

Mississippi Election Code

Table of Contents

ARTICLE 1. TITLE	1
§ 23-15-1. Short title	1
ARTICLE 3. VOTER REGISTRATION	1
<i>SUBARTICLE A. QUALIFICATION OF ELECTORS</i>	1
§ 23-15-11. Qualifications, generally.	1
§ 23-15-13. Change of residency to new ward or voting precinct within same municipality.....	1
§ 23-15-14. Repealed.....	2
§ 23-15-15. Documentation required of naturalized citizens.....	2
§ 23-15-17. Penalties for false registration.	2
§ 23-15-19. Persons convicted of certain crimes not to be registered.....	2
§ 23-15-21. Non-citizen not to register or vote.....	3
<i>SUBARTICLE B. PROCEDURES FOR REGISTRATION</i>	3
§ 23-15-31. Elections to which subarticle applicable; duty, power and authority of certain election officials..	3
§ 23-15-33. Registrar to register voters.	3
§ 23-15-35. Clerk of municipality to be registrar; registration books; form of application for registration; registration of county electors by clerk.	3
§ 23-15-37. Keeping registration books; registration of voters; voter registration in public schools.	5
§ 23-15-39. Form of application for registration; allowances for office supplies; determination on application; notice to applicant; assistance to applicant; voter registration number; fees and costs; forwarding of application.....	5
§ 23-15-41. Endorsement of application; completion of registration.	8
§ 23-15-43. Automatic review where person is not approved for registration.....	8
§ 23-15-45. Notice to person denied registration.....	8
§ 23-15-47. Registering to vote by mail-in application.	9
[Until January 1, 2006, this section shall read as follows:]	9
<i>SUBARTICLE C. APPEALS UPON DENIAL OF REGISTRATION</i>	12
§ 23-15-61. Appeal by person denied registration.	12
§ 23-15-63. Appeal by other elector of allowance of registration.	13
§ 23-15-65. Determination of appeals at September meeting of board of commissioners.	13
§ 23-15-67. Determination of appeals at other meetings.	13
§ 23-15-69. Appeals heard de novo; finality of decisions.	13
§ 23-15-71. Appeal from decision of commissioners.	14
§ 23-15-73. Duty of commissioners upon appeal.	14
§ 23-15-75. Proceedings in circuit court.....	14
§ 23-15-77. Costs.....	14
§ 23-15-79. Date of registration to vote.....	14
<i>SUBARTICLE D. LIABILITY OF THE REGISTRAR, PENALTIES AND INJUNCTIVE RELIEF</i>	15
§ 23-15-91. No personal liability for error of judgment.	15
§ 23-15-93. Penalties.	15
§ 23-15-95. Injunctive relief	15
<i>SUBARTICLE E. REGISTRATION RECORDS</i>	15
§ 23-15-111. Changes required to retain registration books in use.....	15
§ 23-15-113. Form of registration books.	15
§ 23-15-114. 16	
§ 23-15-115. Transfer of voter registration necessitated by change in boundaries of legislative districts.....	16
§ 23-15-117. Penalty for false entry, and for unauthorized erasure or alteration.....	16
§ 23-15-119. New registration books or pollbooks.....	16
§ 23-15-121. Loss or destruction of registration books.	16

§ 23-15-123. Confusion of registration books	16
§ 23-15-125. Form of pollbooks.	17
§ 23-15-127. Preparation, use and revision of primary election pollbooks.	17
§ 23-15-129. Subprecinct pollbooks.	17
§ 23-15-131. 18	
§ 23-15-133. Procedure for forming subprecincts and making subprecinct pollbooks.....	18
§ 23-15-135. Registrar to keep registration book and pollbooks.	18
§ 23-15-137. Municipality authorized to contract with county election commissioners to revise registration books and pollbooks; compensation. [Repealed effective January 1, 2006].....	18
§ 23-15-140. Repealed.....	19
<i>SUBARTICLE F. PURGING</i>	19
§ 23-15-151. Roll of persons convicted of certain crimes to be kept by circuit clerk; comparison with registration book.	19
§ 23-15-153. Revision of registration books and pollbooks by commissioners; amount and limitations of per diem payments to commissioners; provision of copies of registration books to municipal registrars; certification of hours worked; number of days in calendar year for which commissioners entitled to receive compensation.	19
§ 23-15-155 and 23-15-157. Repealed.....	25
§ 23-15-159. Repealed.....	25
§ 23-15-160. Names of voters whose registration cancelled under former Section 23-15-159 to be returned to registration books and pollbooks.	26
§ 23-15-161. Attendance and assistance of registrar at meeting of commissioners.....	26
<i>SUBARTICLE G. STATEWIDE CENTRALIZED VOTER SYSTEM</i>	26
§ 23-15-163. Purpose of subarticle.	26
§ 23-15-165. Implementation of centralized database of registered voters; functions; format; advisory committee.	26
§ 23-15-167. Expenditures for purchase of computer hardware or software.	28
<i>SUBARTICLE H</i>	28
<i>COMPLIANCE WITH HELP AMERICA VOTE ACT 2002</i>	28
§23-15-169. Secretary of State to establish administrative complaint procedure for handling grievances.....	28
§ 23-15-169.1. Secretary of State and Commissioner of Public Safety to enter agreement granting access to driver's license and identification cardholder databases for purpose of matching information in Statewide Centralized Voter Database.....	28
§ 23-15-169.2. Commissioner of Public Safety to enter agreement with Commissioner of Social Security to verify accuracy of information provided with respect to applications for voter registration ...	28
§ 23-15-169.3. Secretary of State authorized to accept and expend federal funds under Help America Vote Act of 2002; eligibility for federal funds of counties purchasing voting systems that comply with Act	29
§ 23-15-169.4. Information to be provided to absent uniformed services voters and overseas voters regarding voter registration and absentee ballot procedures.	29
§ 23-15-169.5. Rules and regulations to be promulgated by the Secretary of State	29
ARTICLE 5. TIMES OF PRIMARY AND GENERAL ELECTIONS	31
<i>SUBARTICLE A. MUNICIPAL ELECTIONS</i>	31
§ 23-15-171. Primary elections.....	31
§ 23-15-173. General elections.	31
<i>SUBARTICLE B. OTHER ELECTIONS</i>	31
§ 23-15-191. Primary elections.....	31
§ 23-15-193. Officers to be elected at general state election.	32
§ 23-15-195. Elections to be by ballot in one day.	32
§ 23-15-197. Times for holding elections.....	32
ARTICLE 7. ELECTION OFFICIALS	33

§ 23-15-211. Board of election commissioners and registrar; elections training seminar; certification of seminar participants; compensation of commissioners attending seminar; comprehensive poll worker training program	33
§ 23-15-211.1. Secretary of State designated Mississippi's chief election officer.	33
§ 23-15-212. Committee to study how election officials can be better trained in conduct of elections.....	33
§ 23-15-213. Election of county commissioners.	34
§ 23-15-215. Performance by board of supervisors of commissioners' duties.....	34
§ 23-15-217. County election commissioner authorized to be candidate for other office; resignation from office; duties and powers of board of supervisors where election of county election commissioner is contested.	35
§ 23-15-219. Employment by board of election commissioners of investigators, legal counsel and others....	35
§ 23-15-221. Appointment and duties of municipal election commissioners.	35
§ 23-15-223. Appointment of county registrars and deputy registrars; liability of registrar for malfeasance or nonfeasance of deputy registrar.	36
§ 23-15-225. Compensation of registrars.....	36
§ 23-15-227. Compensation of managers, clerks and other persons generally.	37
§ 23-15-229. Compensation of municipal clerks, managers and other workers.	38
§ 23-15-231. Appointment of election managers; designation of bailiff.	38
§ 23-15-233. Duties of election managers.	38
§ 23-15-235. Appointment of additional managers and clerks.	38
§ 23-15-237. Oath of office for managers and clerks.	39
§ 23-15-239. Mandatory training of managers and clerks.	39
§ 23-15-240. Appointment of student interns to serve during elections.	40
§ 23-15-241. Election bailiff to keep peace.	41
§ 23-15-243. Selection of election bailiff if none designated.	41
§ 23-15-245. Duties of election bailiff; polls to be open and clear.	41
§ 23-15-247. Ballot boxes.....	41
§ 23-15-249. Procedure when pollbooks or ballot boxes not distributed.....	42
§ 23-15-251. Duties of manager designated to receive and distribute ballots.	42
§ 23-15-253. Managers to be furnished stationery and blank forms.....	42
§ 23-15-255. Voting compartments, shelves and tables; information required to be posted at precinct polling place on election day.....	42
§ 23-15-257. Duties of marshal or chief of police in municipal elections.	43
§ 23-15-259. Authority of boards of supervisors; availability of facilities for use as polling places.....	43
§ 23-15-261. Certification of service as managers and clerks.	43
§ 23-15-263. Duties of county executive committees at primary elections.	43
§ 23-15-265. Meeting of county executive committee; appointment of managers and clerks by committee.	44
§ 23-15-266. Executive committee authorized to enter into agreements regarding conduct of elections if certain criteria met.	45
§ 23-15-267. Primary election ballot boxes; penalty for failure to deliver ballot boxes.....	45
§ 23-15-269. Penalty for violation of election law by election official.	46
§ 23-15-271. Election integrity assurance committee.....	46
 ARTICLE 9. SUPERVISOR'S DISTRICTS AND VOTING PRECINCTS.....	46
§ 23-15-281. Fixing supervisors districts, voting precincts and voting places.	46
§ 23-15-283. Alteration of boundaries.....	47
§ 23-15-285. Entry of boundaries and alterations thereto on minutes of board of supervisors; limit on number of voters within each precinct or ballot box.....	47
 ARTICLE 11. NOMINATIONS	48
§ 23-15-291. Nomination for state, district, county and county district office to be by primary election.	48
§ 23-15-293. Each county or part of county to vote for and nominate candidates for state and state district office, and for legislative office for district containing county or part of county.	48
§ 23-15-295. Withdrawal of candidate.	48
§ 23-15-296. Written notification to Secretary of State.....	48
§ 23-15-297. Fee required to be paid upon entering race for party nomination.....	49

