

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2910
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972,
2 TO REMOVE AGENTS OF THE ELECTOR FROM THE LIST OF PERSONS WHO MAY
3 ORALLY REQUEST AN ABSENTEE BALLOT ON BEHALF OF THE ELECTOR; TO
4 AMEND SECTION 23-15-541, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
5 CURBSIDE VOTING BY VOTERS WITH A PHYSICAL IMPAIRMENT THAT MAKES IT
6 UNREASONABLE FOR THEM TO ENTER THE POLLING PLACE; TO AMEND SECTION
7 23-15-719, MISSISSIPPI CODE OF 1972, TO REVISE THE AFFIDAVIT
8 PRINTED ON THE BACK OF THE ENVELOPE CONTAINING THE ABSENTEE
9 BALLOT; TO AMEND SECTION 23-15-629, MISSISSIPPI CODE OF 1972, TO
10 REQUIRE THE APPLICATION FOR AN ABSENTEE BALLOT OF A PERSON WHO IS
11 TEMPORARILY PHYSICALLY DISABLED TO BE ACCOMPANIED BY A STATEMENT
12 SIGNED BY SUCH PERSON'S PHYSICIAN, NURSE PRACTITIONER OR
13 PHYSICIAN'S ASSISTANT, INDICATING THAT THE PERSON APPLYING FOR THE
14 ABSENTEE BALLOT IS TEMPORARILY PHYSICALLY DISABLED TO SUCH A
15 DEGREE THAT HE IS UNABLE TO VOTE IN PERSON ON ELECTION DAY OR ANY
16 DAY UPON WHICH NO EXCUSE VOTING MAY BE CONDUCTED; TO AMEND SECTION
17 23-15-635, MISSISSIPPI CODE OF 1972, TO REVISE THE ELECTOR'S
18 CERTIFICATE OF PERSONS PROVIDING ASSISTANCE TO CERTAIN ABSENT
19 VOTERS; TO AMEND SECTION 23-15-266, MISSISSIPPI CODE OF 1972, TO
20 PROVIDE THAT ANY AGREEMENT BETWEEN AN EXECUTIVE COMMITTEE AND A
21 CIRCUIT OR MUNICIPAL CLERK OR A COUNTY OR MUNICIPAL EXECUTIVE
22 COMMITTEE TO PERFORM DUTIES AT A PARTY PRIMARY ELECTION SHALL
23 INCLUDE PROVISIONS REGARDING THE COMPENSATION THAT THE CLERK OR
24 ELECTION COMMISSION SHALL RECEIVE FROM THE EXECUTIVE COMMITTEE FOR
25 THE PERFORMANCE OF DUTIES RELATED TO THE AGREEMENT; TO PROVIDE
26 THAT THE COUNTY OR MUNICIPALITY SHALL NOT BE LIABLE FOR THE
27 PAYMENT OF ANY COMPENSATION TO CIRCUIT CLERKS OR ELECTION
28 COMMISSIONERS FOR THE PERFORMANCE OF DUTIES UNDER SUCH AN
29 AGREEMENT; TO AMEND SECTION 23-15-333, MISSISSIPPI CODE OF 1972,
30 TO ALLOW NICKNAMES TO BE PLACED ON THE PRIMARY BALLOT AND TO
31 PROHIBIT THE USE OF TITLES WITH NAMES ON THE BALLOT AND NICKNAMES
32 THAT PROMOTE A POLITICAL IDEAL; TO AMEND SECTION 23-15-367,
33 MISSISSIPPI CODE OF 1972, TO PROVIDE THE NAMES ON THE GENERAL
34 ELECTION BALLOT FOR EACH OFFICE SHALL BE ARRANGED ALPHABETICALLY;
35 TO ALLOW NICKNAMES TO BE PLACE ON THE BALLOT AND TO PROHIBIT THE
36 USE OF TITLES WITH NAMES ON THE BALLOT; TO AMEND SECTION
37 23-15-239, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY
38 EXECUTIVE COMMITTEE AND THE COMMISSIONERS OF ELECTION TO OFFER
39 ADDITIONAL TRAINING PRESCRIBED BY THE SECRETARY OF STATE TO
40 MANAGERS OF ELECTION; TO PROVIDE THAT THE SECRETARY OF STATE SHALL
41 SPONSOR AND CONDUCT TRAINING COURSES THAT COUNTY EXECUTIVE
42 COMMITTEE MEMBERS AND COMMISSIONERS OF ELECTION MUST SUCCESSFULLY
43 COMPLETE TO BE ABLE TO PERFORM ANY DUTIES WITH REGARD TO
44 ELECTIONS; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972,
45 TO PROVIDE THAT ALL INDEPENDENT CANDIDATES FOR OFFICES ELECTED BY
46 SENATORIAL OR REPRESENTATIVE DISTRICTS SHALL QUALIFY WITH THE



47 STATE BOARD OF ELECTION COMMISSIONERS; TO AMEND SECTION 23-15-263,
48 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COUNTY EXECUTIVE
49 COMMITTEE TO APPOINT A SUBCOMMITTEE ON ELECTIONS TO PERFORM THE
50 DUTIES OF THE COUNTY EXECUTIVE COMMITTEE WITH REGARD TO CANVASSING
51 THE RESULTS OF THE ELECTION AND CERTIFYING THE OFFICIAL VOTE
52 TOTALS; TO REQUIRE THE COUNTY EXECUTIVE COMMITTEE TO PROVIDE A
53 LIST OF ITS MEMBERSHIP AND THE MEMBERSHIP OF THE SUBCOMMITTEE ON
54 ELECTIONS, IF ONE IS APPOINTED, TO THE SECRETARY OF STATE 30 DAYS
55 PRIOR TO THE ELECTION; TO AMEND SECTION 23-15-271, MISSISSIPPI
56 CODE OF 1972, TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO PROVIDE
57 A LIST OF ITS MEMBERSHIP AND THE MEMBERSHIP OF THE SUBCOMMITTEE ON
58 ELECTIONS, IF ONE IS APPOINTED, TO THE SECRETARY OF STATE 30 DAYS
59 PRIOR TO THE ELECTION; TO AMEND SECTIONS 23-15-597 AND 23-15-599,
60 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
61 23-15-165, MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTRARS TO
62 INPUT INTO THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM THE ELECTION
63 DISTRICTS IN WHICH EACH VOTER IS AUTHORIZED TO VOTE; TO PROVIDE A
64 PENALTY FOR FAILURE TO TIMELY INPUT SUCH INFORMATION; TO AMEND
65 SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR
66 ALL TRAVEL IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES, THE
67 ELECTION COMMISSIONER SHALL BE PAID MILEAGE AT THE SAME RATE PAID
68 STATE EMPLOYEES; TO AMEND SECTION 23-15-265, MISSISSIPPI CODE OF
69 1972, TO PROVIDE THAT THE STATE EXECUTIVE COMMITTEE MAY APPOINT A
70 TEMPORARY COUNTY OR MUNICIPAL EXECUTIVE COMMITTEE TO CONDUCT THE
71 PRIMARY ELECTION IN A COUNTY OR MUNICIPALITY THAT DOES NOT HAVE AN
72 EXECUTIVE COMMITTEE, OR THE STATE EXECUTIVE COMMITTEE MAY ELECT TO
73 CONDUCT THE ELECTION ITSELF; TO AMEND SECTION 23-15-579,
74 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHALLENGED BALLOT MAY
75 BE REJECTED BY A MAJORITY VOTE OF THE MANAGERS; TO AMEND SECTIONS
76 23-15-921 AND 23-15-923, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
77 A PERSON DESIRING TO CONTEST THE ELECTION OF ANOTHER PERSON
78 RETURNED AS THE NOMINEE OF A PARTY MUST FILE A PETITION WITH THE
79 PROPER EXECUTIVE COMMITTEE WITHIN 10 DAYS AFTER THE PRIMARY
80 ELECTION; TO PROVIDE THAT THE FAILURE OF A NOMINEE TO FILE A
81 RESPONSE IN AN ELECTION CONTEST SHALL NOT WAIVE THE RIGHT OF THE
82 NOMINEE TO FILE A RESPONSE IN COURT IF THE DECISION OF THE
83 EXECUTIVE COMMITTEE IS APPEALED; TO AMEND SECTION 23-15-363,
84 MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A PARTY NOMINEE'S NAME
85 MAY BE REMOVED FROM THE GENERAL ELECTION BALLOT; TO AMEND SECTION
86 23-15-299, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF AN
87 INCUMBENT FOR AN OFFICE WITHDRAWS PRIOR TO THE PRINTING OF THE
88 SAMPLE BALLOT, CANDIDATES WHO HAVE NOT ALREADY QUALIFIED FOR THE
89 OFFICE MAY QUALIFY FOR THE OFFICE AS OTHERWISE PROVIDED IN THIS
90 SECTION FOR A PERIOD OF 10 DAYS FOLLOWING THE WITHDRAWAL OF THE
91 INCUMBENT; TO AMEND SECTION 23-15-549, MISSISSIPPI CODE OF 1972,
92 TO LIMIT THE PEOPLE WHO MAY PROVIDE ASSISTANCE TO A VOTER; TO
93 AMEND SECTION 23-15-523, MISSISSIPPI CODE OF 1972, TO PROHIBIT
94 CERTAIN PERSONS FROM BEING APPOINTED TO RESOLUTION BOARDS TO
95 REVIEW BALLOTS THAT CANNOT BE READ BY AN OPTICAL MARK READING
96 MACHINE; TO REQUIRE THE SECRETARY OF STATE TO BE NOTIFIED OF
97 VACANCIES IN ELECTIVE OFFICE; TO AMEND SECTION 23-15-593,
98 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTY EXECUTIVE
99 COMMITTEES MUST PETITION THE COURT TO ORDER NEW ELECTIONS; TO
100 AMEND SECTION 23-15-171, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
101 THE DATE OF THE SECOND PRIMARY IN MUNICIPALITIES OPERATING UNDER A
102 SPECIAL OR PRIVATE CHARTER SHALL BE HELD THREE WEEKS AFTER THE
103 FIRST PRIMARY; TO AMEND SECTION 23-15-211, MISSISSIPPI CODE OF
104 1972, TO PROVIDE THAT THE SECRETARY OF STATE, IN CONJUNCTION WITH



THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, SHALL DEVELOP COMPUTER TRAINING COURSES FOR CIRCUIT CLERKS; TO AMEND SECTION 23-15-211.1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO GATHER INFORMATION REGARDING ELECTIONS IN THE STATE AND SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE, THE GOVERNOR, THE ATTORNEY GENERAL AND THE PUBLIC; TO GIVE THE ATTORNEY GENERAL THE AUTHORITY TO ISSUE SUBPOENAS TO EXAMINE RECORDS, DOCUMENTS OR OTHER EVIDENCE OF ENTITIES INSOFAR AS THEY RELATE TO VOTING; TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO CHANGE THE QUALIFYING DEADLINE FOR CANDIDATES FOR THE OFFICE OF COUNTY COMMISSIONERS OF ELECTION; TO AMEND SECTION 23-15-625, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE SOLICITATION OF ABSENTEE BALLOT APPLICATIONS OR ABSENTEE BALLOTS FOR PERSONS STAYING IN ANY SKILLED NURSING HOME FACILITY; TO PROVIDE EXCEPTIONS TO THIS PROHIBITION; TO AMEND SECTION 25-5-1, MISSISSIPPI CODE OF 1972, TO REQUIRE PUBLIC OFFICERS WHO ARE CONVICTED OF CERTAIN CRIMES TO BE REMOVED FROM OFFICE ON THE DATE THE CONVICTION IS ENTERED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-627, Mississippi Code of 1972, is amended as follows:

23-15-627. 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 * * * may orally request an absentee ballot application on behalf of the elector. 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 deputy in order to be utilized 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



the purview of the definition 'ABSENT ELECTOR' will be absent from the county of my residence on election day, or 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 am a student, teacher or administrator at a college, university, junior or community college, high, junior high, elementary or grade school, whose studies or employment at such institution necessitates my absence from the county of my voting residence or spouse or dependent of such student, teacher or administrator who maintains a common domicile outside the county of my voting residence with such student, teacher or administrator.

