75%) of all DRE units available to the county or municipality, as the case may be. For all other elections in which the officials in charge of the election choose to use DRE units, at least one-third (1/3) of all DRE units available to the county or municipality, as the case may be, shall be used in such elections.

(2) The officials in charge of the election shall ensure the delivery of the proper DRE units to the polling places of the respective precincts at least one (1) hour before the time for opening the polls during the early voting period and at each election and shall cause each unit to be set up in the proper manner for use in voting.

(3) (a) On or before the second day before the early voting period begins and before any election day, the officials in charge of the conduct of the election shall cause each DRE unit to be tested for logic and accuracy to ascertain that the units will correctly count the votes cast for all offices and on all questions, in a manner the Secretary of State may further prescribe by rule or regulation.

(b) Public notice of the time and place of the test shall be made at least five (5) days before the date of the test. Candidates, representatives of candidates, political parties, news media and the public shall be permitted to observe the testing of the DRE units.

(4) The officials in charge of the conduct of the election shall test all memory cards and encoders to be used in any election.

(5) The officials in charge of the election shall require that each DRE unit be inspected and sealed before the delivery of each DRE unit to the polling place. Before opening the polls each day on which the DRE units will be used *** * *** during an election or the period for early voting, the poll manager shall break the seal on each unit, turn on each unit, certify that each unit is operating properly and is set to zero, and print a zero tape certifying that each unit is set to zero and shall keep or record such certification on each unit.

(6) The officials in charge of the election, election commissioners and poll managers shall provide ample protection against molestation of and injury to the DRE units, and, for that purpose, the officials in charge of the election, election commissioners and poll managers may call upon any law enforcement officer to furnish any assistance that may be necessary. It shall be the duty of any law enforcement officer to furnish assistance

when so requested by the officials in charge of the election, election commissioner or poll manager.

(7) The officials in charge of the election, in conjunction with the governing authorities, shall, at least one (1) hour before opening the polls for early voting and on election day:

(a) Provide sufficient lighting to enable electors to read the ballot and to enable poll managers to examine the booth and conduct their responsibilities;

(b) Provide directions for voting on the DRE units that shall be prominently posted within each voting booth and provide at least one (1) sample ballot for each primary or general election shall be prominently posted outside the enclosed space within the polling place;

(c) Ensure that each DRE unit and its tabulating mechanism is secure throughout the day; and

(d) Provide such other materials and supplies as may be necessary or required by law.

SECTION 59. Section 23-15-545, Mississippi Code of 1972, is amended as follows:

23-15-545. At each election, at least one (1) poll manager shall be charged with writing in the pollbook the word "VOTED," in the column having at its head the date of the early voting period or the date of the election, opposite the name of each elector upon return of a marked paper ballot by the elector with the initials of the initialing poll manager or alternate initialing

poll manager affixed thereon. When a DRE unit is used in the polling place, the word "VOTED" shall be marked by at least one (1) poll manager in the pollbook in the column having at its head the date of the election, opposite the name of the elector.

SECTION 60. Section 23-15-573, Mississippi Code of 1972, is amended as follows:

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

(a) A poll manager shall notify the person that he or she may cast an affidavit ballot * * * during 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 poll managers stating that the individual:

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

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

(iii) Believes that he or she has been illegally denied registration; or

(iv) Is unable to present an acceptable form of photo identification.

(c) The poll manager shall allow the individual to mark a paper ballot properly endorsed by the initialing poll manager or alternate initialing poll manager in accordance with Section 23-15-541, which shall be delivered by him or her to the proper election official who shall enclose it in an affidavit ballot envelope, with the written and signed affidavit of the voter affixed to the envelope, seal the envelope and mark plainly upon it the name of the person offering to vote.

(2) The affidavit ballot envelope shall include:

(a) The complete name of the voter;

(b) A present and previous physical and mailing address of the voter;

(c) Telephone numbers where the voter may be contacted;

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

(e) The signature of the affiant; and

(f) The signature of the poll manager at the polling place at which the affiant offers to vote.

(3) (a) A separate receipt book shall be maintained for affidavit voters and the affidavit voters shall sign the receipt book upon completing the affidavit ballot.

(b) If the affidavit voter is casting an affidavit ballot because the voter is unable to present an acceptable form of photo identification and the voter's name appears in the pollbook, then the poll manager shall write "NO ID" across from the voter's name and in the appropriate column in the pollbook.

(c) In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners in other elections, shall examine the records and allow the ballot to be counted, or not counted as it appears legal.