§ 23-15-299. Time for payment of fee; written statement to accompany fee; recordation and disbursement of fee; determination of candidate's qualifications; declaration of nominee in single candidate race; special qualifying deadline in 2011 if census received late.....	49
§ 23-15-301. Payment of election expenses.....	51
§ 23-15-303. Each political party or organization to hold independent primary election; resolving dispute as to place for holding election.....	51
§ 23-15-305. Majority vote required for nomination; run-off elections.....	51
§ 23-15-307. Nomination as condition of being placed on general election ballot and holding office.....	52
§ 23-15-309. Nomination for elective municipal office to be made at primary election; fee requirements; determination of candidate's qualifications.....	52
§ 23-15-311. Payment of municipal primary election expenses.	53
§ 23-15-313. Selection of temporary executive committee in municipality not having party executive committee, notice to public.....	53
§ 23-15-315. Publication of notice to public.....	53
§ 23-15-317. Nomination of nominee when vacancy in nomination occurs between primary election and general election; procedure for withdrawal based upon legitimate nonpolitical reason.	53
§ 23-15-319. Applicability of chapter to municipal primary elections.	54
ARTICLE 13. BALLOTS	54
<i>SUBARTICLE A. PRIMARY ELECTIONS</i>	54
§ 23-15-331. Duties of state executive committee.....	54
§ 23-15-333. Duties of county executive committee; order in which titles of various offices are to be listed on the ballot.	55
§ 23-15-335. Duties of person designated by county executive committee to distribute ballots.	56
<i>SUBARTICLE B. OTHER ELECTIONS</i>	57
§ 23-15-351. Authority to print ballots; penalties.....	57
§ 23-15-353. Sufficient ballots to be printed and distributed; cards of instruction.....	57
§ 23-15-355. Payment of ballot expenses.	57
§ 23-15-357. Back and outside of ballot.....	57
§ 23-15-359. Names of candidates to be printed on ballot; filing of petition for office; inapplicability of section to municipal elections; special elections; determination of candidate's qualifications; declaration of nominee in single candidate race.	58
§ 23-15-361. Names of municipal office candidates to be printed on ballot; filing of petition for municipal office; determination of candidate's qualifications; declaration of nominee in single candidate race.....	59
§ 23-15-363. Names of candidates who have not duly withdrawn not omitted from ballot.	61
§ 23-15-365. Write-in candidates.	61
§ 23-15-367. Arrangement of names of candidates, order of titles of offices, and printing of official ballot generally; order in which titles of various offices are to be listed on the ballot; furnishing of sample of official ballot; alphabetical arrangement in primary elections.	61
§ 23-15-369. Form and substance of proposed constitutional amendment or other public measure.	62
§ 23-15-371. Loss or destruction of official ballots.....	62
§ 23-15-373. Report regarding lost ballots.	63
§ 23-15-375. Local issues.	63
ARTICLE 15. VOTING SYSTEMS	63
<i>SUBARTICLE A. GENERAL PROVISIONS</i>	63
<i>SUBARTICLE B. VOTING MACHINES</i>	64
§ 23-15-401. Definitions.....	64
§ 23-15-403. Authority to purchase or rent voting machines; construction of voting machines.	64
§ 23-15-405. Use of voting machines.	65
§ 23-15-407. Preservation and repair of voting machines.	65
§ 23-15-409. Form of ballots.	65
§ 23-15-411. Sample or instruction ballots.....	66

§ 23-15-413. Official ballots to be provided for each polling place; return of ballots.....	66
§ 23-15-415. Preparation and protection of voting machines.	66
§ 23-15-417. Instruction of election managers and clerks.	66
§ 23-15-419. Exhibition of voting machine containing sample ballot.	67
§ 23-15-421. Preparation and delivery of official ballots.	67
§ 23-15-423. Size of voting precincts.	67
§ 23-15-425. Non-delivery, loss, destruction or theft of official ballots.....	67
§ 23-15-427. Inoperative voting machines.	67
§ 23-15-429. Opening of polls.	68
§ 23-15-431. Voting irregular ballot for person whose name does not appear on voting machine.....	68
§ 23-15-433. Arrangement of polling room; who may be present during elections.	68
§ 23-15-435. Casting vote.....	69
§ 23-15-437. Instruction of voters.	69
§ 23-15-439. Assistance to blind or physically disabled voters.....	69
§ 23-15-441. Closing polls; reading and announcing vote; statements of canvass.	69
§ 23-15-443. Locking counter compartment; securing irregular ballots.....	70
§ 23-15-445. Securing keys to voting machines; storing machines.....	70
§ 23-15-447. Penalties for unlawful possession of voting machine or keys and for tampering with machine.....	70
§ 23-15-449. Applicability of laws now in force; absentee ballots.....	71
§ 23-15-451. Sections supplemental to law now in force.	71
<i>SUBARTICLE C. ELECTRONIC VOTING SYSTEMS.....</i>	<i>71</i>
§ 23-15-461. Definitions.....	71
§ 23-15-463. Authority to purchase or rent electronic voting system and to change boundaries of precinct within which system is used; applicable law; absentee ballots.	72
§ 23-15-465. Construction of electronic voting system.	72
§ 23-15-467. Use of voting equipment.	73
§ 23-15-469. Form of ballots and ballot labels; posting of sample ballots and instructions; write-in ballots.....	73
§ 23-15-471. Preparation and delivery of necessary forms and supplies.....	73
§ 23-15-473. Storage, maintenance and repair of voting devices; use of unofficial ballots when device malfunctions.....	73
§ 23-15-475. Instruction of polling officers; public display of voting devices.	74
§ 23-15-477. Opening and closing polls; instructing voters; spoiled ballots.	74
§ 23-15-479. Report of voters; sealing and delivery of ballot box; return of records and supplies.	74
§ 23-15-481. Testing of tabulating equipment.....	75
§ 23-15-483. Counting vote.....	75
§ 23-15-485. Authority of Secretary of State and commissioners of elections.....	77
<i>SUBARTICLE D. OPTICAL MARK READING EQUIPMENT.....</i>	<i>77</i>
§ 23-15-501. Sections supplemental to law now in effect.	77
§ 23-15-503. Definitions.....	77
§ 23-15-505. Authority to purchase or rent optical mark reading equipment; applicable law.	77
§ 23-15-507. Construction of optical mark reading system.	78
§ 23-15-509. Use of optical mark reading system.	78
§ 23-15-511. Form of ballots; posting of sample ballots; ballot security envelopes.....	79
§ 23-15-513. Preparation and delivery of necessary forms and supplies.....	79
§ 23-15-515. Storage, maintenance, repair and preparation of equipment.	79
§ 23-15-517. Opening and closing polls; instructing voters; spoiled ballots.	80
§ 23-15-519. Report of voters; delivery of ballot box; return of records and supplies.	80
§ 23-15-521. Testing of tabulating equipment.....	80
§ 23-15-523. Counting vote.....	80
§ 23-15-525. Authority of Secretary of State and commissioners of elections.....	83
<i>SUBARTICLE E.....</i>	<i>83</i>
<i>DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT (DRE).....</i>	<i>83</i>
§ 23-15-531. Definitions.....	83
§ 23-15-531.1. Minimum requirements DRE systems must meet to be used in elections.....	83

§ 23-15-531.2. Manner in which DREs must be arranged at polling places.....	84
§ 23-15-531.3. Form of ballot; requirements where color display is used.....	84
§ 23-15-531.4. Duties of official in charge of election in regard to use of DREs; circuit clerk to be custodian of DRE units; testing of DRE units prior to election	85
§ 23-15-531.5. Arrangement of offices, names of candidates and questions on DRE ballots; write-in ballots	85
§ 23-15-531.6. Officials to ensure delivery of proper DRE units to polling places at least one hour before polls open; each unit to be thoroughly tested, inspected and sealed prior to delivery to polling place; protection against molestation of or injury to DRE units; preparation of DRE units for voting	86
§ 23-15-531.7. Demonstration on use of DREs	86
§ 23-15-531.8. Storage of DRE units when not in use.....	87
§ 23-15-531.9. Manner in which elector to vote on DRE unit; voiding of ballots in certain instances when elector does not complete voting process.....	87
§ 23-15-531.10. Counting votes and determining results in elections conducted with DREs	87
§ 23-15-531.11. Challenged ballots.....	88
§ 23-15-531.12. Irregular paper ballots to be cast where DRE equipment becomes inoperable	88
§ 23-15-531.13. Unlawful to tamper with or damage DRE unit or tabulating computer or attempt to prevent correct operation of any DRE prohibited; penalties.....	89
ARTICLE 17. CONDUCT OF ELECTIONS	89
<i>SUBARTICLE A. GENERAL PROVISIONS</i>	89
§ 23-15-541. Hours polls to be open; designation and duties of initialing manager and alternate initialing manager.....	89
§ 23-15-543. Receipt booklet to be kept in polling place, except during adjournment, until locked in ballot box.	90
§ 23-15-545. Entries in pollbook.	90
§ 23-15-547. Improper ballot not to be deposited or counted.....	90
§ 23-15-549. Assistance to voter.	90
§ 23-15-551. Marking and casting ballot; who may be present in polling room.	90
§ 23-15-553. Ballots not to be removed before close of polls; replacement of spoiled ballot.	91
§ 23-15-555. Penalty for unlawfully showing mark on ballot or making false statement as to inability to mark ballot.	91
§ 23-15-557. Municipality's authority to establish precincts and polling places.	91
§ 23-15-559. Law applicable to municipal elections.	91
§ 23-15-561. Penalties for unlawful lottery.	92
<i>SUBARTICLE B. AFFIDAVIT BALLOTS AND CHALLENGED BALLOTS</i>	92
§ 23-15-571. Challenge to voter qualifications.....	92
§ 23-15-573. Certain persons not to vote except by affidavit; form of affidavit	93
§ 23-15-574. Modification of affidavit form by Secretary of State.	94
§ 23-15-575. Participation in primary election.	94
§ 23-15-577. Inspection and challenge by candidate or representative.	94
§ 23-15-579. Procedure when vote challenged.....	94
§ 23-15-581. Counting vote.....	95
<i>SUBARTICLE C. DETERMINING THE RESULTS OF ELECTIONS</i>	95
§ 23-15-591. Proclamation of results; sealing of ballot box.	95
§ 23-15-593. Irregularities in ballot box.	96
§ 23-15-595. Procedure for sealing of ballot box; reopening and resealing.	96
§ 23-15-597. Canvas of returns and announcement of results by executive committee.	96
§ 23-15-599. Tabulated statement of party vote.	97
§ 23-15-600. Forms for reporting election returns.....	98
§ 23-15-601. Canvas of returns and declaration of results by commissioners of election; determination of tie vote.	98
§ 23-15-603. Delivery of returns to Secretary of State.	98