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

() I have a temporary or permanent physical disability.

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



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

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

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

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

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

192 I realize that I can be fined up to Five Thousand Dollars
193 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
194 for making a false statement in this application and for selling
195 my vote and violating the Mississippi Absentee Voter Law. (This
196 sentence is to be in bold print.)

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

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

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

207 _____
208 (Signature of absent elector)

209 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
210 2____.

211 _____

(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 disabled 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 2. Section 23-15-541, Mississippi Code of 1972, is
amended as follows:

23-15-541. (1) At all elections, the polls shall be opened
at seven o'clock in the morning and be kept open until seven
o'clock in the evening and no longer. Upon the opening of the
polls, and not before, the managers of the election shall
designate two (2) of their number, other than the manager
theretofore designated to receive the blank ballots, who shall
thereupon be known respectively as the initialing manager and the
alternate initialing manager. The alternate initialing manager,
in the absence of the initialing manager, shall perform all of the
duties and undertake all of the responsibilities of the initialing
manager. When any person entitled to vote shall appear to vote,
he shall first sign his name in a receipt book or booklet provided



for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so endorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.

(2) (a) Election officials shall designate and reserve a curbside voting area on the street or parking area nearest to the entrance of the polling place to facilitate voting by voters who display, to the satisfaction of the managers of election, a physical impairment that makes it unreasonable for them to enter the polling place.

(b) A voter who meets the requirements for curbside voting who arrives at the curbside voting area to vote shall sign the receipt book brought to him at the curbside voting area, be delivered a ballot by two (2) election officials and be allowed to complete the ballot in private. Upon completion of the ballot, the election officials shall immediately return to the polling



278 place and place the ballot in the ballot box. At any one time
279 there may be no more than one (1) ballot outside of the polling
280 place and ballots may never be outside of a direct path between
281 the entrance of the polling place and the curbside voting area.
282 The Secretary of State may prescribe rules and regulations to
283 effectuate curbside voting.

284 **SECTION 3.** Section 23-15-719, Mississippi Code of 1972, is
285 amended as follows:

286 23-15-719. (1) Immediately upon completion of an
287 application filed pursuant to the provisions of paragraph (a) of
288 Section 23-15-715, the registrar shall deliver the necessary
289 ballots to the applicant. The registrar shall deliver the ballots
290 to the applicant by mail or to the applicant in the registrar's
291 office. The registrar shall not personally hand deliver ballots
292 to voters, unless he delivers the ballots in the office of the
293 registrar. The elector shall fill in his ballot in secret. After
294 the applicant has properly marked the ballot and properly folded
295 it, he shall deposit it in the envelope furnished him by the
296 registrar.

297 After he has sealed the envelope, he shall subscribe and
298 swear to an affidavit in the following form, which shall be
299 printed on the back of the envelope containing the applicant's
300 ballot:

301 "STATE OF MISSISSIPPI
302 COUNTY OF _____

303 I, _____, under penalty of perjury, do solemnly swear
304 that this envelope contains the ballot marked by me indicating my
305 choice of the candidates or propositions to be submitted at the
306 election to be held on the ____ day of _____, 2____, and I
307 hereby authorize the registrar to place this envelope in the
308 ballot box on my behalf, and I further authorize the election
309 managers to open this envelope and place my ballot among the other

310 ballots cast before such ballots are counted, and record my name
311 on the poll list as if I were present in person and voted.

312 I further swear that I marked the enclosed ballot in secret.

313 Penalties for vote fraud are up to
314 five (5) years in prison and a fine of
315 up to Five Thousand Dollars
316 (\$5,000.00). (Miss. Code. Ann.
317 Section 23-15-753.)

318 _____
319 (Signature of voter)

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

322 (Registrar) _____
323 (Registrar) "

324 After the completion of the requirements of this section, the
325 elector shall deliver the envelope containing the ballot to the
326 registrar.

327 (2) If the voter has received assistance in marking his
328 ballot, the person providing the assistance shall complete the
329 following form which shall be printed on the back of the envelope
330 containing the applicant's ballot:

331 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
332 (To be completed only if the voter has received assistance in
333 marking the enclosed ballot.) I, under penalty of perjury, hereby
334 certify that the above-named voter declared to me that he or she
335 is blind, temporarily or permanently physically disabled, or
336 cannot read or write, and that the voter requested that I assist
337 the voter in marking the enclosed absentee ballot. I hereby
338 certify that the ballot preferences on the enclosed ballot are
339 those communicated by the voter to me, and that I have marked the
340 enclosed ballot in accordance with the voter's instructions.

341 Penalties for vote fraud are up to
342 five (5) years in prison and a fine of

343 up to Five Thousand Dollars
344 (\$5,000.00). (Miss. Code. Ann.
345 Section 23-15-753.)

346 _____
347 Signature of person providing assistance

348 _____
349 Printed name of person providing assistance

350 _____
351 Address of person providing assistance

352 _____
353 Date and time assistance provided

354 _____
355 Family relationship to voter (if any)"

356 (3) The envelope used pursuant to this section shall not
357 contain the form prescribed by Section 23-15-635.

358 **SECTION 4.** Section 23-15-629, Mississippi Code of 1972, is
359 amended as follows:

360 23-15-629. (1) (a) The application for an absentee ballot
361 of a person who is permanently physically disabled shall be
362 accompanied by a statement signed by such person's
363 physician, * * * nurse practitioner or physician's assistant,
364 which statement must show that the person signing the statement is
365 a licensed, practicing medical doctor or nurse practitioner and
366 must indicate that the person applying for the absentee ballot is
367 permanently physically disabled to such a degree that he is unable
368 to vote in person.

369 (b) An application accompanied by the statement
370 provided for in subsection (1) (a) of this section shall entitle
371 such permanently physically disabled person to automatically
372 receive an absentee ballot for all elections on a continuing basis
373 without the necessity for reapplication.

374 (c) The registrar of each county shall keep an accurate
375 list of the names and addresses of all persons whose applications

376 for absentee ballot are accompanied by the statement set forth in
377 this subsection * * *. Sixty (60) days prior to each election,
378 the registrar shall deliver such list to the commissioners of
379 election who shall examine the list and delete from it the names
380 of all persons listed who are no longer qualified electors of the
381 county. Upon completion of such examination, the commissioners of
382 election shall return the list to the registrar by no later than
383 forty-five (45) days prior to the election.

384 (d) The registrar shall send a ballot to all persons
385 who are determined by the commissioners of election to be
386 qualified electors pursuant to subsection (1)(c) of this section
387 by no later than forty (40) days prior to the election.

388 (2) The application for an absentee ballot of a person who
389 is temporarily physically disabled shall be accompanied by a
390 statement signed by such person's physician, nurse practitioner or
391 physician's assistant, which statement must show that the person
392 signing the statement is a licensed, practicing medical doctor or
393 nurse practitioner and must indicate that the person applying for
394 the absentee ballot is temporarily physically disabled to such a
395 degree that he is unable to vote in person.

396 **SECTION 5.** Section 23-15-635, Mississippi Code of 1972, is
397 amended as follows:

398 23-15-635. (1) The form of the elector's certificate,
399 attesting witness certification and certificate of person
400 providing voter assistance on the back of the envelope used by
401 voters who do not use the registrar of their county of residence
402 as an attesting witness shall be as follows:

403 "ELECTOR'S CERTIFICATE
404 STATE OF _____
405 COUNTY OR PARISH OF _____
406 I, _____, under penalty of perjury do solemnly swear
407 that this envelope contains the ballot marked by me indicating my
408 choice of the candidates or propositions to be submitted at the

409 election to be held on the ____ day of _____, 2____, and I
410 hereby authorize the registrar to place this envelope in the
411 ballot box on my behalf, and I further authorize the election
412 managers to open this envelope and place my ballot among the other
413 ballots cast before such ballots are counted, and record my name
414 on the poll list as if I were present in person and voted.

415 I further swear that I marked the enclosed ballot in secret.

416 **Penalties for vote fraud are up to**
417 **five (5) years in prison and a fine of**
418 **up to Five Thousand Dollars**
419 **(\$5,000.00). (Miss. Code. Ann.**
420 **Section 23-15-753.)**

421 _____
422 (Signature of voter)

423 CERTIFICATE OF ATTESTING WITNESS

424 Under penalty of perjury I affirm that the above named voter
425 personally appeared before me, on this the ____ day of _____,
426 2____, * * * and is known by me to be the person named, and who,
427 after being duly sworn or having affirmed, subscribed the
428 foregoing oath or affirmation. That the voter exhibited to me his
429 blank ballot; that the ballot was not marked or voted before
430 the * * * voter exhibited the ballot to me; that the * * * voter
431 was not solicited or advised by me to vote for any candidate,
432 question or issue, and that the voter, after marking his ballot,
433 placed it in the envelope, closed and sealed the envelope in my
434 presence, and signed and swore or affirmed the above certificate.

435 _____
436 (Attesting witness) (Address)
437 _____
438 (Official title) (City and State)

439 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

440 (To be completed only if the voter has received assistance in
441 marking the enclosed ballot.) I, under penalty of perjury, hereby

442 certify that the above-named voter declared to me that he or she
443 is blind, temporarily or permanently physically disabled, or
444 cannot read or write, and that the voter requested that I assist
445 the voter in marking the enclosed absentee ballot. I hereby
446 certify that the ballot preferences on the enclosed ballot are
447 those communicated by the voter to me, and that I have marked the
448 enclosed ballot in accordance with the voter's instructions.

449 **Penalties for vote fraud are up to**
450 **five (5) years in prison and a fine of**
451 **up to Five Thousand Dollars**
452 **(\$5,000.00). (Miss. Code. Ann.**
453 **Section 23-15-753.)**

454 _____
455 Signature of person providing assistance
456 _____
457 Printed name of person providing assistance
458 _____
459 Address of person providing assistance
460 _____
461 Date and time assistance provided
462 _____
463 Family relationship to voter (if any)"

464 (2) The envelope used pursuant to this section shall not
465 contain the form prescribed pursuant to Section 23-15-719.