(d) An affidavit ballot of a voter who was unable to present an acceptable form of photo identification shall not be rejected for this reason if the voter does either of the following:

(i) Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date *** * *** the person voted during the election and presents an acceptable form of photo identification;

(ii) Returns to the circuit clerk's office within five (5) business days after the date of the election to obtain

the Mississippi Voter Identification Card, or in municipal election, returns to the municipal clerk's office within five (5) business days after the date * * * the person voted during the election to present his or her Mississippi Voter Identification Card or Temporary Mississippi Voter Identification Card; or

(iii) Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date * * * the person voted during the election to execute a separate Affidavit of Religious Objection.

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

(5) The officials in charge of the election shall process all affidavit ballots by using the Statewide Elections Management System. The officials in charge of the election shall account for all affidavit ballots cast in each election, categorizing the affidavit ballots cast by reason and recording the total number of affidavit ballots counted and not counted in each such category in the Statewide Elections Management System.

(6) The Secretary of State shall, by rule duly adopted, establish a uniform affidavit ballot envelope that shall be used in all elections in this state. The Secretary of State shall print and distribute a sufficient number of affidavit ballot

envelopes to the registrar of each county for use in elections. The registrar shall distribute the affidavit ballot envelopes to municipal and county executive committees for use in primary elections and to municipal and county election commissioners for use in all other elections.

(7) County registrars and municipal registrars shall maintain 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.

(8) Any person who votes *** * *** during 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 on an election day, 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 61. Section 23-15-613, Mississippi Code of 1972, is amended as follows:

23-15-613. (1) As used in this section "residual votes" means overvotes, undervotes and any other vote not counted for any reason.

(2) For every election, election commissions and county and municipal executive committees shall report to the Secretary of State residual vote information; however, if the voting

devices * * * used in the election do not produce a ballot, other information shall be reported as required in this section.

(3) For every election, election commissions and county and municipal executive committees responsible for the conduct of elections in which ballots are generated that are counted by hand or by OMR equipment or the tabulating mechanism of a DRE unit shall report to the Secretary of State all residual votes for all candidates and ballot measures in the elections for which they are responsible for conducting. The residual vote reports shall:

(a) Be received by the Secretary of State no later than December 15 of the year in which the election is held;

(b) Include any suggested explanation or suspected cause of the residual votes;

(c) Include a copy of a voided official ballot for the election as such ballot appeared to voters at the election and copies of voided affidavit and absentee ballots if they are different from the official ballot;

(d) Include the total voter turnout for each election, including the period for early voting, to be determined by totaling the number of persons signing the receipt book at each precinct, absentee voters and persons who voted by affidavit ballot and persons whose ballots were challenged and rejected; and

(e) Include a copy of any printed voting instructions given or visible to voters * * * during the election and a

description of any verbal instructions and any other evidence of voter education that was used in the election.

(4) For every election, election commissions and county and municipal executive committees responsible for the conduct of election in which voting devices are used that do not generate ballots that are counted by hand or by OMR equipment or the tabulating mechanism of a DRE unit, shall file a report with the Secretary of State which shall:

(a) Be received by the Secretary of State no later than December 15 of the year in which the election is held;

(b) Include the total voter turnout for each election, including the period for early voting, to be determined by totaling the number of persons signing the receipt book at each precinct, absentee voters and persons who voted by affidavit ballot and persons whose ballots were challenged and rejected;

(c) Include in the report any anecdotal information obtained concerning voter problems with the voting equipment or ballot layout;

(d) Include in the report any suggested explanation or suspected cause of any difference in the amount of total voter turnout and the number of counted votes for candidates for various offices; and

(e) Include a copy of any printed voting instructions given or visible to voters * * * during the election and a

description of any verbal instructions and any other evidence of voter education that was used * * * during the election.

(5) Not later than January 31 of the year following the election, the Secretary of State shall submit a report to the Governor, Lieutenant Governor and Speaker of the House of Representatives analyzing the reports required to be filed pursuant to this section. The analysis shall include the following:

(a) The performance of each voting device type used * * * during the election;

(b) Any problems with voter or poll worker instructions or ballot design and layout that have been identified as a result of analyzing the reports received;

(c) Recommendations for reducing the number of residual votes reported; and

(d) Such other information as the Secretary of State deems beneficial.

(6) The reports required pursuant to this section shall be in such form as may be required by rules and regulations promulgated by the Secretary of State.

SECTION 62. Section 23-15-781, Mississippi Code of 1972, is amended as follows:

23-15-781. The number of electors of President and Vice President of the United States to which this state may be entitled, shall be chosen by the qualified electors of the state

at large, on the first Tuesday after the first Monday of November in the year in which an election of President and Vice President shall occur and during the early voting period.