§ 23-15-605. Ascertainment of vote and declaration of results by Secretary of State; determination of tie vote.	99
§ 23-15-607. Determination of election for judges of Supreme Court and Court of Appeals.	99
§ 23-15-609. Determination of election in which city or county is entitled to separate representation in legislature.	100
§ 23-15-611. Determination of municipal elections.	100
§ 23-15-613. Reporting of residual votes required for elections in which ballots are generated that are counted by hand or by electronic tabulating equipment; certain reports required for elections that use voting devices that do not generate ballots.	101
ARTICLE 19. ABSENTEE BALLOTS	102
<i>SUBARTICLE A. ABSENTEE BALLOTING PROCEDURES LAW</i>	102
§ 23-15-621. Short title.	102
§ 23-15-623. Application to absentee ballots authorized in Subarticles B, C, and D.	102
§ 23-15-625. Duties of registrar relating to printing and distribution of absentee voting applications; maintenance of ledger and posting of lists of persons receiving, and voting by, absentee ballot; maintenance of listing of absentee voters by county registrar; public access to list; placement of absentee ballots in ballot boxes; authority to mail applications to qualified electors.	102
§ 23-15-627. Distribution of absentee ballot application by registrar; form of application.	103
§ 23-15-629. Applications by persons who are permanently physically disabled; listing of qualified electors; distribution of ballots.	104
§ 23-15-631. Instructions to absent electors; instructions as constituting substantive law.	105
§ 23-15-633. Signatures of elector and attesting witness across flap of envelope.	106
§ 23-15-635. Form of elector's certificate and attesting witness certification where county registrar is not attesting witness.	106
§ 23-15-637. Timely casting of ballots.	107
§ 23-15-639. Examination of absentee ballots at close of polls; counting of ballots.	107
§ 23-15-641. Grounds for rejection of ballots; procedure.	108
§ 23-15-643. Examination of affidavits; challenges.	108
§ 23-15-645. Preservation of materials relative to absentee voters; return of materials to registrar.	109
§ 23-15-647. Disposition of absentee ballots received after applicable deadlines.	109
§ 23-15-649. Preparation and printing of absentee voter ballots.	109
§ 23-15-651. Announcement of results of vote by absentee balloting.	109
§ 23-15-653. Hours of registrars' offices on two Saturdays prior to each election.	109
§ 23-15-657. Requests for absentee ballots telephone.	109
<i>SUBARTICLE B. ARMED SERVICES ABSENTEE VOTING LAW</i>	110
§ 23-15-671. Short title.	110
§ 23-15-673. Definitions.	110
§ 23-15-675. Right of absentees to vote.	110
§ 23-15-677. Use of federal postcard application.	111
§ 23-15-679. Preparation and printing of absentee voter ballots.	111
§ 23-15-681. Absentee ballot envelopes.	111
§ 23-15-683. Preparation and distribution of ballots for first and second elections; ascertainment by absent voters of candidates in second election.	111
§ 23-15-685. Distribution of absentee ballot materials upon application.	112
§ 23-15-687. Applications for absentee ballots; preservation of applications.	112
§ 23-15-689. Registration of absent voters; oath and affidavit.	112
§ 23-15-691. Prompt distribution of absentee ballot materials; separation of envelope and other materials; instructions as to notation on envelope and use of ink or indelible pencil.	112
§ 23-15-692. Federal Write-In Absentee Ballot.	113
[Effective from and after the date Laws, 2000, ch. 519, § 7, is effectuated under Section 5 of the Voting Rights Act of 1965.].....	113
§ 23-15-693. Completion of ballot in presence of person authorized to administer oath; voter's affidavit. ..	113
§ 23-15-695. Persons authorized to administer oaths.	114

§ 23-15-697. Mailing of envelope to registrar.	114
§ 23-15-699. Transmission and receipt by facsimile of absentee ballot applications.	114
§ 23-15-701. Secretary of State granted emergency powers over conduct of elections during armed conflict.	114
<i>SUBARTICLE C. ABSENTEE VOTER LAW</i>	114
§ 23-15-711. Short title.	114
§ 23-15-713. Electors qualified to vote as absentees.	115
§ 23-15-715. Applications for absentee ballots.	115
§ 23-15-717. Completion of application forms.	116
§ 23-15-719. Delivery of ballots to applicant; completion of ballots; affidavit; delivery of ballots to registrar.	116
§ 23-15-721. Procedures applicable to electors temporarily residing outside county and to electors who are physically disabled; mailing of ballots to registrar.	117
<i>SUBARTICLE D. PROVISION APPLICABLE TO PRESIDENTIAL ELECTION</i>	118
§ 23-15-731. General provisions.	118
§ 23-15-733. Disposition of ballots received after election.	118
§ 23-15-735. Delivery of absentee ballots to voters in person.	118
<i>SUBARTICLE E. GENERAL PROVISIONS</i>	118
§ 23-15-751. Penalties for offenses by registrar or commissioner of elections or officers taking affidavits.	118
§ 23-15-753. Penalties for vote fraud.	119
§ 23-15-755. Applicability of Sections 23-15-621 through 23-15-735.	119
ARTICLE 21. PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTORS	120
<i>SUBARTICLE A. SELECTION OF PRESIDENTIAL ELECTORS BY POLITICAL PARTIES</i>	120
§ 23-15-771. Selection of electors at state convention for place on primary election ballot.	120
<i>SUBARTICLE B. SELECTION OF PRESIDENTIAL ELECTORS AT GENERAL ELECTION</i>	120
§ 23-15-781. Selection of electors of President and Vice-President by qualified electors of state at large.	120
§ 23-15-783. Applicability of laws regulating general elections.	120
§ 23-15-785. Certificates of nomination and nominating petitions; preparation of official ballots.	120
§ 23-15-787. Notification of persons elected.	121
§ 23-15-789. Meeting of electors; voting; appointments to fill vacancies.	121
§ 23-15-791. Allowance to electors for travel and for attendance.	121
ARTICLE 23. DISCLOSURE OF CAMPAIGN FINANCES	122
§ 23-15-801. Definitions.	122
§ 23-15-803. Registration of political committees.	123
§ 23-15-805. Filing of reports; public inspection and preservation of reports.	124
§ 23-15-807. Reporting requirements; contributions and disbursements of candidates and political committees.	124
§ 23-15-809. Statements by persons other than political committees; filing; indices of expenditures.	126
§ 23-15-811. Penalties.	127
§ 23-15-813. Civil penalty for failure to file campaign finance disclosure report; notice to candidate of failure to file; assessment of penalty by Secretary of State; hearing; appeal.	127
§ 23-15-815. Administrative provisions; duties of Secretary of State.	129
§ 23-15-817. Compilation and dissemination of list of candidates failing to meet filing requirements.	129
ARTICLE 25. VACANCIES IN OFFICE	130
§ 23-15-831. Appointments by Governor to fill vacancies in state or state district offices other than in Legislature.	130
§ 23-15-833. Special elections to fill vacancies in county, county district, and district attorney offices.	130
§ 23-15-835. Notice of special election for county or county district office; election procedures.	130
§ 23-15-837. Procedure where only one person has qualified for candidacy in special election for state district office.	131