466 **SECTION 6.** Section 23-15-266, Mississippi Code of 1972, is
467 amended as follows:

468 23-15-266. (1) A county or municipal executive committee
469 shall be eligible to enter into written agreements with a circuit
470 or municipal clerk or a county or municipal election commission as
471 provided for in Section 23-15-239(2), 23-15-265(2), 23-15-267(4),
472 23-15-333(4), 23-15-335(2) or 23-15-597(2), only if the political
473 party with which such county or municipal executive committee is
474 affiliated:

(a) Has cast for its candidate for Governor in the last two (2) gubernatorial elections ten percent (10%) of the total vote cast for governor; or

(b) Has cast for its candidate for Governor in three (3) of the last five (5) gubernatorial elections twenty-five percent (25%) of the total vote cast for Governor.

(2) Any agreement entered into pursuant to Section 23-15-239(2), 23-15-265(2), 23-15-267(4), 23-15-333(4), 23-15-335(2) or 23-15-597(2) shall include provisions regarding the compensation that the clerk or election commission shall receive from the executive committee for the performance of duties related to the agreement.

SECTION 7. 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 prior to the election as required by law. The ballots shall contain the names of all the candidates to be voted for at such 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. The ballot may contain the nickname of a candidate if it is a name by which he is generally known. The Secretary of State shall prescribe rules regarding nicknames that may be allowed on the ballot. The ballot shall not contain titles such as doctor or reverend or names which promote a political ideal. 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 for national office;
- (b) Candidates for statewide office;
- (c) Candidates for state district office;
- (d) Candidates for legislative office;
- (e) Candidates for countywide office;
- (f) Candidates for county district office.

The order in which the titles for the various offices are listed within each of the categories listed in this subsection is left to the discretion of the county executive committee.

(3) The county executive committee shall also prepare full instructions for the guidance of electors at elections as to obtaining ballots, the manner of marking them, and the mode of obtaining new ballots in the place of those spoiled by accident. The instructions shall be printed in large, clear type on "Cards of Instruction," and the county executive committee shall furnish the same in sufficient numbers for the use of electors. The cards shall be preserved by the officers of election and returned by them to the county executive committee and they may be used, if applicable, in subsequent elections.

(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 chairman of the county executive committee and the circuit clerk or the chairman 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 chairman of the municipal executive committee and the municipal clerk or the chairman 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 8. 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 order in which the titles of the various offices shall be printed, and 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 * * *. In all cases the arrangement of the names for each office shall be alphabetical.

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

- (a) Candidates for national office;
- (b) Candidates for statewide office;
- (c) Candidates for state district office;
- (d) Candidates for legislative office;
- (e) Candidates for countywide office;
- (f) Candidates for county district office.



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

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

(4) The ballot may contain the nickname of a candidate if it is a name by which he is generally known. The Secretary of State shall prescribe rules regarding nicknames that may be allowed on the ballot. The ballot shall not contain titles such as doctor or reverend or names which promote a political ideal.

SECTION 9. Section 23-15-239, Mississippi Code of 1972, is amended as follows:

23-15-239. (1) (a) The executive committee of each county, in the case of a primary election, or the commissioners of election of each county, in the case of all other elections, in conjunction with the circuit clerk, shall sponsor and conduct, not less than five (5) days prior to each election, training sessions to instruct managers as to their duties in the proper administration of the election and the operation of the polling place. No manager shall serve in any election unless he has received such instructions once during the twelve (12) months immediately preceding the date upon which such election is held; however, nothing in this section shall prevent the appointment of an alternate manager to fill a vacancy in case of an emergency. The county executive committee or the commissioners of election, as appropriate, shall train a sufficient number of alternates to serve in the event a manager is unable to serve for any reason.

(b) The executive committee of each county, in the case of a primary election, or the commissioners of election of each



606 county, in the case of all other elections, in conjunction with
607 the circuit clerk, shall sponsor and conduct annually an
608 eight-hour training course for managers that meets criteria that
609 the Secretary of State shall prescribe. Managers are not required
610 to attend this course. The Secretary of State shall develop a
611 version of the course that may be taken by managers over the
612 Internet.

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

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

636 (3) The board of supervisors, in their discretion, may
637 compensate managers who attend such training sessions. The
638 compensation shall be at a rate of not less than the federal



639 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
640 hour. Managers shall not be compensated for more than sixteen
641 (16) hours of attendance at the training sessions regardless of
642 the actual amount of time that they attended the training
643 sessions.

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

653 (5) Subject to the following annual limitations, the
654 commissioners of election shall be entitled to receive a per diem
655 in the amount of Eighty-four Dollars (\$84.00), to be paid from the
656 county general fund, for every day or period of no less than five
657 (5) hours accumulated over two (2) or more days actually employed
658 in the performance of their duties for the necessary time spent in
659 conducting training sessions as required by this section:

660 (a) In counties having less than fifteen thousand
661 (15,000) residents according to the latest federal decennial
662 census, not more than five (5) days per year;

663 (b) In counties having fifteen thousand (15,000)
664 residents according to the latest federal decennial census but
665 less than thirty thousand (30,000) residents according to the
666 latest federal decennial census, not more than eight (8) days per
667 year;

668 (c) In counties having thirty thousand (30,000)
669 residents according to the latest federal decennial census but
670 less than seventy thousand (70,000) residents according to the



671 latest federal decennial census, not more than ten (10) days per
672 year;

673 (d) In counties having seventy thousand (70,000)
674 residents according to the latest federal decennial census but
675 less than ninety thousand (90,000) residents according to the
676 latest federal decennial census, not more than twelve (12) days
677 per year;

678 (e) In counties having ninety thousand (90,000)
679 residents according to the latest federal decennial census but
680 less than one hundred seventy thousand (170,000) residents
681 according to the latest federal decennial census, not more than
682 fifteen (15) days per year;

683 (f) In counties having one hundred seventy thousand
684 (170,000) residents according to the latest federal decennial
685 census but less than two hundred thousand (200,000) residents
686 according to the latest federal decennial census, not more than
687 eighteen (18) days per year;

688 (g) In counties having two hundred thousand (200,000)
689 residents according to the latest federal decennial census but
690 less than two hundred twenty-five thousand (225,000) residents
691 according to the latest federal decennial census, not more than
692 nineteen (19) days per year;

693 (h) In counties having two hundred twenty-five thousand
694 (225,000) residents according to the latest federal decennial
695 census but less than two hundred fifty thousand (250,000)
696 residents according to the latest federal decennial census, not
697 more than twenty-two (22) days per year;

698 (i) In counties having two hundred fifty thousand
699 (250,000) residents according to the latest federal decennial
700 census but less than two hundred seventy-five thousand (275,000)
701 residents according to the latest federal decennial census, not
702 more than thirteen (13) days per year;



703 (j) In counties having two hundred seventy-five
704 thousand (275,000) residents according to the latest federal
705 decennial census or more, not more than fourteen (14) days per
706 year.

707 (6) Commissioners of election shall claim the per diem
708 authorized in subsection (5) of this section in the manner
709 provided for in Section 23-15-153(6).

710 **SECTION 10.** The Secretary of State shall sponsor and
711 conduct, not less than five (5) days prior to each election,
712 comprehensive eight-hour training sessions to instruct county
713 executive committee members and commissioners of election as to
714 their duties under the election laws of this state. The Secretary
715 of State shall prescribe the curriculum of the course and each
716 participant must pass an examination developed by the Secretary of
717 State to test their knowledge of election laws and procedures. No
718 election commissioner or member of the county executive committee
719 shall perform any duties with regard to an election unless he has
720 been certified by the Secretary of State as having successfully
721 completed the training session during the forty-eight (48) months
722 immediately preceding the date upon which the election is held.
723 The Secretary of State shall develop a version of the course that
724 may be taken over the Internet by commissioners of election and
725 members of county executive committee members.

726 **SECTION 11.** Section 23-15-359, Mississippi Code of 1972, is
727 amended as follows:

728 * * *

729 23-15-359. (1) The ballot shall contain the names of all
730 party nominees certified by the appropriate executive committee,
731 and independent and special election candidates who have timely
732 filed petitions containing the required signatures. A petition
733 requesting that an independent or special election candidate's
734 name be placed on the ballot for any office shall be filed as
735 provided for in subsection (3) or (4) of this section, as



736 appropriate, and shall be signed by not less than the following
737 number of qualified electors:

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

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

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

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

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

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

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

757 (2) Unless the petition required above shall be filed as
758 provided for in subsection (3) or (4) of this section, as
759 appropriate, the name of the person requested to be a candidate,
760 unless nominated by a political party, shall not be placed upon
761 the ballot. The ballot shall contain the names of each candidate
762 for each office, and such names shall be listed under the name of
763 the political party such candidate represents as provided by law
764 and as certified to the circuit clerk by the state executive
765 committee of such political party. In the event such candidate
766 qualifies as an independent as provided in this section, he shall
767 be listed on the ballot as an independent candidate.



768 (3) Petitions for offices described in paragraphs (a), (b),
769 (c) and (d) of subsection (1) of this section, and petitions for
770 offices described in paragraph (e) * * *, shall be filed with the
771 State Board of Election Commissioners by no later than 5:00 p.m.
772 on the same date by which candidates for nominations in the
773 political party primary elections are required to pay the fee
774 provided for in Section 23-15-297, Mississippi Code of 1972;
775 however, no petition may be filed before January 1 of the year in
776 which the election for the office is held.

777 (4) Petitions for offices described in paragraphs (f) and
778 (g) of subsection (1) of this section * * * shall be filed with
779 the proper circuit clerk by no later than 5:00 p.m. on the same
780 date by which candidates for nominations in the political party
781 elections are required to pay the fee provided for in Section
782 23-15-297; however, no petition may be filed before January 1 of
783 the year in which the election for the office is held. The
784 circuit clerk shall notify the county commissioners of election of
785 all persons who have filed petitions with such clerk. Such
786 notification shall occur within two (2) business days and shall
787 contain all necessary information.

788 (5) The commissioners may also have printed upon the ballot
789 any local issue election matter that is authorized to be held on
790 the same date as the regular or general election pursuant to
791 Section 23-15-375; however, the ballot form of such local issue
792 must be filed with the commissioners of election by the
793 appropriate governing authority not less than sixty (60) days
794 previous to the date of the election.

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

799 (7) Nothing in this section shall prohibit special elections
800 to fill vacancies in either house of the Legislature from being



801 held as provided in Section 23-15-851. In all elections conducted
802 under the provisions of Section 23-15-851, there shall be printed
803 on the ballot the name of any candidate who, not having been
804 nominated by a political party, shall have been requested to be a
805 candidate for any office by a petition filed with the State Board
806 of Election Commissioners for districts composed of more than one
807 (1) county or parts of more than one (1) county, or the proper
808 circuit clerk for districts composed of one (1) county or less, by
809 5:00 p.m. on or before the date set in the writ of election as the
810 qualifying deadline, and signed by not less than fifty (50)
811 qualified electors.