SECTION 63. Section 23-15-785, Mississippi Code of 1972, is amended as follows:

23-15-785. (1) When presidential electors are to be chosen, the Secretary of State of Mississippi shall certify to the circuit clerks of the several counties the names of all candidates for President and Vice President who are nominated by any national convention or other like assembly of any political party or by written petition signed by at least one thousand (1,000) qualified voters of this state.

(2) The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the * * * chair of the state executive committee of the political party making the nomination. Any nominating petition, to be valid, must contain the signatures as well as the addresses of the petitioners. The certificates and petitions must be filed with the State Board of Election Commissioners by filing them in the Office of the Secretary of State by 5:00 p.m. not less than sixty (60) days * * * before the day * * * early voting begins for the election.

(3) Each certificate of nomination and nominating petition must be accompanied by a list of the names and addresses of persons, who shall be qualified voters of this state, equal in

number to the number of presidential electors to be chosen. Each person so listed shall execute the following statement which shall be attached to the certificate or petition when it is filed with the State Board of Election Commissioners: "I do hereby consent and do hereby agree to serve as elector for President and Vice President of the United States, if elected to that position, and do hereby agree that, if so elected, I shall cast my ballot as such for _____ for President and _____ for Vice President of the United States" (inserting in * * * the blank spaces the respective names of the persons named as nominees for * * * the respective offices in the certificate to which this statement is attached).

(4) The State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on * * * the official ballots the words "PRESIDENTIAL ELECTORS FOR (here insert the name of the candidate for President, the word 'AND' and the name of the candidate for Vice President)" in lieu of placing the names of such presidential electors on the official ballots, and a vote cast therefor shall be counted and shall be in all respects effective as a vote for each of the presidential electors representing those candidates for President and Vice President of the United States. In the case of unpledged electors, the State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on * * * the official ballots the words "UNPLEDGED

ELECTOR(S) (here insert the name(s) of individual unpledged elector(s) if placed upon the ballot based upon a petition granted in the manner provided by law stating the individual name(s) of the elector(s) rather than a slate of electors)."

SECTION 64. 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 such contributions and disbursements may terminate the obligation to report only upon submitting a final report that contributions will no longer be received or disbursements made and that the candidate or committee has no outstanding debts or obligations. The candidate, treasurer or chief executive officer shall sign the report.

(b) Candidates seeking election, or nomination for election, and political committees making expenditures to influence or attempt to influence voters for or against the nomination for election of one or more candidates or balloted measures *** * *** <u>during</u> such election, shall file the following reports:

(i) In any calendar year during which there is a regularly scheduled election, a pre-election report shall be filed no later than the seventh day before <u>early voting begins for</u> any election in which the candidate or political committee has

accepted contributions or made expenditures and shall be completed as of the tenth day before early voting begins for the election;

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

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

(iv) Except as otherwise provided in the requirements of paragraph (i) of this subsection (b), unopposed candidates are not required to file pre-election reports but must file all other reports required by paragraphs (ii) and (iii) of this subsection (b).

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

(d) 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, including those required to be identified pursuant to paragraph (ii) of this

subsection (d) as well as the total of all other contributions and expenditures during the calendar year. The 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) 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 the person, organization, candidate or political committee 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;

(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 (d), 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 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;

(v) Disclosure required under this section of an expenditure to a credit card issuer, financial institution or business allowing payments and money transfers to be made over the Internet must include, by way of detail or separate entry, the amount of funds passing to each person, business entity or organization receiving funds from 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 early voting begins for 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 chair of the candidate's political organization.

(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 65. 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 and during the period established for early voting 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 the election, a runoff election shall be held three (3) weeks after the election. The two (2) candidates who receive the highest popular votes for the office shall have their names submitted as the candidates to the runoff and the candidate who leads in the runoff election shall be elected to the office. When there is a tie in the first election of those receiving the next highest vote, these two (2) and the

one receiving the highest vote, none having received a majority, shall go into the runoff election and whoever leads in the runoff election shall be entitled to the office.

In those years when the regular special election day shall occur * * * during the same * * * period of time 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. At any time a special election is held * * * during the same * * * period of time 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.

SECTION 66. Section 23-15-843, Mississippi Code of 1972, is amended as follows:

23-15-843. In case of death, resignation or vacancy from any cause in the office of district attorney, the unexpired term of which shall exceed six (6) months, the Governor shall within ten (10) days after the vacancy occurs issue a proclamation calling an election to fill a vacancy in the office of district attorney to be held * * * during the next regular special election * * * period of time in the district where the vacancy occurred unless the vacancy occurs in a year in which a general election would normally be held for that office as provided by law, in which case the appointed person shall serve the unexpired portion of the

term. Candidates in such a special election shall qualify in the same manner and be subject to the same time limitations as set forth in Section 23-15-839. Pending the holding of a special election, the Governor shall make an emergency appointment to fill the vacancy until the same shall be filled by election.