§ 23-15-839. Appointments to fill vacancies in county or county district offices; special election procedures; procedure where only one person has qualified for candidacy in special election.....	131
§ 23-15-841. Nominations for candidates to fill vacancies in county or county district offices; primary elections.	132
§ 23-15-843. Special elections to fill vacancies in office of district attorney; emergency appointments.	132
§ 23-15-845 and 23-15-847. Repealed.....	132
§ 23-15-849. Elections to fill vacancies in office of judge of Supreme Court, Court of Appeals, circuit judge, or chancellor; interim appointments.	132
§ 23-15-851. Elections to fill vacancies in offices in Legislature; notice.	133
§ 23-15-853. Special elections to fill vacancies in representation in Congress; notice; qualification by candidates.	133
§ 23-15-855. Elections to fill vacancies in office of U.S. Senator; interim appointments by Governor.	134
§ 23-15-857. Appointments to fill vacancies in city, town, or village offices; elections to fill such offices; procedure where no person or only one person has qualified as candidate.....	134
§ 23-15-859. Date of special municipal election; notice.....	135
 ARTICLE 27. REGULATION OF ELECTIONS	136
§ 23-15-871. General prohibitions with respect to employers, employees, and public officials.	136
§ 23-15-873. Prohibitions against promises of public positions or employment, public contracts, or public expenditures; exceptions.....	136
§ 23-15-874. Prohibition against use of court personnel in judicial campaign.	137
§ 23-15-875. Prohibitions against charges with respect to integrity of candidate; proceedings against violators.	137
§ 23-15-877. Prohibitions against newspaper editorials and stories with respect to integrity of candidate; newspaper's obligation to print reply; liability for damages.	137
§ 23-15-879. Exemption of newspapers and other publications from requirements as to subscription of printed matter.	138
§ 23-15-881. Prohibitions against excessive expenditures or hiring of workers for state highways or public roads; maintenance of records.....	138
§ 23-15-883. Exceptions to prohibitions with respect to state highway or public road expenditures or employment.	138
§ 23-15-885. Prohibitions against excessive expenditures or hiring of workers for streets of municipalities.	139
§ 23-15-887. Penalties for violation of chapter by member of State Highway Commission, member of board of supervisors, or mayor or member of board of aldermen or other governing authority of municipality.	139
§ 23-15-889. Prohibitions against buying or selling vote or offering to do so; penalties.	139
§ 23-15-891. Prohibition against provision of free services or services at reduced rates by common carriers, telegraph companies, or telephone companies; requirement of sworn statement.	139
§ 23-15-893. Prohibitions with respect to intoxicating liquors and persons in an intoxicated condition; penalties.	140
§ 23-15-895. Prohibition against distribution of campaign material within 150 feet of polling place; prohibition against appearance of certain persons at polling place while armed, uniformed, or displaying badge or credentials.....	140
§ 23-15-897. Requirement of candidate's subscription of printed campaign material; observance of federal provisions with respect to radio and television time; payment for printed matter and for broadcast time at usual rates.	140
§ 23-15-899. Requirement that printed matter bear name of author, printer, and publisher; prohibition against mutilation or removal of placards, posters, or pictures.	141
§ 23-15-901. Electors' privilege from arrest.	141
§ 23-15-903. Procedure for filing complaint of violation of election law.	141
 ARTICLE 29. ELECTION CONTESTS	141
<i>SUBARTICLE A. GENERAL PROVISIONS.....</i>	<i>141</i>

§ 23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives.	141
§ 23-15-913. Judges to be available to hear and resolve election day disputes.	142
<i>SUBARTICLE B. CONTESTS OF PRIMARY ELECTIONS</i>	142
§ 23-15-921. Nominations to county or county district offices, etc.; petition, notice of contest, investigation, and determination.	142
§ 23-15-923. Nominations with respect to state, congressional, and judicial districts, etc.; investigation, findings, and declaration of nominee.	142
§ 23-15-925. Power of committee to subpoena and to attach witnesses.	143
§ 23-15-927. Filing of protest and petition in circuit court in event of unreasonable delay by committee; requirement of certificate and cost bond; suspension of committee's order.	143
§ 23-15-929. Designation of circuit judge or chancellor to determine contest; notice; answer and cross-complaint.	143
§ 23-15-931. Issuance of subpoenas and summonses by circuit clerk prior to hearing; assistance by, and findings of, election commissioners; entry of judgment by trial judge.	144
§ 23-15-933. Appeal from judgment; restrictions upon review of findings of fact.	144
§ 23-15-935. Attendance or absence of election commissioners at hearing.	144
§ 23-15-937. Transfer of hearing; requirement of prompt adjudication; circumstances requiring special election.	145
§ 23-15-939. Payment of traveling expenses of judge or chancellor; compensation of election commissioners.	145
§ 23-15-941. Willful violation of election statute constituting criminal offense; issuance of arrest warrant; delivery of papers to grand jury foreman.	145
<i>SUBARTICLE C. CONTESTS OF OTHER ELECTIONS</i>	146
§ 23-15-951. Filing of petition; issuance of summons; trial by, and verdict of, jury; assumption of office.	146
§ 23-15-953. Proceedings with respect to petition filed more than forty days before term of circuit court next after contested election.	146
§ 23-15-955. Proceedings with respect to election of member of Senate or House of Representatives.	146
§ 23-15-957. Power to compel attendance of witnesses and production of documents.	147
<i>SUBARTICLE D. CONTESTS OF QUALIFICATIONS OF CANDIDATES</i>	147
§ 23-15-961. Exclusive procedures for contesting qualifications of candidate for primary election; exceptions.	147
§ 23-15-963. Exclusive procedures for contesting qualifications of candidate for general election; exceptions.	148
ARTICLE 31. JUDICIAL OFFICES	149
<i>SUBARTICLE A. GENERAL PROVISIONS</i>	149
§ 23-15-971. Repealed.	149
§ 23-15-973. Opportunities for candidates to address people during court terms; restrictions with respect to political affiliations; penalties for violations.	149
§ 23-15-974. Nonpartisan Judicial Election Act; short title.	150
§ 23-15-975. "Judicial office" defined; positions deemed positions as full-time positions; prohibition against practice of law.	150
§ 23-15-976. Judicial office deemed nonpartisan office; candidate for judicial office prohibited from campaigning or qualifying for office based on party affiliation; prohibition on political party fund-raising, campaigning, or contributions on behalf of candidate for judicial office.	150
§ 23-15-977. Filing of intent to be candidate and fees by candidates for judicial office; notification of county commissioners of filings.	151
§ 23-15-977.1. Signing oath to abide by election laws.	151
§ 23-15-978. Placement of names of candidates for judicial office should appear on ballot.	151
§ 23-15-979. Order for listing on ballot of names of candidates for judicial office; references to political party affiliation.	152
§ 23-15-980. Listing of unopposed candidates for judicial office on general election ballot.	152
§ 23-15-981. Two or more candidates qualify for judicial office; majority vote wins; runoff election.	152

§ 23-15-982. Majority of vote defined; conduct of runoff election; determine of tie votes for purposes of runoff elections; determination of candidates elected in runoff election; application of section.	152
§ 23-15-983. Determination of candidates elected in general election; resolution of tie votes; application of section.	153
§ 23-15-984. Number of votes to which electors entitled; effect of excessive number of votes.	153
§ 23-15-985. Electors qualified to vote for candidates for nomination for judicial office.	153
<i>SUBARTICLE B. SUPREME COURT JUDGESHIPS</i>	153
§ 23-15-991. Term of office; elections.	153
§ 23-15-993. Each of judgeships deemed separate office; designation of positions for offices.	153
§ 23-15-995. Applicability to election of general laws for election of state officers.	154
§ 23-15-997. Repealed.	154
<i>SUBARTICLE C. CIRCUIT COURT JUDGES AND CHANCELLORS</i>	154
§ 23-15-1011. Time of taking office; term of office.	154
§ 23-15-1013. Repealed.	154
§ 23-15-1015. Dates of elections; applicability to elections of laws regulating general elections.	154
<i>SUBARTICLE D.</i>	155
§ 23-15-1021. Limitations on contributions.	155
§ 23-15-1023. Disclosure of campaign finances.	155
§ 23-15-1025. Distribution of campaign materials.	155
<i>ARTICLE 33. MEMBERS OF CONGRESS</i>	156
§ 23-15-1031. Dates of primary elections for congressmen; nomination of candidates for U.S. Senator; certification of vote for U.S. Senator.	156
§ 23-15-1033. Election of representatives in Congress by districts; issuance of commissions by Governor.	156
§ 23-15-1035. Qualifications of representatives in Congress.	156
§ 23-15-1037. Division of state into five congressional districts.	156
§ 23-15-1039. Election of representatives in Congress in event of change in number of representatives to which state is entitled.	157
§ 23-15-1041. Election of U.S. Senators by electors of Mississippi; issuance of commissions by Governor.	158
<i>ARTICLE 35. POLITICAL PARTIES</i>	158
§ 23-15-1051. Performance of duties by State Executive Committee; qualification of candidates with State Executive Committee.	158
§ 23-15-1053. Methods and procedures for selection of county and state executive committees.	158
§ 23-15-1055. Methods and procedures for selection of delegates and delegate alternates to national nominating conventions.	158
§ 23-15-1057. Reconvening of state convention; delegates, notice, and power and authority.	159
§ 23-15-1059. Registration on behalf of state executive committees.	159
§ 23-15-1061. Affidavit to accompany applications for registration; registration on behalf of district and county executive committees; proof of compliance with laws.	159
§ 23-15-1063. Prohibition against participation in elections or primaries by political parties not duly organized and registered.	160
§ 23-15-1065. Misrepresentation as to office in, or nomination by, political party; penalties.	160
§ 23-15-1067. General prohibitions; injunctions.	160
§ 23-15-1069. Provisions applicable to all registered political parties.	161
<i>ARTICLE 37. MISSISSIPPI PRESIDENTIAL PREFERENCE PRIMARY AND DELEGATE SELECTION</i>	161
§ 23-15-1081. Presidential preference primaries; electors to vote in primary of only one party.	161
§ 23-15-1083. Presidential preference primaries and first congressional primaries to be held on same day; second congressional primaries to be held three weeks thereafter.	161
§ 23-15-1085. Notice of party's intention to hold presidential preference primary; issuance of proclamation by Secretary of State.	161
§ 23-15-1087. Applicability of law regulating primary and general elections.	161

§ 23-15-1089. Candidates whose names shall be placed on ballot; announcement of names by Secretary of State.	162
§ 23-15-1091. Notification of candidates by Secretary of State.	162
§ 23-15-1093. Petition in support of candidacy.	162
§ 23-15-1095. Withdrawal of candidate.	162
§ 23-15-1097. Payment of expenses; compensation of election officials.	163
ARTICLE 39. REPEAL OF PRIOR ELECTION LAWS	163
§ 23-15-1111. Repeal of laws in conflict with Chapter 15.	163

CHAPTER 15

MISSISSIPPI ELECTION CODE

ARTICLE 1.