812 (8) The appropriate election commission shall determine
813 whether each candidate is a qualified elector of the state, state
814 district, county or county district they seek to serve, and
815 whether each candidate meets all other qualifications to hold the
816 office he is seeking or presents absolute proof that he will,
817 subject to no contingencies, meet all qualifications on or before
818 the date of the general or special election at which he could be
819 elected to office. The election commission shall determine
820 whether the candidate has taken the steps necessary to qualify for
821 more than one (1) office at the election. The election commission
822 also shall determine whether any candidate has been convicted of
823 any felony in a court of this state, or has been convicted on or
824 after December 8, 1992, of any offense in another state which is a
825 felony under the laws of this state, or has been convicted of any
826 felony in a federal court on or after December 8, 1992. Excepted
827 from the above are convictions of manslaughter and violations of
828 the United States Internal Revenue Code or any violations of the
829 tax laws of this state, unless the offense also involved misuse or
830 abuse of his office or money coming into his hands by virtue of
831 his office. If the appropriate election commission finds that a
832 candidate either (a) is not a qualified elector, (b) does not meet
833 all qualifications to hold the office he seeks and fails to



provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, or (c) has been convicted of a felony as described in this subsection, and not pardoned, then the name of such candidate shall not be placed upon the ballot. If the 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.

(9) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, there shall be only one (1) person who has duly qualified to be a candidate for the office in the general election, the name of such person shall be placed on the ballot; provided, however, that if there shall be 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 commission in accordance with the provisions of subsection (8) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

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

SECTION 12. 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 primary elections, appoint the primary election officers, resolve contests in regard to



867 primary elections, and perform all other duties required by law to
868 be performed by the county executive committee; however, each
869 house of the Legislature shall rule on the qualifications of the
870 membership of its respective body in contests involving the
871 qualifications of such members. The executive committee shall be
872 subject to all the penalties to which county election
873 commissioners are subject, except that Section 23-15-217 shall not
874 apply to members of the county executive committee who seek
875 elective office.

876 (2) A member of a county executive committee shall be
877 automatically disqualified to serve on the county executive
878 committee, and shall be considered to have resigned therefrom,
879 upon his qualification as a candidate for any elective office.
880 The provisions of this subsection shall not apply to a member of a
881 county executive committee who qualifies as a candidate for a
882 municipal elective office.

883 (3) The primary election officers appointed by the executive
884 committee of the party shall have the powers and perform the
885 duties, where not otherwise provided, required of such officers in
886 a general election, and any and every act or omission which by law
887 is an offense when committed in or about or in respect to such
888 general elections, shall be an offense if committed in or about or
889 in respect to a primary election; and the same shall be indictable
890 and punishable in the same way as if the election was a general
891 election for the election of state and county officers, except as
892 specially modified or otherwise provided in this chapter.

893 (4) The county executive committee may appoint a
894 subcommittee on elections to perform the duties of the county
895 executive committee with regard to canvassing the result of the
896 election and certifying the official vote totals as provided for
897 in Sections 23-15-597 and 23-15-599. The subcommittee's
898 membership shall consist of at least one-third (1/3) of the



899 membership of the county executive committee and shall be an odd
900 number.

901 (5) The county executive committee shall provide a list of
902 its membership and the membership of the subcommittee on
903 elections, if one is appointed, to the Secretary of State thirty
904 (30) days prior to the election.

905 **SECTION 13.** Section 23-15-271, Mississippi Code of 1972, is
906 amended as follows:

907 23-15-271. (1) (a) The state executive committee of any
908 political party authorized to conduct political party primaries
909 shall form an election integrity assurance committee for each
910 congressional district. The state executive committee shall
911 appoint three (3) of its members to each congressional district
912 election integrity assurance committee. The members so appointed
913 shall be residents of the congressional district for which the
914 election integrity assurance committee is formed. The state
915 executive committee shall name a chairman and a secretary from
916 among the members of each committee. The state executive
917 committee shall provide to each circuit and municipal clerk a list
918 of the members of the congressional district integrity assurance
919 committee for the congressional district in which the county or
920 municipality of such clerk is located.

921 (b) If a county executive committee or a municipal
922 executive committee fails to perform in a timely manner any of the
923 duties specified in Sections 23-15-239, 23-15-265, 23-15-267,
924 23-15-333, 23-15-335 and 23-15-597 and there is no written
925 agreement in place between the county or municipal executive
926 committee and the county or municipal election commission or the
927 circuit or municipal clerk pursuant to such sections, or there is
928 such an agreement in place and it is not being executed, the
929 circuit or municipal clerk may notify the chairman and secretary
930 of the congressional district election integrity assurance
931 committee or the chairman of the state executive committee of such



932 failure and call upon them to take immediate and appropriate
933 action to insure that such duties are performed in order to secure
934 the orderly conduct of the primary. Such notification may occur
935 on the last day by which the duties are required to be performed
936 or at such time as the circuit or municipal clerk believes such
937 notification is necessary for the orderly administration of the
938 primary.

939 (c) Nothing in this section shall be construed to
940 authorize the state executive committee or a congressional
941 district election assurance committee to conduct primaries.

942 (2) (a) The state executive committee may appoint a
943 subcommittee on election to perform the duties of the state
944 executive committee with regard to canvassing the result of the
945 election and certifying the official vote totals as provided for
946 in Sections 23-15-597 and 23-15-599. The subcommittee's
947 membership shall consist of at least one-third (1/3) of the
948 membership of the state executive committee and shall be an odd
949 number.

950 (b) The state executive committee shall provide to the
951 Secretary of State a list of its membership and the membership of
952 the subcommittee on elections, if it is appointed, to the
953 Secretary of State thirty (30) days prior to the election.

954 **SECTION 14.** Section 23-15-597, Mississippi Code of 1972, is
955 amended as follows:

956 23-15-597. (1) The county executive committee or its
957 subcommittee on election, if one is appointed, shall meet on the
958 first or second day after each primary election, shall receive and
959 canvass the returns which must be made within the time fixed by
960 law for returns of general elections and declare the result, and
961 announce the name of the nominees for county and county district
962 offices and legislative offices for districts containing one (1)
963 county or less, and the names of those candidates to be submitted
964 to the second primary. The vote for state and state district



965 offices and legislative offices for districts containing more than
966 one (1) county or parts of more than one (1) county shall be
967 tabulated by precincts and certified to and returned to the state
968 executive committee, such returns to be mailed by registered
969 letter or any safe mode of transmission within thirty-six (36)
970 hours after the returns are canvassed and the result ascertained.
971 The state executive committee or its subcommittee on elections, if
972 one is appointed, shall meet a week from the day following the
973 first primary election held for state and state district offices
974 and legislative offices for districts containing more than one (1)
975 county or parts of more than one (1) county, and shall proceed to
976 canvass the returns and to declare the result, and announce the
977 names of those nominated for the different offices in the first
978 primary and the names of those candidates whose names are to be
979 submitted to the second primary election. The state executive
980 committee or its subcommittee on elections, if one is appointed,
981 shall also meet a week from the day on which the second primary
982 election was held and receive and canvass the returns for state
983 and district offices, if any, and legislative offices for
984 districts containing more than one (1) county or parts of more
985 than one (1) county, if any, voted on in such second primary. An
986 exact and full duplicate of all tabulations by precincts as
987 certified under this section shall be filed with the circuit clerk
988 of the county who shall safely preserve the same in his office.

989 (2) (a) If it is eligible under Section 23-15-266, the
990 county executive committee may enter into a written agreement with
991 the circuit clerk or the county election commission authorizing
992 the circuit clerk or the county election commission to perform any
993 of the duties required of the county executive committee pursuant
994 to this section. Any agreement entered into pursuant to this
995 subsection shall be signed by the chairman of the county executive
996 committee and the circuit clerk or the chairman of the county
997 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 chairman of the municipal executive committee and the municipal clerk or the chairman 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 15. Section 23-15-599, Mississippi Code of 1972, is amended as follows:

23-15-599. (1) (a) Within ten (10) days after the first primary election and within ten (10) days after the second primary election, if any, the chairman of the state executive committee or the chairman of its subcommittee on elections, if one is appointed, shall transmit to the Secretary of State a tabulated statement of the party vote cast in each county and precinct in each county in each state and state district election, and each legislative election for districts consisting of more than one (1) county or parts of more than one (1) county. The statement shall be transmitted by the state executive committee or its subcommittee on elections, if one is appointed, on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State. The statement shall be filed by the Secretary of State and preserved among the records of his office.

(b) The statement provided for in paragraph (a) of this subsection shall contain a certification signed and dated by the



chairman of the state executive committee or the chairman of its
subcommittee on elections, if one is appointed, which shall read
as follows:

"I _____, Chairman of the _____ Party
State Executive Committee or its subcommittee on elections,
as appropriate, do hereby certify that, on a majority vote of
the _____ Party State Executive Committee or its
subcommittee on elections, as appropriate, these vote totals
for each county and for each candidate are the official vote
totals for the election reflected therein."

(2) (a) Within ten (10) days after the first primary
election and within ten (10) days after the second primary
election, if any, the county executive committee or its
subcommittee on elections, if one is appointed, shall transmit to
the Secretary of State a tabulated statement of the party vote
cast in their county and each precinct in their county in each
election for county and county district office and each election
for legislative office for districts containing one (1) county or
less. The statement shall be transmitted by the county executive
committee or its subcommittee on elections, if one is appointed,
on such forms and by such methods as may be required by rules and
regulations promulgated by the Secretary of State. The statement
shall be filed by the Secretary of State and preserved among the
records of his office.

(b) The statement provided for in paragraph (a) of this
subsection shall contain a certification signed and dated by the
majority of the members of the county executive committee or its
subcommittee on elections, if one is appointed, which shall read
as follows:

"We, the undersigned members of the county executive
committee or its subcommittee on elections, as appropriate,
do hereby certify that these vote totals for each candidate



are the official vote totals for the election reflected therein."

SECTION 16. Section 23-15-165, Mississippi Code of 1972, is amended as follows:

23-15-165. (1) From and after July 1, 2002, the Office of the Secretary of State, in cooperation with the local registrars and election commissioners, shall begin to procure, implement and maintain an electronic information processing system and programs capable of maintaining a centralized database of all registered voters in the state. The system shall encompass software and hardware, at both the state and county level, software development training, conversion and support and maintenance for the system. This system shall be known as the "Statewide Elections Management System" and shall constitute the official record of registered voters in every county of the state.

(2) The Office of the Secretary of State shall develop and implement the Statewide Elections Management System so that the registrar and election commissioners of each county shall:

(a) Verify that an applicant that is registering to vote in such county is not registered to vote in another county;

(b) Be notified automatically that a registered voter in its county has registered to vote in another county;

(c) Receive regular reports of death, changes of address and convictions for disenfranchising crimes that apply to voters registered in the county; and

(d) Retain all present functionality related to, but not limited to, the use of voter roll data and to implement such other functionality as the law requires to enhance the maintenance of accurate county voter records and related jury selection and redistricting programs.