SECTION 67. Section 23-15-851, Mississippi Code of 1972, is amended as follows:

23-15-851. (1) Except as otherwise provided in subsection (2) of this section, within thirty (30) days after vacancies occur in either house of the Legislature, the Governor shall issue writs of election to fill the vacancies on a day specified in the writ of election. At least sixty (60) days' notice shall be given of the election in each county or part of a county in which the election shall be held. The qualifying deadline for the election shall be fifty (50) days before the early voting begins for the election. Notice of the election shall be posted at the courthouse and in each supervisors district in the county or part of county in which such election shall be held for as near sixty (60) days as may be practicable. The election shall be prepared for and held as in the case of a general election.

(2) If a vacancy occurs in a calendar year in which the general election for state officers is held, the Governor may elect not to issue a writ of election to fill the vacancy.

SECTION 68. Section 23-15-853, Mississippi Code of 1972, is amended as follows:

23-15-853. (1) If a vacancy occurs in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within sixty (60) days after the vacancy occurs, and held at a time fixed by his or her order, and which time shall * * * begin not less than sixty (60) days after the issuance of the order of the Governor, which shall be directed to the election commissioners of the several counties of the district, who shall, immediately on the receipt of the order, give notice of the election by publishing the same in a newspaper having a general circulation in the county and by posting the notice at the front door of the courthouse. The order shall also be directed to the State Board of Election Commissioners. The election shall be prepared for and conducted, and returns shall be made, in all respects as provided for a special election to fill vacancies.

(2) Candidates for the office in such an election must qualify with the Secretary of State by 5:00 p.m. not less than fifty (50) days before the * * * early voting period begins for the election. If the fiftieth day to qualify before an election falls on a Sunday or legal holiday, the qualification submitted on the business day immediately following the Sunday or legal holiday shall be accepted. The election commissioners shall have printed on the ballot in such special election the name of any candidate who shall have been requested to be a candidate for the office by a petition filed with the Secretary of State and personally signed

by not less than one thousand (1,000) qualified electors of the district. The petition shall be filed by 5:00 p.m. not less than fifty (50) days before the * * * early voting period begins for the election. If the fiftieth day to file the petition before an election falls on a Sunday or legal holiday, the petition filed on the business day immediately following the Sunday or legal holiday shall be accepted.

There shall be attached to each petition above provided for, upon the time of filing with the Secretary of State, a certificate from the appropriate registrar or registrars showing the number of qualified electors appearing upon each petition which the registrar shall furnish to the petitioner upon request.

SECTION 69. Section 23-15-855, Mississippi Code of 1972, is amended as follows:

23-15-855. (1) If a vacancy shall occur in the office of United States Senator from Mississippi by death, resignation or otherwise, the Governor shall, within ten (10) days after receiving official notice of the vacancy, issue a proclamation for an election to be held in the state to elect a Senator to fill the remaining unexpired term, provided the unexpired term is more than twelve (12) months and the election shall * * * begin within ninety (90) days from the time the proclamation is issued and the returns of such election shall be certified to the Governor in the manner set out above for regular elections, unless the vacancy occurs in a year in which a general state or congressional

election is held, in which event the Governor's proclamation shall designate the period for conducting the general election * * * as the time for electing a Senator, and the vacancy shall be filled by appointment as hereinafter provided.

(2) In case of a vacancy in the office of United States Senator, the Governor may appoint a Senator to fill the vacancy temporarily, and if the United States Senate be in session at the time the vacancy occurs the Governor shall appoint a Senator within ten (10) days after receiving official notice thereof, and the appointed Senator shall serve until a successor is elected and commissioned as provided for in subsection (1) of this section, provided that such unexpired term as he or she may be appointed to fill shall be for a longer time than one (1) year, but if for a shorter time than one (1) year, he or she shall serve for the full time of the unexpired term and no special election shall be called by the Governor but a successor shall be elected at the regular election.

SECTION 70. Section 23-15-857, Mississippi Code of 1972, is amended as follows:

23-15-857. (1) When there is a vacancy in an elective office in a city, town or village, the unexpired term of which shall not exceed six (6) months, the same shall be filled by appointment by the governing authority or remainder of the governing authority of the city, town or village. The municipal clerk shall certify the appointment to the Secretary of State and

the appointed person or persons shall be commissioned by the Governor.

(2) When there is a vacancy in an elective office in a city, town or village, the unexpired term of which shall exceed six (6) months, the governing authority or remainder of the governing authority of the city, town or village shall make and enter on the minutes an order for an election to be held in the city, town or village to fill the vacancy and fix a * * * time period upon which the early voting and election day shall be held. The order shall be made and entered upon the minutes at the next regular meeting of the governing authority after the vacancy occurs, or at a special meeting to be held not later than ten (10) days after the vacancy occurs, Saturdays, Sundays and legal holidays excluded, whichever shall occur first. The election shall be held on a date not less than thirty (30) days nor more than forty-five (45) days after the date upon which the order is adopted.