TITLE

§ 23-15-1. Short title.

This chapter shall be known and may be cited as the "Mississippi Election Code."

Sources: Laws, 1986, ch. 495, § 1, eff from and after January 1, 1987.

ARTICLE 3.

VOTER REGISTRATION

SUBARTICLE A.

QUALIFICATION OF ELECTORS

§ 23-15-11. Qualifications, generally.

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33 and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days prior to the primary election associated with such general election, may vote in such primary election even though such person has not reached his or her eighteenth birthday at the time such person offers to vote at such primary election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

Sources: Derived from 1972 Code § 21-11-1 [Codes, 1892, § 3028; Laws, 1906, § 3433; Hemingway's 1917, § 5993; Laws, 1930, § 2595; Laws, 1942, § 3374-60; Laws, 1950, ch. 491, § 60; Laws, 1984, ch. 457, § 2; repealed by Laws, 1986, ch. 495, § 329], § 23-3-11 [Codes, 1942, § 3160; Laws, 1935, ch. 19; Laws, 1936, ch. 320; Laws, 1955 Ex ch. 100, § 2; repealed by Laws, 1986, ch. 495, § 333], and § 23-3-85 [Codes, 1892, § 3631; Laws, 1906, § 4138; Hemingway's 1917, § 6772; Laws, 1930, § 6207; Laws, 1942, § 3235; Laws, 1952, ch. 398, § 2; Laws, 1955, Ex Sess, ch. 101; Laws, 1962, ch. 575; Laws, 1965 Ex Sess, ch. 18, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 2; Laws, 1997, ch. 315, § 1; Laws, 2000, ch. 430, § 2, eff from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-13. Change of residency to new ward or voting precinct within same municipality.

An elector who moves from one ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her registration transferred to his or her new ward or voting precinct upon making written request therefor at any time up to thirty (30) days prior to the election at which he or she offers to vote, and if the removal occurs within thirty (30) days of such election he or she shall be entitled to vote in his or her new ward or voting precinct by affidavit ballot as provided in 23-15-573.

Sources: Derived from 1972 Code § 21-11-1 [Codes, 1892, § 3028; Laws, 1906, § 3433; Hemingway's 1917, § 5993; Laws, 1930, § 2595; Laws, 1942, § 3374-60; Laws, 1950, ch. 491, § 60; repealed by Laws, 1986, ch. 495, §

329]; en, Laws, 1986, ch. 495, § 3; Laws, 2000, ch. 430, § 3, eff from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-14. Repealed

Repealed by Laws, 2004, ch. 305, § 17, eff from and after July 12, 2004, the date said ch. 305 was effectuated under Section 5 of the Voting Rights Act of 1965.

§ 23-15-15. Documentation required of naturalized citizens.

It shall be the duty of any and every person who has acquired citizenship by order or decree of naturalization and who is otherwise qualified to register and vote under the laws of the State of Mississippi to present or exhibit to the circuit clerk of the county of his or her residence, at or before the time he or she may offer to register, a certified copy of the final order or decree of naturalization, or a certificate of naturalization or duplicate thereof, or a certified copy of such certificate of naturalization or duplicate; otherwise he shall not be allowed to register or to vote.

Sources: Derived from 1972 Code § 23-5-39 [Codes, 1930, § 6188; Laws, 1942, § 3216; Laws, 1924, ch. 154; Laws, 1934, ch. 310; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 4, eff from and after January 1, 1987.

§ 23-15-17. Penalties for false registration.

(1) Any person who shall knowingly procure his or any other person's registration as a qualified elector when the person whose registration is being procured is not entitled to be registered, or when the person whose registration is being procured is being registered under a false name, or when the person whose registration is being procured is being registered as a qualified elector in any other voting precinct than that in which he resides, shall be guilty of a felony and, upon conviction, be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned not more than five (5) years, or both. The same penalty shall apply to anyone who is disqualified for any cause and shall reregister before removal of such disqualification to avoid the same, and to all who shall in any way aid in such false registration.

(2) Any person who has reasonable cause to suspect that such a false registration has occurred may notify any authorized law enforcement officer with proper jurisdiction. Upon such notification, said law enforcement officer shall be required to conduct an investigation into the matter and file a report with the registrar and the appropriate district attorney. The registrar shall, within twenty-four (24) hours of receipt of the investigating officer's report, accept or reject the registration. Any person who so notifies an authorized law enforcement officer shall be presumed to be acting in good faith and shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Sources: Derived from 1972 Code § 23-5-43 [Codes, 1880, § 113; 1892, § 3616; Laws, 1906, § 4123; Hemingway's 1917, § 6757; Laws, 1930, § 6190; Laws, 1942, § 3218; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 5; Laws, 1991, ch. 440, § 4, eff from and after May 1, 1992 (the date the United States Attorney General interposed no objection to this amendment)

§ 23-15-19. Persons convicted of certain crimes not to be registered.

Any person who has been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall not be registered, or if registered the name of such person shall be erased from the registration book on which it may be found by the registrar or by the election commissioners. Whenever any person shall be convicted in the circuit court of his county of any of said crimes, the registrar shall thereupon erase his name from the registration book; and whenever any person shall be convicted of any of said crimes in any other court of any county, the presiding judge thereof shall, on demand, certify the fact in writing to the registrar, who shall thereupon erase the name of such person from the registration book and file said certificate as a record of his office.

Sources: Derived from 1972 Code § 23-5-35 [Codes 1871, § 343; 1880, § 108; 1892, § 3614; Laws, 1906, § 4120; Hemingway's 1917, § 6754; Laws, 1930, § 6186; Laws, 1942, § 3214; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 6, eff from and after January 1, 1987.

§ 23-15-21. Non-citizen not to register or vote.

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

Sources: Derived from 1972 Code § 23-5-41 [Codes, 1930, § 6189; Laws, 1942, § 3217; Laws, 1924, ch. 154; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 7, eff from and after January 1, 1987.

SUBARTICLE B. PROCEDURES FOR REGISTRATION

§ 23-15-31. Elections to which subarticle applicable; duty, power and authority of certain election officials.

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

Sources: Derived from 1972 Code § 23-5-313 [Codes, 1942, § 3203-603; Laws, 1972, ch. 490, § 603; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 8; Laws, 1993, ch. 528, § 18, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-33. Registrar to register voters.

(1) Every person entitled to be registered as an elector in compliance with the laws of this state and who has signed his name on and properly completed the application for registration to vote shall be registered by the registrar in the voting precinct of the residence of such person through the Statewide Elections Management System.

(2) Every person entitled to be registered as an elector in compliance with the laws of this state and who registers to vote pursuant to the National Voter Registration Act of 1993 shall be registered by the registrar in the voting precinct of the residence of such person through the Statewide Elections Management System.

Sources: Derived from 1972 Code § 23-5-31 [Codes, 1880, § 106; 1892, § 3611; Laws, 1906, § 4117; Hemingway's 1917, § 6751; Laws, 1930, § 6184; Laws, 1942, § 3212; Laws, 1955, Ex ch. 99; Laws, 1962, ch. 569, § 2; Laws, 1965 Ex Sess, ch. 13, § 1; Laws, 1978, ch. 393, § 2; Laws, 1984, Ch. 460, § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 9; Laws, 1991, ch. 440, § 7; Laws, 2000, ch. 430, § 1, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.)

§ 23-15-35. Clerk of municipality to be registrar; registration books; form of application for registration; registration of county electors by clerk.

[Until January 1, 2008, this section shall read as follows:]

(1) The clerk of the municipality shall be the registrar of voters of the municipality, and shall take the oath of office prescribed by Section 268 of the Constitution. The governing authorities shall provide suitable municipal registration books, which shall conform as nearly as practicable to the county registration books. The registrar shall, as nearly as may be practicable, and where not otherwise provided, comply with all the provisions of law regarding state and county elections in keeping and maintaining such registration books and in registering voters thereon. Applications for registration as electors of the municipality shall be made upon a triplicate form provided by and

prepared at the expense of the county registrar, which form shall conform as nearly as practicable to the application for registration form provided for in Section.23-15-39.

(2) The municipal clerk shall be authorized to register applicants as county electors. The municipal clerk shall forward notice of registration, a copy of the application for registration, and any changes to registration when they occur, either by certified mail to the county registrar or by personal delivery to the county registrar provided that a numbered receipt is signed by the registrar in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review of the registration indicates that the applicant meets all the criteria necessary to qualify as a county elector, then the county registrar shall make a determination of the county voting precinct in which the person making the application shall be required to vote. The county registrar shall send this county voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the municipal clerk or the county registrar in effectuating this subsection shall be paid by the county board of supervisors. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

(3) The municipal clerk shall issue to the person making the application a copy of the application, and the county registrar shall process the application in accordance with the law regarding the handling of voter registration applications.

(4) The receipt of a copy of the application for registration sent pursuant to Section 23-15-39(3) shall be sufficient to allow the applicant to be registered as an elector in the municipality, provided that such application is not challenged as provided for therein.