(3) As a part of the procurement and implementation of the system, the Office of the Secretary of State shall, with the assistance of the advisory committee, procure services necessary



1096 to convert current voter registration records in the counties into
1097 a standard, industry accepted file format that can be used on the
1098 Statewide Elections Management System. Thereafter, all official
1099 voter information shall be maintained on the Statewide Elections
1100 Management System. The standard industry accepted format of data
1101 shall be reviewed and approved by a majority of the advisory
1102 committee created in subsection (5) of this section after
1103 consultation with the Circuit Clerks Association and the format
1104 may not be changed without majority approval of the advisory
1105 committee and without consulting the Circuit Clerks Association.

1106 (4) The Secretary of State may, with the assistance of the
1107 advisory committee, adopt rules and regulations necessary to
1108 administer the Statewide Elections Management System. Such rules
1109 and regulations shall at least:

1110 (a) Provide for the establishment and maintenance of a
1111 centralized database for all voter registration information in the
1112 state;

1113 (b) Provide procedures for integrating data into the
1114 centralized database;

1115 (c) Provide security to insure that only the registrar,
1116 or his designee or other appropriate official, as the law may
1117 require, can add information to, delete information from and
1118 modify information in the system;

1119 (d) Provide the registrar or his designee or other
1120 appropriate official, as the law may require, access to the system
1121 at all times, including the ability to download copies of the
1122 industry standard file, for all purposes related to their official
1123 duties, including, but not limited to, exclusive access for the
1124 purpose of printing of all local pollbooks;

1125 (e) Provide security and protection of all information
1126 in the system and monitor the system to ensure that unauthorized
1127 access is not allowed;



1128 (f) Provide a procedure that will allow the registrar,
1129 or his designee or other appropriate official, as the law may
1130 require, to identify the precinct and subprecinct to which a voter
1131 should be assigned; and

1132 (g) Provide a procedure for phasing in or converting
1133 existing manual and computerized voter registration systems in
1134 counties to the Statewide Elections Management System.

1135 (5) The Secretary of State shall establish an advisory
1136 committee to assist in developing system specifications,
1137 procurement, implementation and maintenance of the Statewide
1138 Elections Management System. The committee shall include two (2)
1139 representatives from the Circuit Clerks Association, appointed by
1140 the association; two (2) representatives from the Election
1141 Commissioners Association of Mississippi, appointed by the
1142 association; one (1) member of the Mississippi Association of
1143 Supervisors, or its staff, appointed by the association; the
1144 Director of the Stennis Institute of Government at Mississippi
1145 State University, or his designee; the Executive Director of the
1146 Department of Information Technology Services, or his designee;
1147 two (2) persons knowledgeable about elections and information
1148 technology appointed by the Secretary of State; and the Secretary
1149 of State, who shall serve as the chairman of the advisory
1150 committee.

1151 (6) (a) Social security numbers, telephone numbers and date
1152 of birth and age information in statewide, district, county and
1153 municipal voter registration files shall be exempt from and shall
1154 not be subject to inspection, examination, copying or reproduction
1155 under the Mississippi Public Records Act of 1983.

1156 (b) Copies of statewide, district, county or municipal
1157 voter registration files, excluding social security numbers,
1158 telephone numbers and date of birth and age information, shall be
1159 provided to any person in accordance with the Mississippi Public



1160 Records Act of 1983 at a cost not to exceed the actual cost of
1161 production.

1162 (7) Registrars shall input into the Statewide Elections
1163 Management System the election district in which each voter is
1164 authorized to vote not less than sixty (60) days prior to the
1165 election.

1166 (8) Registrars shall input into the Statewide Elections
1167 Management System the election districts in which each voter is
1168 authorized to vote not later than sixty (60) days after the
1169 election.

1170 **SECTION 17.** Section 23-15-153, Mississippi Code of 1972, is
1171 amended as follows:

1172 23-15-153. (1) At the following times the commissioners of
1173 election shall meet at the office of the registrar and carefully
1174 revise the registration books and the pollbooks of the several
1175 voting precincts, and shall erase from those books the names of
1176 all persons erroneously on the books, or who have died, removed or
1177 become disqualified as electors from any cause; and shall register
1178 the names of all persons who have duly applied to be registered
1179 and have been illegally denied registration:

1180 (a) On the Tuesday after the second Monday in January
1181 1987 and every following year;

1182 (b) On the first Tuesday in the month immediately
1183 preceding the first primary election for congressmen in the years
1184 when congressmen are elected;

1185 (c) On the first Monday in the month immediately
1186 preceding the first primary election for state, state district
1187 legislative, county and county district offices in the years in
1188 which those offices are elected; and

1189 (d) On the second Monday of September preceding the
1190 general election or regular special election day in years in which
1191 a general election is not conducted.



1192 Except for the names of those persons who are duly qualified
1193 to vote in the election, no name shall be permitted to remain on
1194 the registration books and pollbooks; however, no name shall be
1195 erased from the registration books or pollbooks based on a change
1196 in the residence of an elector except in accordance with
1197 procedures provided for by the National Voter Registration Act of
1198 1993 that are in effect at the time of such erasure. Except as
1199 otherwise provided by Section 23-15-573, no person shall vote at
1200 any election whose name is not on the pollbook.

1201 (2) Except as provided in subsection (3) of this section,
1202 and subject to the following annual limitations, the commissioners
1203 of election shall be entitled to receive a per diem in the amount
1204 of Eighty-four Dollars (\$84.00), to be paid from the county
1205 general fund, for every day or period of no less than five (5)
1206 hours accumulated over two (2) or more days actually employed in
1207 the performance of their duties in the conduct of an election or
1208 actually employed in the performance of their duties for the
1209 necessary time spent in the revision of the registration books and
1210 pollbooks as required in subsection (1) of this section:

1211 (a) In counties having less than fifteen thousand
1212 (15,000) residents according to the latest federal decennial
1213 census, not more than fifty (50) days per year, with no more than
1214 fifteen (15) additional days allowed for the conduct of each
1215 election in excess of one (1) occurring in any calendar year;

1216 (b) In counties having fifteen thousand (15,000)
1217 residents according to the latest federal decennial census but
1218 less than thirty thousand (30,000) residents according to the
1219 latest federal decennial census, not more than seventy-five (75)
1220 days per year, with no more than twenty-five (25) additional days
1221 allowed for the conduct of each election in excess of one (1)
1222 occurring in any calendar year;

1223 (c) In counties having thirty thousand (30,000)
1224 residents according to the latest federal decennial census but



1225 less than seventy thousand (70,000) residents according to the
1226 latest federal decennial census, not more than one hundred (100)
1227 days per year, with no more than thirty-five (35) additional days
1228 allowed for the conduct of each election in excess of one (1)
1229 occurring in any calendar year;

1230 (d) In counties having seventy thousand (70,000)
1231 residents according to the latest federal decennial census but
1232 less than ninety thousand (90,000) residents according to the
1233 latest federal decennial census, not more than one hundred
1234 twenty-five (125) days per year, with no more than forty-five (45)
1235 additional days allowed for the conduct of each election in excess
1236 of one (1) occurring in any calendar year;

1237 (e) In counties having ninety thousand (90,000)
1238 residents according to the latest federal decennial census but
1239 less than one hundred seventy thousand (170,000) residents
1240 according to the latest federal decennial census, not more than
1241 one hundred fifty (150) days per year, with no more than
1242 fifty-five (55) additional days allowed for the conduct of each
1243 election in excess of one (1) occurring in any calendar year;

1244 (f) In counties having one hundred seventy thousand
1245 (170,000) residents according to the latest federal decennial
1246 census but less than two hundred thousand (200,000) residents
1247 according to the latest federal decennial census, not more than
1248 one hundred seventy-five (175) days per year, with no more than
1249 sixty-five (65) additional days allowed for the conduct of each
1250 election in excess of one (1) occurring in any calendar year;

1251 (g) In counties having two hundred thousand (200,000)
1252 residents according to the latest federal decennial census but
1253 less than two hundred twenty-five thousand (225,000) residents
1254 according to the latest federal decennial census, not more than
1255 one hundred ninety (190) days per year, with no more than
1256 seventy-five (75) additional days allowed for the conduct of each
1257 election in excess of one (1) occurring in any calendar year;



1258 (h) In counties having two hundred twenty-five thousand
1259 (225,000) residents according to the latest federal decennial
1260 census but less than two hundred fifty thousand (250,000)
1261 residents according to the latest federal decennial census, not
1262 more than two hundred fifteen (215) days per year, with no more
1263 than eighty-five (85) additional days allowed for the conduct of
1264 each election in excess of one (1) occurring in any calendar year;

1265 (i) In counties having two hundred fifty thousand
1266 (250,000) residents according to the latest federal decennial
1267 census but less than two hundred seventy-five thousand (275,000)
1268 residents according to the latest federal decennial census, not
1269 more than two hundred thirty (230) days per year, with no more
1270 than ninety-five (95) additional days allowed for the conduct of
1271 each election in excess of one (1) occurring in any calendar year;

1272 (j) In counties having two hundred seventy-five
1273 thousand (275,000) residents according to the latest federal
1274 decennial census or more, not more than two hundred forty (240)
1275 days per year, with no more than one hundred five (105) additional
1276 days allowed for the conduct of each election in excess of one (1)
1277 occurring in any calendar year.

1278 (3) The commissioners of election shall be entitled to
1279 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1280 to be paid from the county general fund, not to exceed ten (10)
1281 days for every day or period of no less than five (5) hours
1282 accumulated over two (2) or more days actually employed in the
1283 performance of their duties for the necessary time spent in the
1284 revision of the registration books and pollbooks prior to any
1285 special election. For purposes of this subsection, the regular
1286 special election day shall not be considered a special election.
1287 The annual limitations set forth in subsection (2) of this section
1288 shall not apply to this subsection.

1289 (4) The commissioners of election shall be entitled to
1290 receive a per diem in the amount of Eighty-four Dollars (\$84.00),



1291 to be paid from the county general fund, not to exceed fourteen
1292 (14) days for every day or period of no less than five (5) hours
1293 accumulated over two (2) or more days actually employed in the
1294 performance of their duties for the necessary time spent in the
1295 revision of the registration books, pollbooks and in the conduct
1296 of a runoff election following either a general or special
1297 election.

1298 (5) The commissioners of election shall be entitled to
1299 receive only one (1) per diem payment for those days when the
1300 commissioners of election discharge more than one (1) duty or
1301 responsibility on the same day.

1302 (6) The county registrar shall prepare the pollbooks and the
1303 county commissioners of election shall prepare the registration
1304 books of each municipality located within the county pursuant to
1305 an agreement between the county and each municipality in the
1306 county. The county commissioners of election and the county
1307 registrar shall be paid by each municipality for the actual cost
1308 of preparing registration books and pollbooks for the municipality
1309 and shall pay each county commissioner of election a per diem in
1310 the amount provided for in subsection (2) of this section for each
1311 day or period of not less than five (5) hours accumulated over two
1312 (2) or more days the commissioners are actually employed in
1313 preparing the registration books for the municipality, not to
1314 exceed five (5) days. The county commissioners of election and
1315 county registrar shall provide copies of the registration books
1316 and pollbooks to the municipal clerk of each municipality in the
1317 county. The municipality shall pay the county registrar for
1318 preparing and printing the pollbooks. A municipality may secure
1319 "read only" access to the Statewide Centralized Voter System and
1320 print its own pollbooks using this information; however, county
1321 commissioners of election shall remain responsible for preparing
1322 registration books for municipalities and shall be paid for this
1323 duty in accordance with this subsection.