Notice of the election shall be given by the municipal clerk by notice published in a newspaper published in the municipality. The notice shall be published once each week for three (3) successive weeks * * * before the date * * * early voting begins for the election. The first notice shall be published at least thirty (30) days before * * * early voting begins for the election. Notice shall also be given by posting a copy of the notice at three (3) public places in the municipality not less than twenty-one (21) days before * * * early voting begins for the

election. One (1) of the notices shall be posted at the city, town or village hall. In the event that there is no newspaper published in the municipality, such notice shall be published as provided for above in a newspaper that has a general circulation within the municipality and by posting as provided for above. Additionally, the governing authority may publish the notice in that newspaper for as many additional times as may be deemed necessary by the governing authority.

Each candidate shall qualify by petition filed with the municipal clerk by 5:00 p.m. at least twenty (20) days before the *** * *** early voting period begins for the election. If the twentieth day to file the petition before the election falls on a Sunday or legal holiday, the petition filed on the business day immediately following the Sunday or legal holiday shall be accepted. The petition shall be signed by not less than the following number of qualified electors:

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

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

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

The candidate receiving a majority of the votes cast in the election shall be elected. If no candidate receives a majority vote at the election, the two (2) candidates receiving the highest number of votes shall have their names placed on the ballot for the election to be held three (3) weeks thereafter. The candidate receiving a majority of the votes cast in the election shall be elected. However, if no candidate receives a majority and there is a tie in the election of those receiving the next highest vote, those receiving the next highest vote and the candidate receiving the highest vote shall have their names placed on the ballot for the election to be held three (3) weeks thereafter, and whoever receives the most votes cast in the election shall be elected.

Should the election held three (3) weeks thereafter result in a tie vote, the prevailing candidate shall be decided by a toss of a coin or by lot fairly and publicly drawn under the supervision of the election commission.

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

However, if nineteen (19) days before the *** * *** <u>early voting period begins for</u> the election only one (1) person shall have qualified as a candidate, the governing authority, or remainder of

the governing authority, shall dispense with the election and appoint that one (1) candidate in lieu of an election. In the event no person shall have qualified by 5:00 p.m. at least twenty (20) days before * * * the early voting period begins for the election, the governing authority or remainder of the governing authority shall dispense with the election and fill the vacancy by appointment. The clerk of the governing authority shall certify the appointment to the Secretary of State, and the appointed person shall be commissioned by the Governor.

SECTION 71. 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 the election does not specify the time within which the election shall be called, or the notice which shall be given, the governing authorities of the municipality shall, by resolution, fix a date upon which the election shall be held. The 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 the 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 * * * before the * * * early voting period begins for the election, and by posting a copy of the notice at three (3) public places in the municipality.

Nothing herein, however, shall be applicable to elections on the question of the issuance of the bonds of a municipality or to general or primary elections for the election of municipal officers.

The provisions of this section 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 the 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 72. Section 23-15-895, Mississippi Code of 1972, is amended as follows:

23-15-895. No candidate for an elective office, or any representative of such candidate, and no proponent or opponent of any constitutional amendment, local issue or other measure printed on the ballot may post or distribute cards, posters or other campaign literature within one hundred fifty (150) feet of any entrance of the building wherein <u>early voting or</u> any election is being held. No candidate or a representative named by him or her in writing may appear at any polling place while armed or uniformed, or display any badge or credentials except as may be issued by the manager of the polling place. As used in this

section, the term "local issue" shall have the meaning ascribed to such term in Section 23-15-375. This section shall be enforced by election officials and law enforcement officials.

SECTION 73. Section 23-15-913, Mississippi Code of 1972, is amended as follows:

23-15-913. The judges listed and selected to hear election disputes, as provided in Section 23-15-951, shall be available during early voting and on election day to immediately hear and resolve any election *** * *** disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties *** * *** during the election *** * *** period. The Supreme Court shall make judges available to hear disputes in the county in which the disputes occur but no judge shall hear disputes in the district or county in which he or she was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

SECTION 74. Section 23-15-963, Mississippi Code of 1972, is amended as follows:

23-15-963. (1) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-359 *** * *** as a candidate for any office elected at a general election, shall file a petition specifically setting forth the grounds of the challenge not later

than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-191 * * *. * * * The petition shall be filed with the same body with whom the candidate in question qualified pursuant to Section 23-15-359 * * *.