[Effective January 1, 2008, this section shall read as follows:]

(1) The clerk of the municipality shall be the registrar of voters of the municipality, and shall take the oath of office prescribed by Section 268 of the Constitution. The municipal registration shall conform to the county registration which shall be a part of the official record of registered voters as contained in the Statewide Elections Management System. The municipal clerk shall comply with all the provisions of law regarding the registration of voters, including the use of the voter registration applications used by county registrars and prescribed by the Secretary of State under Sections 23-15-39 and 23-15-47.

(2) The municipal clerk shall be authorized to register applicants as county electors. The municipal clerk shall forward notice of registration, a copy of the application for registration, and any changes to the registration when they occur, either by certified mail to the county registrar or by personal delivery to the county registrar provided that a numbered receipt is signed by the registrar in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review of the application indicates that the applicant meets all the criteria necessary to qualify as a county elector, then the county registrar shall make a determination of the county voting precinct in which the person making the application shall be required to vote. The county registrar shall send this county voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the municipal clerk or the county registrar in effectuating this subsection shall be paid by the county board of supervisors. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

(3) The municipal clerk shall issue to the person making the application a copy of the application and the county registrar shall process the application in accordance with the law regarding the handling of voter registration applications.

(4) The receipt of a copy of the application for registration sent pursuant to Section 23-15-39 (3) shall be

sufficient to allow the applicant to be registered as an elector in the municipality, provided that such application is not challenged as provided for therein.

Sources: Derived from 1972 Code § 21-11-3 [Codes, 1892, § 3029; Laws, 1906, § 3434; Hemingway's 1917, § 5994; Laws, 1930, § 2596; Laws, 1942, § 3374-61; Laws, 1904, ch. 158; Laws, 1950, ch. 491, § 61; Laws, 1984, ch. 457, § 3; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 10; Laws, 1988, ch. 350, § 5; Laws, 2004, ch. 305, § 8, eff June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-37. Keeping registration books; registration of voters; voter registration in public schools.

(1) The registrar shall keep his books open at his office and shall register the electors of his county at any time during regular office hours.

(2) The registrar may keep his office open for registration of voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day prior to any regularly scheduled primary or general election. The registrar may also keep his office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day prior to any regularly scheduled primary or general election.

(3) The registrar, or any deputy registrar duly appointed by law, may visit and spend such time as he may deem necessary at any location in his county, selected by the registrar not less than thirty (30) days before an election, for the purpose of registering voters.

(4) A person who is physically disabled and unable to visit the office of the registrar to register to vote due to such disability may contact the registrar and request that the registrar or his deputy visit him for the purpose of registering such person to vote. The registrar or his deputy shall visit such person as soon as possible after such request and provide such person with an application for registration, if necessary. The completed application for registration shall be executed in the presence of the registrar or his deputy.

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

(b) Each public school district shall permit access to all public schools of this state for the registrar or his deputy for the purpose of registration of persons eligible to vote and for providing voter education.

Sources: Derived from 1972 Code § 23-5-29 [Codes, 1892, § 3615; Laws, 1906, § 4122; Hemingway's 1917, § 6756; Laws, 1930, § 6183; Laws, 1942, § 3211; Laws, 1894, ch. 51; Laws, 1942, ch. 217; Laws, 1952, ch. 399; Laws, 1955, Ex ch. 103; Laws, 1966, ch. 611, § 1; Laws, 1984, ch. 457, § 5; repealed by Laws, 1986, ch. 495, § 335]; en Laws, 1986, ch. 495, § 11; Laws, 1988, ch. 350, § 2; Laws, 1991, ch. 440, § 5; Laws, 1997, ch. 314, § 1; Laws, 2001, ch. 394, § 1, eff June 13, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-39. Form of application for registration; allowances for office supplies; determination on application; notice to applicant; assistance to applicant; voter registration number; fees and costs; forwarding of application.

[Until January 1, 2006, this section shall read as follows:]]

(1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State.

(2) The boards of supervisors shall make proper allowances for office supplies reasonably necessitated by the registration of county electors.

(3) If the applicant indicates on the application that he resides within the city limits of a city or town in the county of registration, the county registrar shall forward notice of registration, a copy of the application for registration, and any changes to the registration when they occur, either by certified mail to the clerk of the municipality in which the application indicates the applicant resides, or by personal delivery to the clerk of the municipality provided that a numbered receipt is signed by the clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review indicates that the applicant meets all the criteria necessary to qualify as a municipal elector, then the clerk of the municipality shall make a determination of the municipal voting precinct in which the person making the application shall be required to vote. The clerk shall send this municipal voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the municipality, the clerk of the municipality shall challenge the application. The municipal election commissioners responsible for the municipality shall review any the challenge or disqualification after having notified the applicant by certified mail of the challenge or disqualification.

(4)) If the applicant indicates on the application that he has previously registered to vote in another county of this state or another state, the registrar or clerk shall on a monthly basis send notice of this new registration to the registrar or clerk of the county in this state or any other state that is indicated in the application as the voter's previous place of registration. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

(5) The registrar shall issue to the person making the application a copy of the application upon which has been written the county voting precinct in which the person shall vote. The registrar shall assign a voter registration number to the person, which shall be that person's social security number if such a number is provided, and the voter registration number shall be clearly shown on the application.

(6) Any person desiring an application for registration may secure the application from the registrar of the county of which he is a resident and may take the application with him and secure assistance in completing said form from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be his duty to furnish aid and assistance in the completing of the application when requested by an applicant. The application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. No fee or cost shall be charged the applicant by the registrar for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read to the person the application and oath and the person's answers shall be recorded by the registrar or his deputy. The person shall be registered as an elector if he otherwise meets the requirements to be registered as an elector. The registrar shall record the responses of the person and the recorded responses shall be retained permanently by the registrar. The registrar shall forward a copy of all recorded responses to the Secretary of State and shall indicate which were approved for registration.

(8) The receipt of a copy of the application for registration sent pursuant to Section 23-15-35(2) shall be sufficient to allow the applicant to be registered as an elector of this state, if the application is not challenged.

(9) In any case in which a municipality expands its corporate boundaries by annexation, the municipal clerk shall, within ten (10) days after the effective date of the annexation, forward to the county registrar a map which accurately depicts the annexed area. The county registrar shall, within ten (10) days after the receipt of the map, forward to the municipal clerk a copy of the most recent county precinct or subprecinct pollbook for the county precincts which are included in the annexed area, or equivalent computer data or information as will permit the identification of county electors who reside in the annexed area. The municipal clerk shall add those county electors who have resided in the annexed area for at least thirty (30) days after annexation to the municipal registration books

as registered voters of the municipality and shall forward to such persons written notification of such addition and of the municipal precinct or ward in which such persons reside.

[From and after January 1, 2006, this section shall read as follows:]

(1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State.

(2) The boards of supervisors shall make proper allowances for office supplies reasonably necessitated by the registration of county electors.

(3) If the applicant indicates on the application that he resides within the city limits of a city or town in the county of registration, the county registrar shall process the application for registration or changes to the registration as provided by law.

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

(5) The county registrar shall provide to the person making the application a copy of the application upon which has been written the county voting precinct and municipal voting precinct, if any, in which the person shall vote. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the person.

(6) Any person desiring an application for registration may secure an application from the registrar of the county of which he is a resident and may take the application with him and secure assistance in completing the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be his duty to furnish aid and assistance in the completing of the application when requested by an applicant. The application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. No fee or cost shall be charged the applicant by the registrar for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read to the person the application and oath and the person's answers thereto shall be recorded by the registrar or his deputy. The person shall be registered as an elector if he otherwise meets the requirements to be registered as an elector. The registrar shall record the responses of the person and the recorded responses shall be retained permanently by the registrar. The registrar shall enter the voter registration information into the Statewide Elections Management System and designate the entry as an assisted filing.

(8) The receipt of a copy of the application for registration sent pursuant to Section 23-15-35(2) shall be sufficient to allow the applicant to be registered as an elector of this state, if the application is not challenged.

(9) In any case in which a municipality expands its corporate boundaries by annexation or redistricts all or a part of the municipality, the municipal clerk shall within ten (10) days after the effective date of the annexation or after preclearance of the redistricting plan under Section 5 of the Voting Rights Act of 1965, provide the county registrar with conforming geographic data that is compatible with the Statewide Elections Management System. The data shall be developed by the municipality's use of a standardized format specified by the Statewide Centralized Voter System. The county registrar shall update the municipal boundary information or redistricting information into the Statewide Elections Management System. The Statewide Elections Management System shall update the voter registration records to include the new municipal electors who have resided within the annexed area for at least

thirty (30) days after annexation and assign the electors to the municipal voting precincts. The county registrar shall forward to the municipal clerk written notification of the additions and changes, and the municipal clerk shall forward to the new municipal electors written notification of the additions and changes. The Statewide Elections Management System shall correctly place municipal electors within districts whose boundaries were altered by any redistricting conducted within the municipality and assign such electors to the correct municipal voting precincts.

Sources: Derived from 1972 Code § 23-5-17 [(Codes, 1942, § 3209.6; Laws, 1955, Ex ch. 102, § 1; Laws, 1960, ch. 449, § 1; Laws, 1962, ch. 569, § 1; Laws, 1965, Ex Sess, ch. 10, §§ 1-4) and § 23-5-303 (Codes, 1942, § 3203-502; Laws, 1972, ch 490, § 502; Laws, 1975, ch 502, § 1; Laws, 1984, ch. 457, § 1); repealed by Laws, 1986, ch 495, §§ 335, 337]; en Laws, 1986, ch. 495, § 12; Laws, 1988, ch. 350, § 3; Laws, 1991, ch. 440, § 8; Laws, 2000, ch. 592, § 1; Laws, 2001, ch. 308, § 1, eff June 13, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section); Laws, 2004, ch. 305, § 9, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-41. Endorsement of application; completion of registration.