1324 (7) Every commissioner of election shall sign personally a
1325 certification setting forth the number of hours actually worked in
1326 the performance of the commissioner's official duties and for
1327 which the commissioner seeks compensation. The certification must
1328 be on a form as prescribed in this subsection. The commissioner's
1329 signature is, as a matter of law, made under the commissioner's
1330 oath of office and under penalties of perjury.

1331 The certification form shall be as follows:

1332 COUNTY ELECTION COMMISSIONER

1333 PER DIEM CLAIM FORM

1334 NAME: COUNTY:

1335 ADDRESS: DISTRICT:

1336 CITY: ZIP:

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

1340

1341

1342

1343 TOTAL NUMBER OF PER DIEM DAYS EARNED

1344 PER DIEM RATE PER DAY EARNED X 84.00

1345 TOTAL AMOUNT OF PER DIEM CLAIMED \$

1346 I understand that I am signing this document under my oath as
1347 a commissioner of election and under penalties of perjury.

1348 I understand that I am requesting payment from taxpayer funds
1349 and that I have an obligation to be specific and truthful as to
1350 the amount of hours worked and the compensation I am requesting.

1351 Signed this the day of , .

1352

1353 Commissioner's Signature

1354 When properly completed and signed, the certification must be
1355 filed with the clerk of the county board of supervisors before any
1356 payment may be made. The certification will be a public record



1357 available for inspection and reproduction immediately upon the
1358 oral or written request of any person.

1359 Any person may contest the accuracy of the certification in
1360 any respect by notifying the chairman of the commission, any
1361 member of the board of supervisors or the clerk of the board of
1362 supervisors of such contest at any time before or after payment is
1363 made. If the contest is made before payment is made, no payment
1364 shall be made as to the contested certificate until the contest is
1365 finally disposed of. The person filing the contest shall be
1366 entitled to a full hearing, and the clerk of the board of
1367 supervisors shall issue subpoenas upon request of the contestor
1368 compelling the attendance of witnesses and production of documents
1369 and things. The contestor shall have the right to appeal de novo
1370 to the circuit court of the involved county, which appeal must be
1371 perfected within thirty (30) days from a final decision of the
1372 commission, the clerk of the board of supervisors or the board of
1373 supervisors, as the case may be.

1374 Any contestor who successfully contests any certification
1375 will be awarded all expenses incident to his contest, together
1376 with reasonable attorney's fees, which will be awarded upon
1377 petition to the chancery court of the involved county upon final
1378 disposition of the contest before the election commission, board
1379 of supervisors, clerk of the board of supervisors, or, in case of
1380 an appeal, final disposition by the court. The commissioner
1381 against whom the contest is decided shall be liable for the
1382 payment of the expenses and attorney's fees, and the county shall
1383 be jointly and severally liable for same.

1384 (8) Except as otherwise provided by subsection (9) of this
1385 section, any commissioner of election who has not received a
1386 certificate issued by the Secretary of State pursuant to Section
1387 23-15-211 indicating that the commissioner of election has
1388 received the required elections seminar instruction and that the
1389 commissioner of election is fully qualified to conduct an



election, shall not receive any compensation authorized by this section, Section 23-15-491 or Section 23-15-239.

(9) For all travel required in the performance of their official duties, commissioners of election shall be paid mileage by the county at the same rate for state employees in Section 25-3-41(1).

SECTION 18. 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 of any primary election and appoint the managers and clerks for same, all of whom may be members of the same political party. The number of managers and clerks appointed by the county executive committee shall be the same number as commissioners of election 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 chairman of the county executive committee and the circuit clerk or the chairman 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 chairman of the municipal executive committee and the municipal clerk or the chairman 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) The state executive committee may appoint a temporary county or municipal executive committee to conduct the primary election in a county or municipality that does not have an executive committee, or the state executive committee may elect to conduct the election itself.

SECTION 19. Section 23-15-579, Mississippi Code of 1972, is amended as follows:

23-15-579. All votes which shall be challenged at the polls, whether the question be raised by a manager or by another authorized challenger, shall be received when voted, but each of such challenged votes shall, by one (1) of the managers or clerks, be marked on the back "CHALLENGED" and all such challenged votes shall be placed in one or more strong envelopes; and when all the unchallenged votes have been counted, tallied and totaled the challenged votes shall then be counted, tallied and totaled and a separate return shall be made of the unchallenged votes and of those that are challenged. The envelope or envelopes containing the challenged votes, when counted and tallied, shall be securely sealed with all said challenged votes enclosed therein and placed in the box with the unchallenged votes. Provided, that when a vote is challenged at the polls it shall so clearly appear in the * * * opinion of a majority the managers, either by the admissions or statements of the person challenged or from official documentary evidence, or indubitable oral evidence then presented to the managers, that the challenge is well taken, the vote shall



be rejected entirely and shall not be counted; but in such case the rejected ballot, after it has been marked by the challenged voter, shall be marked on the back "REJECTED" and the name of the voter shall also be written on the back, and said vote and all other rejected votes shall be placed in a separate strong envelope and sealed and returned in the box as in the case of challenged votes. The failure of a candidate to challenge a vote or votes at a box shall not preclude him from later showing, in the manner provided by law, that one or more votes have been improperly received or counted or returned as regards said box. If the managers of an election believe a challenge of a voter is frivolous or not made in good faith they may disregard such challenge and accept the offered vote as though not challenged.

SECTION 20. Section 23-15-921, Mississippi Code of 1972, is amended as follows:

23-15-921. Except as otherwise provided by Section 23-15-961, a person desiring to contest the election of another person returned as the nominee of the party to any county or county district office, or as the nominee of a legislative district composed of one (1) county or less, may, within ten (10) days after the primary election, file a petition with the secretary, or any member of the county executive committee in the county in which the election was held, setting forth the grounds upon which the primary election is contested; and it shall be the duty of the executive committee to assemble by call of the chairman or three (3) members of the committee, notice of which contest shall be served five (5) days before the meeting, and after notifying all parties concerned proceed to investigate the grounds upon which the election is contested and, by majority vote of members present, declare the true results of such primary. The person returned as nominee of the party may file a response to the petition of the contestant; however, the failure to file a response shall not waive the right of the person to file a



response in court if the decision of the executive committee is
appealed.

SECTION 21. Section 23-15-923, Mississippi Code of 1972, is
amended as follows:

23-15-923. Except as otherwise provided in Section
23-15-961, a person desiring to contest the election of another
returned as the nominee in state, congressional and judicial
districts, and in legislative districts composed of more than one
(1) county or parts of more than one (1) county, upon complaint
filed within ten (10) days after the election with the chairman of
the state executive committee, by petition, reciting the grounds
upon which the election is contested. If necessary and with the
advice of four (4) members of the committee, the chairman shall
issue his fiat to the chairman of the appropriate county executive
committee, and in like manner as in the county office, the county
committee shall investigate the complaint and return their
findings to the chairman of the state committee. The state
executive committee by majority vote of members present shall
declare the true results of such primary. The person returned as
nominee of the party may file a response to the petition of the
contestant; however, the failure to file a response shall not
waive the right of the person to file a response in court if the
decision of the executive committee is appealed.

SECTION 22. 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 name from the ballot,
unless a vacancy in the nomination occurs in the manner specified
in Section 25-15-317 * * * before the * * * ballot has been
printed. * * * Every ballot shall contain the names of all
candidates nominated as specified, and not duly withdrawn as
provided for in Section 23-15-317.



1522 **SECTION 23.** Section 23-15-299, Mississippi Code of 1972, is
1523 amended as follows:

1524 * * *

1525 23-15-299. (1) (a) Assessments made pursuant to paragraphs
1526 (a), (b) and (c) of Section 23-15-297 and assessments made
1527 pursuant to paragraph (d) of Section 23-15-297 for legislative
1528 offices shall be paid by each candidate to the secretary of the
1529 state executive committee with which the candidate is affiliated
1530 by 5:00 p.m. on March 1 of the year in which the primary election
1531 for the office is held or on the date of the qualifying deadline
1532 provided by statute for the office, whichever is earlier; however,
1533 no such assessments may be paid before January 1 of the year in
1534 which the primary election for the office is held.

1535 (b) If the 2010 census redistricting information that
1536 is provided to the state in accordance with Public Law 94-171 has
1537 not been received from the United States Secretary of Commerce by
1538 the Governor of the State of Mississippi by January 1, 2011, then
1539 the qualifying deadline for legislative offices shall be changed
1540 for the year 2011 only, as follows: Assessments made pursuant to
1541 paragraph (d) of Section 23-15-297 for legislative offices shall
1542 be paid by each candidate to the secretary of the state executive
1543 committee with which the candidate is affiliated by 5:00 p.m. on
1544 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
1545 2012; however, no such assessments may be paid before January 1 of
1546 the year in which the election for the office is held.

1547 (2) Assessments made pursuant to paragraphs (d) and (e) of
1548 Section 23-15-297, other than assessments made for legislative
1549 offices, shall be paid by each candidate to the circuit clerk of
1550 such candidate's county of residence by 5:00 p.m. on March 1 of
1551 the year in which the primary election for the office is held or
1552 on the date of the qualifying deadline provided by statute for the
1553 office, whichever is earlier; however, no such assessments may be
1554 paid before January 1 of the year in which the election for the



office is held. The circuit clerk shall forward the fee and all necessary information to the secretary of the proper county executive committee within two (2) business days.

(3) Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297 must be paid by each candidate to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each candidate to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held.

(4) (a) The fees paid pursuant to subsections (1), (2) and (3) 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 and the office for which he or she is a candidate.

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



1588 any person who pays the required fee and files the required
1589 statement after 5:00 p.m. on the date of the qualifying deadline
1590 shall not be placed on the primary election ballot.

1591 (5) The secretary or circuit clerk to whom such payments are
1592 made shall promptly receipt for same stating the office for which
1593 such candidate making payment is running and the political party
1594 with which he or she is affiliated, and he or she shall keep an
1595 itemized account in detail showing the exact time and date of the
1596 receipt of each payment received by him or her and, where
1597 applicable, the date of the postmark on the envelope containing
1598 the fee and from whom, and for what office the party paying same
1599 is a candidate.

1600 (6) The secretaries of the proper executive committee shall
1601 hold said funds to be finally disposed of by order of their
1602 respective executive committees. Such funds may be used or
1603 disbursed by the executive committee receiving same to pay all
1604 necessary traveling or other necessary expenses of the members of
1605 the executive committee incurred in discharging their duties as
1606 committeemen, and of their secretary and may pay the secretary
1607 such salary as may be reasonable.