(2) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-213 * * * as a candidate for county election commissioner elected at a general election, shall file a petition specifically setting forth the grounds of the challenge no later than sixty (60) days * * * before the period for early voting begins for the general election. * * * The petition shall be filed with the county board of supervisors, being the same body with whom the candidate in question qualified pursuant to Section 23-15-213 * * *.

(3) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-361 * * * as a candidate for municipal office elected on the date designated by law for regular municipal elections, shall file a petition specifically setting forth the grounds of the challenge no later than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-309 * * *. * * * The petition shall be filed with the municipal election commissioners * * *, being the same body with whom the candidate in question qualified pursuant to Section 23-15-361 * * *.

(4) Within ten (10) days of receipt of the petition described in subsections (1), (2) and (3) of this section, the appropriate election officials shall meet and rule upon the petition. At least two (2) days before the hearing to consider the petition, the appropriate election officials shall give notice to both the petitioner and the contested candidate of the time and place of the hearing on the petition. Each party shall be given an opportunity to be heard at such meeting and present evidence in support of his or her position.

(5) If the appropriate election officials fail to rule upon the petition within the time required above, such inaction shall be interpreted as a denial of the request for relief contained in the petition.

(6) Any party aggrieved by the action or inaction of the appropriate election officials may file a petition for judicial review to the circuit court of the county in which the election officials whose decision is being reviewed sits. * * * The petition must be filed no later than fifteen (15) days after the date the petition was originally filed with the appropriate election officials. * * * The person filing for judicial review shall give a cost bond in the sum of Three Hundred Dollars ($300.00) with two (2) or more sufficient sureties conditioned to pay all costs in case his or her petition be dismissed, and an additional bond may be required, by the court, if necessary, at any subsequent stage of the proceedings.

(7) The circuit court with whom such a petition for judicial review has been filed shall at the earliest possible date set the matter for hearing. Notice shall be given to the interested parties of the time set for hearing by the circuit clerk. The hearing before the circuit court shall be de novo. The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his or her name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that * * * the candidate * * * bear the court costs of the proceedings.

(8) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars ($300.00), together with a bill of exceptions * * * that shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his or her absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of * * * the appeals shall automatically suspend the decision of the circuit court and the appropriate election officials are entitled to proceed based upon their

decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

(9) The procedure set forth above shall be the * * * only manner in which the qualifications of a candidate seeking public office who qualified pursuant to the provisions of Sections 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * * before the time of his or her election. After any such person has been elected to public office, the election may be challenged as otherwise provided by law. After any person assumes an elective office, his or her qualifications to hold that office may be contested as otherwise provided by law.

SECTION 75. Section 23-15-977, Mississippi Code of 1972, is amended as follows:

23-15-977. (1) Except as otherwise provided in this section, all candidates for judicial office as defined in Section 23-15-975 of this subarticle shall file their intent to be a candidate with the proper officials and pay the proper assessment by not later than 5:00 p.m. on March 1 of the year in which the general election for the judicial office is held. If March 1

occurs on a Saturday, Sunday or legal holiday, candidates shall file their intent to be a candidate and pay the proper assessment by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. Candidates shall pay to the proper officials the following amounts:

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

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

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

Candidates for judicial office may not file their intent to be a candidate and pay the proper assessment before January 1 of the year in which the election for the judicial office is held.

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

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county election commissioners of all persons who have filed their intent to be a

candidate with, and paid the proper assessment to, such clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(4) If only one (1) person files his or her intent to be a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office after the deadline provided for in subsection (1) of this section but more than seventy (70) days before the date * * * that early voting begins for the general election, the Governor, upon notification of the death, resignation or disqualification of the person, shall issue a proclamation authorizing candidates to file their intent to be a candidate for that judicial office for a period of not less than seven (7) nor more than ten (10) days from the date of the proclamation.

(5) If only one (1) person qualifies as a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office within seventy (70) days before the date * * * that early voting begins for the general election, the judicial office shall be considered vacant for the new term and the vacancy shall be filled as provided in by law.

SECTION 76. Section 23-15-1031, Mississippi Code of 1972, is amended as follows:

23-15-1031. Except as provided by Section 23-15-1081, the first primary election for * * * members of Congress shall be held

on the first Tuesday in June of the years in which * * * members of Congress are elected, and a second primary, if necessary, shall be held three (3) weeks thereafter. Each year in which a presidential election is held, the congressional primary shall be held as provided in Section 23-15-1081. The election shall be held in all districts of the state during the same period for early voting and on the same day. Candidates for United States Senator shall be nominated at the congressional primary next preceding the general election at which a senator is to be elected and in the same manner that * * * members of Congress are nominated. The chair and secretary of the state executive committee shall certify the vote for United States Senator to the Secretary of State in the same manner that county executive committees certify the returns of counties in general state and county primary elections.