(1) When an applicant to register to vote has completed the application form as prescribed by administrative rule, the registrar shall enter the Statewide Elections Management System voter record where the voter status will be marked “ACTIVE,” “PENDING” OR “REJECTED” and the applicant shall be entitled to register upon his request for registration made in person to the registrar, or deputy registrar if a deputy registrar has been appointed. No person other than the registrar, or a deputy registrar, shall register any applicant.

(2) If an applicant is not qualified to register to vote, then the registrar shall enter the Statewide Elections Management System voter record where the voter’s status shall be marked “PENDING” or “REJECTED,” specify the reason or reasons therefor, and notify the election commission of those rejected.

Sources: Derived from 1972 Code § 23-5-33 [Codes, 1942, § 3212.5; Laws, 1962, ch. 571, §§ 1-6; Laws, 1965 Ex Sess, ch. 14, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 13; Laws, 1991, ch. 440, § 9, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection to this amendment).

§ 23-15-43. Automatic review where person is not approved for registration.

In the event applicant is not registered, there shall be an automatic review by the county election commissioners under the procedures provided in Sections 23-15-61 through 23-15-79. In addition to the meetings of the election commissioners provided under said sections, the commissioners are required to hold such additional meetings to determine all pending cases of registration on review prior to the election at which the applicant desires to vote.

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

Sources: Derived from 1972 Code § 23-5-305 [Codes, 1942, § 3203-503; Laws, 1972, ch. 490, § 503; Laws, 1975, ch. 502, § 2; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 14, eff from and after January 1, 1987.

§ 23-15-45. Notice to person denied registration.

In the event that registration is denied pending automatic review by the county election commissioners, the registrar shall immediately inform the applicant that the registration is denied and advise the applicant of the date, time and place of the next meeting of the county election commissioners, at which time the applicant may present such evidence either in person or in writing as he deems pertinent to the question of residency.

Sources: Derived from 1972 Code § 23-5-307 [Codes, 1942, § 3203-504; Laws, 1972, ch. 490, § 504; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 15, eff from and after January 1, 1987.

§ 23-15-47. Registering to vote by mail-in application.

[Until January 1, 2006, this section shall read as follows:]

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

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

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp such application with the date of receipt, and shall verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

(c) If the county registrar determines that the applicant is qualified and his application is legible and complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, polling place and supervisor district in which such person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration cards shall be provided by the county registrar. The registrar shall assign a voter registration number to such person, which shall be that person's social security number if such a number is provided, and the assigned voter registration number shall be clearly shown on the application and on the written notification of approval. In mailing such written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD." If any registration notification form is returned as undeliverable, voter's registration shall be void.

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

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

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

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

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

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

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

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraphs (d)(i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reason for such rejection. The registrar shall

further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13 the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new precinct, advise the applicant of his new precinct, polling place and supervisor district, and notify the municipal clerk of any such changes on a monthly basis.

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

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

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

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

(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm or microfiche.

(6) If the applicant indicates on the application that he resides within the city limits of a city or town in the county registration, the county registrar shall forward notice of registration, a duplicate copy of the application for registration, and any changes to the registration when they occur, either by certified mail to the clerk of the municipality indicated in the present residence address stated in the application or by personal delivery to the municipal clerk, provided that a numbered receipt is signed by the clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review indicates that the applicant meets all the criteria necessary to qualify as a municipal elector, then the clerk of the municipality shall register the applicant as a municipal elector and make a determination of the municipal voting precinct in which the person making the application shall be required to vote. The clerk shall send this municipal voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the municipality, the clerk of the municipality shall deny the application and notify applicant.

(7) If the applicant indicates on the application that he has previously registered to vote in another county of this state or another state, the registrar or clerk shall send written notice of this new registration by regular United States mail to the registrar or clerk of the county in this state or any other state that is indicated in the application as the voter's previous place of registration. The information shall include the complete name, address and age of the voter and shall include the current and valid Mississippi driver's license of the voter, if provided, or the social security number of the voter, if provided. The election commission of the voter's previous place of registration shall be responsible for having the voter's name erased from the appropriate registration book and pollbook.

[From and after January 1, 2006, this section shall read as follows:]

(1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in

application in the manner prescribed in this section.

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

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

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

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

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

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

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

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

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

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

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d) (i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reason for the rejection. The registrar shall further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d) (v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to

Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13, the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new county precinct or municipal precinct, if any, advise the applicant of his new county precinct or municipal precinct, if any, polling place and supervisor district.

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

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

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

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

(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm, microfiche or as an electronic image.

(6) If the applicant indicates on the application that he resides within the city limits of a city or town in the county of registration, the county registrar shall enter the information into the Statewide Elections Management System. The county registrar shall send municipal voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the municipality, the registrar shall notify the applicant of the correct county precinct.

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

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

Sources: Laws, 1991, ch. 440, § 1; Laws, 1993, ch. 528, § 3; Laws, 1994, ch. 600, § 1, eff February 2, 1995 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section); Laws, 2004, ch. 305, § 10, eff July 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

SUBARTICLE C. APPEALS UPON DENIAL OF REGISTRATION

§ 23-15-61. Appeal by person denied registration.

Any person denied the right to register as a voter may appeal from the decision of the registrar to the board of election commissioners by filing with the registrar, on the same day of such denial or within five (5) days thereafter, a written application for appeal.

Sources: Derived from 1972 Code § 23-5-55 [Codes, 1892, § 3624; Laws, 1906, § 4131; Hemingway's 1917, § 6765; Laws, 1930, § 6196; Laws, 1942, § 3224; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 16, eff from and after January 1, 1987.

§ 23-15-63. Appeal by other elector of allowance of registration.

Any elector of the county may likewise appeal from the decision of the registrar allowing any other person to be registered as a voter; but before the same can be heard, the party appealing shall give notice to the person whose registration is appealed from, in writing, stating the grounds of the appeal. Said notice shall be served by the sheriff or a constable, as process in other courts is required to be served; and the officer may demand and receive for such service, from the person requesting the same, the sum of One Dollar (\$1.00).

Sources: Derived from 1972 Code § 23-5-57 [Codes, 1892, § 3625; Laws, 1906, § 4132; Hemingway's 1917, § 6766; Laws, 1930, § 6197; Laws, 1942, § 3225; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 17, eff from and after January 1, 1987.

§ 23-15-65. Determination of appeals at September meeting of board of commissioners.

The board of commissioners shall meet at the courthouse of its county on the second Monday in September preceding any general election, and shall remain in session from day to day, so long as business may require. Three (3) commissioners shall constitute a quorum to do business; but the concurrence of at least three (3) commissioners shall be necessary in all cases for the rendition of a decision. The commissioners shall hear and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as effected by registration, to those who may be illegally or improperly denied the same.

Sources: Derived from 1972 Code § 23-5-59 [Codes, 1892, § 3623; Laws, 1906, § 4130; Hemingway's 1917, § 6764; Laws, 1930, § 6198; Laws, 1942, § 3226; Laws, 1968, ch. 569, § 1; Laws, 1970, ch. 506, § 21; Laws, 1968, ch. 569, § 1; Laws, 1970, ch. 506, § 21; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 18, eff from and after January 1, 1987.

§ 23-15-67. Determination of appeals at other meetings.

The commissioners of election of each county shall, at the meetings provided for by Section 23-15-153, 23-15-155 and 23-15-157, hear and determine any appeals which may have been perfected and which are pending on the respective dates provided for in said 23-15-153, 23-15-155 and 23-15-157, from the decisions of the registrar of their county allowing or refusing the applications of persons to be registered. The above dates for hearing said appeals are supplemental to the provisions of 23-15-65.

Sources: Derived from 1972 Code § 23-5-61 [Codes, 1942, § 3226.5; Laws, 1960, ch. 446; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 19, eff from and after January 1, 1987

§ 23-15-69. Appeals heard de novo; finality of decisions.

All cases on appeal shall be heard by the boards of election commissioners de novo, and oral and documentary evidence may be heard by them; and they are authorized to administer oaths to witnesses before them; and they have power to subpoena witnesses, and to compel their attendance; to send for persons and papers; to require the sheriff and constables to attend them and to execute their process. The decisions of the commissioners in all cases shall be final as to questions of fact, but as to matters of law they may be revised by circuit courts and the Supreme Court. The registrar shall obey the orders of the commissioners in directing a person to be registered, or a name to be stricken from the registration books.

Sources: Derived from 1972 Code § 23-5-63 [Codes, 1892, § 3626; Laws, 1906, § 4133; Hemingway's 1917, § 6767; Laws, 1930, § 6199; Laws, 1942, § 3227; Laws, 1960, ch. 450; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 20, eff from and after January 1, 1987.

§ 23-15-71. Appeal from decision of commissioners.

Any elector aggrieved by the decision of the commissioners shall have the right to file a bill of exceptions thereto, to be approved and signed by the commissioners, embodying the evidence in the case and the findings of the commissioners, within two (2) days after the rendition of the decision, and may thereupon appeal to the circuit court upon the execution of a bond, with two (2) or more sufficient sureties to be approved by the commissioners, in the sum of One Hundred Dollars (\$100.00), payable to the state, and conditioned to pay all costs in case the appeal shall not be successfully prosecuted; and in case the decision of the commissioners be affirmed, judgment shall be entered on the bond for all costs.

Sources: Derived from 1972 Code § 23-5-65 [Codes, 1892, § 3627; Laws, 1906, § 4134; Hemingway's 1917, § 6768; Laws, 1930, § 6200; Laws, 1942, § 3228; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 21, eff from and after January 1, 1987.

§ 23-15-73. Duty of commissioners upon appeal.