1608 (7) Upon receipt of the proper fee and all necessary
1609 information, the proper executive committee shall then determine
1610 whether each candidate is a qualified elector of the state, state
1611 district, county or county district which they seek to serve, and
1612 whether each candidate meets all other qualifications to hold the
1613 office he is seeking or presents absolute proof that he will,
1614 subject to no contingencies, meet all qualifications on or before
1615 the date of the general or special election at which he could be
1616 elected to office. The executive committee shall determine
1617 whether the candidate has taken the steps necessary to qualify for
1618 more than one (1) office at the election. The committee also
1619 shall determine whether any candidate has been convicted of any
1620 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 the offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the proper executive committee finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he seeks and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, or (c) has been convicted of a felony as described in this subsection, and not pardoned, then the name of such candidate shall not be placed upon the ballot. If the proper executive committee determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

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

(8) If an incumbent for an office qualifies pursuant to this section and withdraws prior to the printing of the sample ballot, candidates who have not already qualified for the office may qualify for the office as otherwise provided in this section for a period of ten (10) days following the withdrawal of the incumbent.

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

SECTION 24. Section 23-15-549, Mississippi Code of 1972, is amended as follows:



23-15-549. Any voter who declares to the managers of the election that he requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by an election manager, an election bailiff or a member of the voter's immediate family.

SECTION 25. Section 23-15-523, Mississippi Code of 1972, is amended as follows:

23-15-523. (1) All proceedings at the counting center shall be under the direction of the commissioners of elections or officials in charge of the election, and shall be conducted under the observations of the public, but no persons except those authorized for the purpose shall touch any ballot. All persons who are engaged in processing and counting of the ballots shall be deputized in writing and take oath that they will faithfully perform their assigned duties.

(2) The commissioners of elections or the officials in charge of the election shall appoint qualified electors to serve as judges on the "resolution board." An odd number of not less than three (3) members shall be appointed to the resolution board. The members of the board shall take the oath provided in Section 268, Mississippi Constitution of 1890. All ballots that have been rejected by the OMR tabulating equipment and that are damaged or defective, blank or overvoted will be reviewed by said board. Commissioners of election, candidates who are on the ballot at the election and the parents, siblings or children of such a candidate shall not be appointed to the resolution board. If the election is not a primary election, members of the party executive committees shall not be appointed to the resolution board unless members of all of the party executive committees who have a candidate on the ballot are appointed to the resolution board.

(3) (a) If any ballot is damaged or defective so that it cannot be properly counted by the OMR tabulating equipment, the ballot will be deposited in an envelope provided for that purpose



1686 marked "RESOLUTION BOARD." All such ballots shall be carefully
1687 handled so as to avoid altering, removing or adding any mark on
1688 the ballot.

1689 (b) The commissioners of election or the officials in
1690 charge of the election shall have the judges on the resolution
1691 board manually count any damaged or defective ballots, who shall
1692 determine the intent of the voter and record the vote consistent
1693 with this determination.

1694 (c) As an alternative to the procedure provided for in
1695 paragraph (b) of this subsection, the resolution board may be
1696 instructed by the officials in charge of the election to prepare a
1697 duplicate to the damaged or defective ballot in the following
1698 manner:

1699 (i) The resolution board shall prepare a duplicate
1700 to the original damaged or defective ballot marked identically to
1701 the original.

1702 (ii) The resolution board shall mark the first
1703 original they examine as "Original #1" and the duplicate of this
1704 original as "Duplicate #1." Subsequent originals and duplicates
1705 shall be likewise marked and numbered consecutively so the
1706 duplicate of each original can be identified. Duplicate ballots
1707 shall be stamped in a different manner from the original ballots
1708 so that they may be easily distinguished from the originals.

1709 (iii) The duplicate ballots prepared pursuant to
1710 this paragraph shall be counted by the OMR tabulating equipment.

1711 (4) Ballots that have been rejected by the OMR tabulating
1712 equipment for appearing to be "blank" shall be examined to verify
1713 if they are blank or were marked with a "nondetectable" marking
1714 device. If it is determined that the ballot was marked with a
1715 nondetectable device, the resolution board may mark over the
1716 voter's mark with a detectable marking device.

1717 (5) All ballots that are rejected by the OMR tabulating
1718 equipment and which contain overvotes shall be inspected by the



1719 resolution board. Regarding those ballots upon which an overvote
1720 appears and voter intent cannot be determined by inspection of the
1721 resolution board, the officials in charge of the election may use
1722 the OMR tabulating equipment in determining the vote in the races
1723 which are unaffected by the overvote. All other ballots which are
1724 overvoted shall be counted manually following the provisions of
1725 this section at the direction of the officials in charge of the
1726 election. If for any reason it becomes impracticable to count all
1727 or a part of the ballots with the OMR tabulating equipment, the
1728 officials in charge may direct that they be counted manually, and
1729 voter intent shall be determined by following the provisions of
1730 this section. The return printed by the OMR tabulating equipment
1731 to which have been added the manually tallied ballots, which shall
1732 be duly certified by the officials in charge of the election,
1733 shall constitute the official return of each voting precinct.
1734 Unofficial and incomplete returns may be released during the
1735 count. Upon the completion of the counting, the official returns
1736 shall be open to the public.

1737 (6) When the resolution board reviews any OMR ballot in
1738 which the voter has failed to fill in the arrow, oval, circle or
1739 square for a candidate or a ballot measure in accordance with the
1740 ballot instruction, the resolution board shall, if the intent of
1741 the voter can be ascertained, count the vote if:

1742 (a) The voter marks the ballot with a "cross" (x) or
1743 "checkmark" (✓) and the lines that form the mark intersect within
1744 or on the line of the arrow, oval, circle or square by the ballot
1745 measure or the name of the candidate.

1746 (b) The voter blackens the arrow, oval, circle or
1747 square adjacent to the ballot measure or the name of the candidate
1748 in pencil or ink and the blackened portion extends beyond the
1749 boundaries of the arrow, oval, circle or square.



1750 (c) The voter marks the ballot with a "cross" (x) or
1751 "checkmark" (✓) and the lines that form the mark intersect
1752 adjacent to the ballot measure or the name of the candidate.

1753 (d) The voter underlines the ballot measure or the name
1754 of a candidate.

1755 (e) The voter draws a line from the arrow, oval, circle
1756 or square to a ballot measure or the name of a candidate.

1757 (f) The voter draws a circle or oval around the ballot
1758 measure or the name of the candidate.

1759 (g) The voter draws a circle or oval around the arrow,
1760 oval, circle or square adjacent to the ballot measure or the name
1761 of the candidate.

1762 (7) The resolution board, when inspecting an OMR ballot
1763 which contains or appears to contain one or more overvotes,
1764 appears to be damaged or defective, or is rejected by the OMR
1765 tabulating equipment for any reason or cannot be counted by the
1766 OMR tabulating equipment, shall make its determination in
1767 accordance with the following:

1768 (a) When an elector casts more votes for any office or
1769 measure than he or she is entitled to cast at an election, all the
1770 elector's votes for that office or measure are invalid and the
1771 elector is deemed to have voted for none of them except as
1772 provided in paragraph (b) of this subsection. If an elector casts
1773 less votes for any office or measure than he or she is entitled to
1774 cast at an election, all votes cast by the elector shall be
1775 counted but no vote shall be counted more than once.

1776 (b) If an elector casts more than one (1) vote for the
1777 same candidate for the same office, the first vote is valid and
1778 the remaining votes are invalid.

1779 (c) No write-in vote for a candidate whose name is
1780 printed on the ballot shall be regarded as defective due to
1781 misspelling a candidate's name, or by abbreviation, addition or



1782 omission or use of a wrong initial in the name, as long as the
1783 intent of the voter can be ascertained.

1784 (d) In any case where a voter writes in the name of a
1785 candidate for President of the United States whose name is printed
1786 on the general election ballot, the failure by the voter to write
1787 in the name of a candidate for the Office of Vice President of the
1788 United States on the general election ballot does not invalidate
1789 the elector's vote for the slate of electors for any candidate
1790 whose name is written in for the Office of President of the United
1791 States.

1792 (e) For any ballot measure in which the words "for" or
1793 "against" are printed on a ballot, if the voter shall write the
1794 word "for" or the word "against" instead of or in addition to
1795 marking the ballot in accordance with the ballot instruction in
1796 the space adjacent to the pre-printed words "for" or "against,"
1797 the resolution board shall, in reviewing such ballot, count the
1798 vote in accordance with the voter's handwritten preference, unless
1799 the voter marks the ballot in the space adjacent to the
1800 pre-printed words "for" or "against" contrary to the handwritten
1801 preference, in which case no vote shall be recorded for such
1802 ballot in regard to the ballot measure.

1803 (f) For any ballot measure in which the words "yes" or
1804 "no" are printed on a ballot, if the voter shall write the word
1805 "yes" or the word "no" instead of or in addition to marking the
1806 ballot in accordance with the ballot instructions in the space
1807 adjacent to the pre-printed words "yes" or "no," the resolution
1808 board shall, in reviewing such ballot, count the vote in
1809 accordance with the voter's handwritten preference, unless the
1810 voter marks the ballot in the space adjacent to the pre-printed
1811 words "yes" or "no" contrary to the handwritten preference, in
1812 which case no vote shall be recorded for such ballot in regard to
1813 the ballot measure.



(8) OMR tabulating equipment shall be programmed, calibrated, adjusted and set up to reject ballot cards that appear to be damaged or defective. Any switch, lever or feature on OMR tabulating equipment that enables or permits the OMR tabulating equipment to override the rejection of damaged or defective ballot cards so that such cards will not be reviewed by the resolution board, shall not be utilized.

(9) Ballots shall be manually counted by the resolution board only when the ballots are:

(a) Properly before the resolution board due to being rejected by the OMR tabulating equipment because the ballots appear to be damaged or defective or are rejected by the OMR equipment for any other reason; or

(b) Properly before the resolution board due to a malfunction in the OMR tabulating equipment.

(10) The resolution board shall make and keep a record regarding the handling and counting of all ballots inspected under this section.

SECTION 26. When a vacancy shall occur in an elective office for which a special election is required to be called to fill, the entity with whom candidates for the office are required to qualify shall notify the Secretary of State of the vacancy within five (5) days after it receives knowledge of the vacancy.

SECTION 27. Section 23-15-593, Mississippi Code of 1972, is amended as follows:

23-15-593. When the ballot box is opened and examined by the county executive committee in the case of a primary election, or county election commissioners in the case of other elections, and it is found that there have been failures in material particulars to comply with the requirements of Section 23-15-591 and Section 23-15-895 to such an extent that it is impossible to arrive at the will of the voters at a precinct, the entire box may be thrown out unless it be made to appear with reasonable certainty that the



irregularities were not deliberately permitted or engaged in by the managers at that box, or by one (1) of them responsible for the wrong or wrongs, for the purpose of electing or defeating a certain candidate or candidates by manipulating the election or the returns thereof at that box in such manner as to have it thrown out; in which latter case the county executive committee, or the county election commission, as appropriate, shall conduct a hearing and make a determination in respect to the box as may appear lawfully just, subject to a judicial review of the matter as elsewhere provided by this chapter. Or the executive committee, or the election commission * * * upon review, may petition the court to order another election to be held at that box. If the court orders a new election to be held at the precinct, the county executive committee, or the county election commission, as appropriate, shall appoint new managers to hold the election.