SECTION 77. Section 23-15-1081, Mississippi Code of 1972, is amended as follows:

23-15-1081. A presidential preference primary may be held on the second Tuesday in March of each year in which a President of the United States is to be elected and during the early voting period established in this act. Each political party * * * that has cast for its candidates for President and Vice President in the previous presidential election more than twenty percent (20%) of the total vote cast for President and Vice President in the state, may conduct a presidential preference primary. No elector

shall vote in the primary of more than one (1) political party in the same presidential preference primary.

SECTION 78. Section 23-15-1083, Mississippi Code of 1972, is amended as follows:

23-15-1083. Beginning in 1988, as an alternative to the congressional primary election date set forth in Section 23-15-1031, when a political party elects to conduct a presidential preference primary, the first primary election for *** * *** members of Congress, and senators, if senators are to be elected, shall be held on the second Tuesday in March and during the early voting period established in this act, and the second primary, when one is necessary, shall be held three (3) weeks thereafter, and the election shall be held in all districts of the state on the same day.

SECTION 79. Section 23-15-1085, Mississippi Code of 1972, is amended as follows:

23-15-1085. The *** * *** chair of a party's state executive committee shall notify the Secretary of State if the party intends to hold a presidential preference primary. The Secretary of State shall be notified *** * *** before December 1 of the year preceding the year in which a presidential preference primary may be held pursuant to Section 23-15-1081. Upon *** * *** the notification, the Secretary of State shall issue a proclamation setting every party's congressional and senatorial primary elections, including the period for early voting, that are to be held in the year in

which the presidential preference primary is to be held on the date provided for in Section 23-15-1083. Once the Secretary of State has issued a proclamation pursuant to this section, the dates of the congressional and senatorial primary elections shall not be changed.

SECTION 80. Section 23-15-1091, Mississippi Code of 1972, is amended as follows:

23-15-1091. When the Secretary of State places the name of a candidate on the ballot pursuant to Section 23-15-1093, he or she shall notify the candidate that his or her name will appear on the ballot of this state in the presidential preference primary election.

The secretary shall also notify the candidate that he or she may withdraw his or her name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 23-15-1095 no later than the sixtieth day before the period for early voting begins for that election.

SECTION 81. Section 21-3-3, Mississippi Code of 1972, is amended as follows:

21-3-3. The elective officers of all municipalities operating under a code charter shall be the mayor, the aldermen, municipal judge, the marshal or chief of police, the tax collector and the tax assessor. From and after July 1, 2017, the governing authorities of the municipality shall appoint a city or town clerk who shall likewise serve as an officer of the municipality.

However, the governing authorities of the municipality shall have the power, by ordinance, to combine the office of clerk or marshal with the office of tax collector and/or tax assessor. * * * The governing authorities shall have the further power to provide that * * * any of * * * those officers, except those of mayor and aldermen, shall be appointive, in which case the marshal or chief of police, the tax collector, the tax assessor, and the city or town clerk, or such of * * * the officers as may be made appointive, shall be appointed by the governing authorities. Any action taken by the governing authorities to make any of * * * the offices appointive shall be by ordinance of * * * the municipality, and no such ordinance shall be adopted within ninety (90) days * * * before the period for early voting begins for any regular general election for the election of municipal officers. No such ordinance shall become effective during the term of office of any officer whose office shall be affected thereby. If any such office is made appointive, the person appointed thereto shall hold office at the pleasure of the governing authorities and may be discharged by * * * the governing authorities at any time, either with or without cause, and it shall be discretionary with the governing authorities whether or not to require * * * the person appointed thereto to reside within the corporate limits of the municipality in order to hold * * * the office.

SECTION 82. Section 21-9-17, Mississippi Code of 1972, is amended as follows:

21-9-17. Except as otherwise provided, all candidates for mayor and councilmen, or any of them, to be voted for * * * during the periods for holding any general or special municipal election, shall be nominated by party primary election, and no other name or names shall be placed on the official ballot at * * * the general or special election than those selected in the manner prescribed herein. Such primary election or elections, shall be held not less than ten (10), nor more than thirty (30) days, * * * before the general or special election, and * * * the primary election or elections shall be held and conducted in the manner as near as may be as is provided by law for state and county primary elections.

SECTION 83. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days * * * before the date * * * early voting begins for the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in * * * the supervisors district, it shall only be required that * * * the petition of nomination be signed by at least twenty percent (20%) of the

qualified electors of such supervisors district. The candidate in each supervisors district who receives the majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for

any candidate for the county board of education under any of the provisions of this section.