SECTION 28. Section 23-15-171, Mississippi Code of 1972, is amended as follows:

23-15-171. (1) Except as otherwise provided in subsection (2) of this section, municipal primary elections shall be held on the first Tuesday in May preceding the general municipal election and, in the event a second primary shall be necessary, the second primary shall be held on the third Tuesday in May preceding such general municipal election. 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 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) * * * 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 exactly four (4) weeks 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 the municipality provides otherwise, in which event the provisions of the special or private charter shall prevail as to the time of holding the 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 29. Section 23-15-211, Mississippi Code of 1972, is amended as follows:

23-15-211. (1) There shall be:

(a) A State Board of Election Commissioners to consist of the Governor, the Secretary of State and the Attorney General, any two (2) of whom may perform the duties required of the board;

(b) A board of election commissioners in each county to consist of five (5) persons who are electors in the county in which they are to act; and

(c) A registrar in each county who shall be the clerk of the circuit court, unless he shall be shown to be an improper person to register the names of the electors in the county.

(2) The board of supervisors of each county shall pay members of the county election commission for attending training



events a per diem in the amount provided in Section 23-15-153; however, except as otherwise provided in this section, the per diem shall not be paid to an election commissioner for more than twelve (12) days of training per year and shall only be paid to election commissioners who actually attend and complete a training event and obtain a training certificate.

(3) Included in this twelve (12) days shall be an elections seminar, conducted and sponsored by the Secretary of State. Election commissioners and chairpersons of each political party executive committee, or their designee, shall be required to attend.

(4) Each participant shall receive a certificate from the Secretary of State indicating that the named participant has received the elections training seminar instruction and that each participant is fully qualified to conduct an election. Commissioners of election shall annually file the certificate with the chancery clerk. If any commissioner of election shall fail to file the certificate by April 30 of each year, his office shall be vacated, absent exigent circumstances as determined by the board of supervisors and consistent with the facts. The vacancy shall be declared by the board of supervisors and the vacancy shall be filled in the manner described by law. Prior to declaring the office vacant, the board of supervisors shall give the election commissioner notice and the opportunity for a hearing.

(5) The Secretary of State, upon approval of the board of supervisors, may authorize not more than eight (8) additional training days per year for commissioners of election in one or more counties. The board of supervisors of each county shall pay members of the county election commission for attending training on these days a per diem in the amount provided in Section 23-15-153.

(6) The Secretary of State shall develop a single, comprehensive poll worker training program to assist local



election officials in providing uniform, secure elections throughout the state. The program shall include, at a minimum, training on all state and federal election laws and procedures.

(7) The Secretary of State shall develop, in conjunction with the State Board for Community and Junior Colleges:

(a) A computer skills training course for all newly elected circuit clerks that shall be completed within one hundred eighty (180) days of the commencement of their term of office; and

(b) A computer skills refresher course for all serving circuit clerks that shall be completed within one hundred eighty (180) days of the commencement of every odd-numbered term of service.

SECTION 30. Section 23-15-211.1, Mississippi Code of 1972, is amended as follows:

23-15-211.1. (1) For purposes of the National Voter Registration Act of 1993, the Secretary of State is designated as Mississippi's chief election officer.

(2) As the chief election officer of the State of Mississippi, the Secretary of State shall have the power and duty to gather sufficient information concerning voting in elections in this state. The Secretary of State shall gather information on voting patterns and submit an annual report to the Legislature, the Governor, the Attorney General and the public.

(3) In order to effectuate the duties provided for in this section, the Secretary of State shall have the power and duty to issue subpoenas, with the approval of, and returnable to, a judge of a chancery or circuit court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence related to voting in the state, county, municipality or other public entity. The circuit or chancery judge must serve the county in which the records, documents or other evidence is located.



1979 **SECTION 31.** Section 23-15-213, Mississippi Code of 1972, is
1980 amended as follows:

1981 23-15-213. At the general election in 1984 and every four
1982 (4) years thereafter there shall be elected five (5) commissioners
1983 of election for each county whose terms of office shall commence
1984 on the first Monday of January following their election and who
1985 shall serve for a term of four (4) years. Each of the
1986 commissioners, before acting, shall take and subscribe the oath of
1987 office prescribed by the Constitution and file the oath in the
1988 office of the clerk of the chancery court, there to remain. While
1989 engaged in their duties, the commissioners shall be conservators
1990 of the peace in the county, with all the duties and powers of
1991 such.

1992 The qualified electors of each supervisors district shall
1993 elect, at the general election in 1984 and every four (4) years
1994 thereafter, in their district one (1) commissioner of election.
1995 No more than one (1) commissioner shall be a resident of and
1996 reside in each supervisors district of the county; it being the
1997 purpose of this section that the county board of election
1998 commissioners shall consist of one (1) person from each
1999 supervisors district of the county and that each * * *
2000 commissioner be elected from the supervisors district in which he
2001 resides.

2002 Candidates for county election commissioner shall qualify by
2003 filing with the clerk of the board of supervisors of their
2004 respective counties a petition personally signed by not less than
2005 fifty (50) qualified electors of the supervisors district in which
2006 they reside, requesting that they be a candidate, by 5:00 p.m. not
2007 less than one hundred twenty (120) days before the election and
2008 unless such petition is filed within the required time, their
2009 names shall not be placed upon the ballot. All candidates shall
2010 declare in writing their party affiliation, if any, to the board



2011 of supervisors, and their party affiliation shall be shown on the
2012 official ballot.

2013 The petition shall have attached to it a certificate of the
2014 registrar showing the number of qualified electors on each
2015 petition, which shall be furnished by the registrar on request.
2016 The board shall determine the sufficiency of the petition, and if
2017 the petition contains the required number of signatures and is
2018 filed within the time required, the president of the board shall
2019 verify that the candidate is a resident of the supervisors
2020 district in which he seeks election and that the candidate is
2021 otherwise qualified as provided by law, and shall certify * * * to
2022 the chairman or secretary of the county election commission that
2023 the candidate is qualified and the names of the candidates shall
2024 be placed upon the ballot for the ensuing election. No county
2025 election commissioner shall serve or be considered as elected
2026 unless and until he has received a majority of the votes cast for
2027 the position or post for which he is a candidate. If a majority
2028 vote is not received in the first election, then the two (2)
2029 candidates receiving the most votes for each position or post
2030 shall be placed upon the ballot for a second election to be held
2031 three (3) weeks later in accordance with appropriate procedures
2032 followed in other elections involving runoff candidates.

2033 Upon taking office, the county board of election
2034 commissioners shall organize by electing a chairman and a
2035 secretary.

2036 It shall be the duty of the chairman to have the official
2037 ballot printed and distributed at each general or special
2038 election.

2039 **SECTION 32.** Section 23-15-625, Mississippi Code of 1972, is
2040 amended as follows:

2041 23-15-625. (1) The registrar shall be responsible for
2042 providing applications for absentee voting as provided in this
2043 section. At least sixty (60) days prior to any election in which



2044 absentee voting is provided for by law, the registrar shall
2045 provide a sufficient number of applications. In the event a
2046 special election is called and set at a date which makes it
2047 impractical or impossible to prepare applications for absent
2048 elector's ballot sixty (60) days prior to the election, the
2049 registrar shall provide applications as soon as practicable after
2050 the election is called. The registrar shall fill in the date of
2051 the particular election on the application for which the
2052 application will be used.

2053 (2) The registrar shall be authorized to disburse
2054 applications for absentee ballots to any qualified elector within
2055 the county where he serves. Any person who presents to the
2056 registrar an oral or written request for an absentee ballot
2057 application for a voter entitled to vote absentee by mail, other
2058 than the elector who seeks to vote by absentee ballot, shall, in
2059 the presence of the registrar, sign the application and print on
2060 the application his or her name and address and the name of the
2061 elector for whom the application is being requested in the place
2062 provided for on the application for that purpose. However, if for
2063 any reason such person is unable to write the information
2064 required, then the registrar shall write the information on a
2065 printed form which has been prescribed by the Secretary of State.
2066 The form shall provide a place for such person to place his mark
2067 after the form has been filled out by the registrar.

2068 (3) It shall be unlawful for any person to solicit absentee
2069 ballot applications or absentee ballots for persons staying in any
2070 skilled nursing facility as defined in Section 41-7-173. This
2071 prohibition shall not apply to:

2072 (a) A family member of the person staying in the
2073 skilled nursing facility; or

2074 (b) A licensed nursing home administrator or facility
2075 social worker.



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

(4) The registrar in the county wherein a voter is qualified to vote upon receiving the envelope containing the absentee ballots shall keep an accurate list of all persons preparing such ballots, which list shall be kept in a conspicuous place accessible to the public near the entrance to his office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee ballots 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 shall be kept by the registrar and deposited in the proper precinct ballot boxes before such boxes are delivered to the election commissioners or managers. 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 and whose ballots are in the box.

(5) The registrar shall also be authorized to mail one (1) application to any qualified elector of the county for use in a particular election.

SECTION 33. Section 25-5-1, Mississippi Code of 1972, is amended as follows:

25-5-1. If any public officer, state, district, county or municipal, shall be convicted in any court of this state or any other state or in any federal court of any felony other than manslaughter or any violation of the United States Internal Revenue Code, of corruption in office or peculation therein, or of gambling or dealing in futures with money coming to his hands by virtue of his office, any court of this state, in addition to such other punishment as may be prescribed, shall, on the date the conviction is entered, adjudge the defendant removed from office;



2109 and the office of the defendant shall * * * become vacant on the
2110 date the conviction is entered. If any such officer be found by
2111 inquest to be of unsound mind during the term for which he was
2112 elected or appointed, or shall be removed from office by the
2113 judgment of a court of competent jurisdiction or otherwise
2114 lawfully, his office shall thereby be vacated; and in any such
2115 case the vacancy shall be filled as provided by law.

2116 When any such officer is found guilty of a crime which is a
2117 felony under the laws of this state or which is punishable by
2118 imprisonment for one (1) year or more, other than manslaughter or
2119 any violation of the United States Internal Revenue Code, in a
2120 federal court or a court of competent jurisdiction of any other
2121 state, the Attorney General of the State of Mississippi shall
2122 promptly enter a motion for removal from office in the Circuit
2123 Court of Hinds County in the case of a state officer, and in the
2124 circuit court of the county of residence in the case of a
2125 district, county or municipal officer. The court, or the judge in
2126 vacation, shall, upon notice and a proper hearing, issue an order
2127 removing such person from office and the vacancy shall be filled
2128 as provided by law.

2129 **SECTION 34.** The Attorney General of the State of Mississippi
2130 shall submit this act, immediately upon approval by the Governor,
2131 or upon approval by the Legislature subsequent to a veto, to the
2132 Attorney General of the United States or to the United States
2133 District Court for the District of Columbia in accordance with the
2134 provisions of the Voting Rights Act of 1965, as amended and
2135 extended.

2136 **SECTION 35.** This act shall take effect and be in force from
2137 and after January 1, 2009, or such later date as it is effectuated
2138 under Section 5 of the Voting Rights Act of 1965, as amended and
2139 extended.