SECTION 84. 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 21-11-7, 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. Votes for mayor and council members may also be cast during the period for early voting as provided for in this act.

(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.

(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>period for early voting begins for the</u> first party primary 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 first party primary of a general municipal election, then the council shall redistrict the municipality by ordinance not less than sixty (60) days before the <u>period for early voting begins for the</u> first party primary.

(ii) If the publication of the most recent decennial census occurs less than six (6) months before the first primary of a general municipal election, 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 first party primary of a general municipal election, 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 85. Section 9-4-5, Mississippi Code of 1972, is amended as follows:

9-4-5. (1) The term of office of judges of the Court of Appeals shall be eight (8) years. An election shall be held on the first Tuesday after the first Monday in November 1994, to elect the ten (10) judges of the Court of Appeals, two (2) from each congressional district; provided, however, judges of the Court of Appeals who are elected to take office after the first Monday of January 2002, shall be elected from the Court of Appeals Districts described in subsection (5) of this section. The judges of the Court of Appeals shall begin service on the first Monday of January 1995. Votes for judges of the Court of Appeals may be cast, if applicable, during the period for early voting provided for in this act.

(2) (a) In order to provide that the offices of not more than a majority of the judges of *** * *** the court shall become vacant at any one (1) time, the terms of office of six (6) of the judges first to be elected shall expire in less than eight (8) years. For the purpose of all elections of members of the court, each of the ten (10) judges of the Court of Appeals shall be

considered a separate office. The two (2) offices in each of the five (5) districts shall be designated Position Number 1 and Position Number 2, and in qualifying for office as a candidate for any office of judge of the Court of Appeals each candidate shall state the position number of the office to which he or she aspires and the election ballots shall so indicate.

(i) In Congressional District Number 1, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends January 1, 1999, and the judge of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 2003.

(ii) In Congressional District Number 2, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 2003, and the judge of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 2001.

(iii) In Congressional District Number 3, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 2001, and the judge of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 1999.

(iv) In Congressional District Number 4, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 1999, and the judge of the

Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 2003.

(v) In Congressional District Number 5, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 2003, and the judge of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 2001.

(b) The laws regulating the general elections shall apply to and govern the elections of judges of the Court of Appeals except as otherwise provided in Sections 23-15-974 through 23-15-985.

(c) In the year * * * before the expiration of the term of an incumbent, and likewise each eighth year thereafter, an election shall be held in the manner provided in this section in the district from which the incumbent Court of Appeals judge was elected at which there shall be elected a successor to the incumbent, whose term of office shall thereafter begin on the first Monday of January of the year in which the term of the incumbent he or she succeeds expires.

(3) No person shall be eligible for the office of judge of the Court of Appeals who has not attained the age of thirty (30) years at the time of his or her election and who has not been a practicing attorney and citizen of the state for five (5) years immediately * * * before the election.

(4) Any vacancy on the Court of Appeals shall be filled by appointment of the Governor for that portion of the unexpired term * * * before the election to fill the remainder of * * * the term according to provisions of Section 23-15-849 * * *.

(5) (a) The State of Mississippi is hereby divided into five (5) Court of Appeals Districts as follows:

FIRST DISTRICT. The First Court of Appeals District shall be composed of the following counties and portions of counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County the precincts of North Winona, Lodi, Stewart, Nations and Poplar Creek; in Panola County the precincts of East Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North Springport, South Springport, Eureka, Williamson, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and West Batesville 5; and in Tallahatchie County the precincts of Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

SECOND DISTRICT. The Second Court of Appeals District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,

Tunica, Warren, Washington and Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Court of Appeals District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora, Virlilia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Court of Appeals District; that portion of Panola County not included in the First Court of Appeals District; and that portion of Tallahatchie County not included in the First Court of Appeals District.

THIRD DISTRICT. The Third Court of Appeals District shall be composed of the following counties and portions of counties: Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that portion of Attala County not included in the Second Court of Appeals District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School,

Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Court of Appeals District; that portion of Madison County not included in the Second Court of Appeals District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

FOURTH DISTRICT. The Fourth Court of Appeals District shall be composed of the following counties and portions of counties: Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson; that portion of Hinds County not included in the Second Court of Appeals District; and that portion of Jones county not included in the Third Court of Appeals District.

FIFTH DISTRICT. The Fifth Court of Appeals District shall be composed of the following counties and portions of counties: Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and Stone; and that portion of Wayne County not included in the Third Court of Appeals District.

(b) The boundaries of the Court of Appeals Districts described in paragraph (a) of this subsection shall be the boundaries of the counties and precincts listed in paragraph (a) of this subsection as such boundaries existed on October 1, 1990.

SECTION 86. This act shall take effect and be in force from and after July 1, 2021.