It shall be the duty of the commissioners, in case of appeal from their decision, to return the bill of exceptions and the appeal bond into the circuit court of the county within five (5) days after the filing of the same with them; and the circuit courts shall have jurisdiction to hear and determine such appeals.

Sources: Derived from 1972 Code § 23-5-67 [Codes, 1892, § 3628; Laws, 1906, § 4135; Hemingway's 1917, § 6769; Laws, 1930, § 6201; Laws, 1942, § 3229; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 22, eff from and after January 1, 1987.

§ 23-15-75. Proceedings in circuit court.

Should the judgment of the circuit court be in favor of the right of an elector to be registered, the court shall so order, and shall, by its judgment, direct the registrar of the county forthwith to register him. Costs shall not, in any case, be adjudged against the county.

Sources: Derived from 1972 Code § 23-5-69 [Codes, 1892, § 3629; Laws, 1906, § 4136; Hemingway's 1917, § 6770; Laws, 1930, § 6202; Laws, 1942, § 3230; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 23, eff from and after January 1, 1987.

§ 23-15-77. Costs.

The election commissioners shall not award costs in proceedings before them; but circuit courts and the Supreme Court shall allow costs as in other cases.

Sources: Derived from 1972 Code § 23-5-71 [Codes, 1892, § 3630; Laws, 1906, § 4137; Hemingway's 1917, § 6771; Laws, 1930, § 6203; Laws, 1942, § 3231; Laws, 1968, ch. 361, § 64; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 24, eff from and after January 1, 1987.

§ 23-15-79. Date of registration to vote.

(1) Unless the application for registration was made pursuant to Section 23-15-47, the date of registration to vote shall be the date of the application for registration to vote, regardless of the date on which the county election commission, circuit court or Supreme Court, as the case may be, makes its final determination allowing the registration,

(2) In the case of an application for registration which has been made pursuant to Section 23-15-47 the date of registration to vote shall be the date the complete and legible application form is received by the county registrar.

Sources: Derived from 1972 Code § 23-5-309 [Codes, 1942, § 3203-505; Laws, 1972, ch. 490, § 505; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 25; Laws, 1991, ch. 440, § 10, eff from and after May 1, 1992 (the date the United States Attorney General interposed no objection to this amendment).

SUBARTICLE D.

LIABILITY OF THE REGISTRAR, PENALTIES AND INJUNCTIVE RELIEF

§ 23-15-91. No personal liability for error of judgment.

The county registrar, while acting within his jurisdiction and under the authority of this chapter, shall not be liable personally for any error of judgment regarding the registration of electors.

Sources: Derived from 1972 Code § 23-5-27 [Codes, 1942, § 3210.5; Laws, 1955, Ex ch. 102, § 6; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 26, eff from and after January 1, 1987.

§ 23-15-93. Penalties.

If any registrar or commissioner of elections shall refuse or neglect to perform any of the duties imposed upon him by this chapter regarding the registration of electors, or shall knowingly permit any person to sign a false affidavit or otherwise knowingly permit any person to violate any provision of this chapter regarding the registration of electors, or shall violate any of the provisions of this chapter regarding the registration of electors, or if any officer taking the affidavits as provided in this chapter regarding registration of electors shall make any false statement in his certificate thereto attached, he shall be deemed guilty of a crime and shall be punished by a fine not exceeding One Thousand Dollars (\$ 1,000.00) or by imprisonment in the penitentiary not exceeding one (1) year, and shall be removed from office.

Sources: Derived from 1972 Code § 23-5-311 [Codes, 1942, § 3203-601; Laws, 1972, ch. 490, § 601; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 27, eff from and after January 1, 1987.

§ 23-15-95. Injunctive relief.

In addition to the penalties set forth in Section 23-15-93 any applicant aggrieved by any registrar or commissioner of elections because of their refusal or neglect to perform any of the duties prescribed by this chapter regarding the registration of electors may petition the chancery court of the county of the registrar or commissioner of elections for an injunction or mandate to enforce the performance of such duties and to secure to such applicant such rights to which he may be entitled under the provisions of said sections.

Sources: Derived from 1972 Code § 23-5-312 [Laws, 1975, ch. 502, § 3; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 28, eff from and after January 1, 1987.

SUBARTICLE E.

REGISTRATION RECORDS

§ 23-15-111. Changes required to retain registration books in use.

Registration books now required by law to be kept may be retained in use, provided that the registrar shall make such changes in the form thereof, by some suitable method, as shall reflect the changes in the form thereof required by this subarticle and other applicable legislation.

Sources: Derived from 1972 Code § 23-5-23 [Codes, 1942, § 3209.9; Laws, 1955, Ex ch. 102, § 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 29, eff from and after January 1, 1987.

§ 23-15-113. Form of registration books.

(1) The registration books are to be in the following form: The voter registration files shall contain copies of the applications for registration completed by electors, which applications shall show the date of registration and signature of elector, and such files shall be known as registration books. The files described herein may be recorded on microfilm or computer software for convenience and efficiency in storage.

(2) From and after January 1, 2006, all records pertaining to voter registration shall be stored in an electronic format in the Statewide Elections Management System. The scanned applications shall be a legal document of voter registration and shall be retained in the Statewide Elections Management System.

Sources: Derived from 1972 Code § 23-5-25 [Codes, 1892, § 3607; Laws, 1906, § 4113; Hemingway's 1917, § 6747; Laws, 1930, § 6182; Laws, 1942, § 3210; Laws, 1952, ch. 398, § 1; Laws, 1955, Ex Sess, ch. 102, § 5; Laws, 1962, ch. 569, § 3; Laws, 1965, Ex Sess, ch. 12, § 1; Laws, 1984, ch. 457, § 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 30; Laws, 1997, ch. 421, § 3, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-114. Repealed.

Sources: Laws, 1991, ch. 440, § 2, eff from and after May 1, 1992 (the date the United States Attorney General interposed no objection to this amendment).

§ 23-15-115. Transfer of voter registration necessitated by change in boundaries of legislative districts.

When a transfer of a voter registration is necessitated by any change in the boundaries of legislative districts, supervisors districts, voting precincts, or other similar boundaries, such information necessary to bring about such transfer may be secured by mail or otherwise. Necessary forms for the purposes of securing necessary information shall be prepared by the registrar.

Sources: Derived from 1972 Code § 23-5-32 [Laws, 1978, ch. 393, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 31, eff from and after January 1, 1987.

§ 23-15-117. Penalty for false entry, and for unauthorized erasure or alteration.

Any false entry on any registration book, or pollbook, made knowingly, and any unauthorized erasure or alteration therein, shall be punished as provided for the alteration of any other public record.

Sources: Derived from 1972 Code § 23-5-45 [Codes, 1880, § 114; 1892, § 3617; Laws, 1906, § 4124; Hemingway's 1917, § 6758; Laws, 1930, § 6191; Laws, 1942, § 3219; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 32, eff from and after January 1, 1987.

§ 23-15-119. New registration books or pollbooks.

When the registration books shall be filled, the board of supervisors of the county shall procure others, to be kept and used as herein directed, or they may cause the books in use at any time to be enlarged so as to contain the names of all persons who may be registered; and the board of supervisors shall cause new pollbooks to be made from time to time as may be necessary or proper; and in case of the destruction or mutilation of the registration books or pollbooks, so as to make it proper to have the names of the electors on the old books transcribed into new ones, the board shall cause it to be done, and the new books so made shall have the same effect as the old ones.

Sources: Derived from 1972 Code § 23-5-47 [Codes, 1880, § 115; 1892, § 3618; Laws, 1906, § 4125; Hemingway's 1917, § 6759; Laws, 1930, § 6192; Laws, 1942, § 3220; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 33, eff from and after January 1, 1987.

§ 23-15-121. Loss or destruction of registration books.

Should the registration books or electronic voting record of any county be lost or destroyed, the board of supervisors may adjudge the fact, and direct a new registration of the voters to be made; and the registrar, being so directed, shall make a new registration, as herein provided, of the qualified electors of his county on new books to be provided by the board.

Sources: Derived from 1972 Code § 23-5-49 [Codes, 1892, § 3619; Laws, 1906, § 4126; Hemingway's 1917, § 6760; Laws, 1930, § 6193; Laws, 1942, § 3221; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 34, eff from and after June 5, 2006.

§ 23-15-123. Confusion of registration books.

If at any time the registration books of the county be or become in such confusion that a new registration is necessary to determine correctly the names of the qualified electors and the voting precinct of each, the board of supervisors shall order a new registration of voters to be made in like manner as provided for in Section 23-15-121.

Sources: Derived from 1972 Code § 23-5-51 [Codes, 1892, § 3620; Laws, 1906, § 4127; Hemingway's 1917, § 6761; Laws, 1930, § 6194; Laws, 1942, § 3222; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 35, eff from and after June 5, 2006.

§ 23-15-125. Form of pollbooks.

The pollbook of each voting precinct shall designate the voting precinct for which it is to be used, and shall be ruled in appropriate columns, with printed or written headings, as follows: Date of registration; voter registration number; name of electors; date of birth; and a number of blank columns for the dates of elections. All who register within thirty (30) days before any regular election shall be entered on the pollbooks immediately after such election, and not before, so that the pollbooks will show only the names of those qualified to vote at such election. When election commissioners determine that any elector is disqualified from voting, by reason of removal from the supervisor's district, or other cause, that fact shall be noted on the registration book and his name shall be erased from the pollbook. Nothing in this section shall preclude the use of electronic pollbooks.

Sources: Derived from 1972 Code § 23-5-73 [Codes, 1892, § 3608; Laws, 1906, § 4114; Hemingway's 1917, § 6748; Laws, 1930, § 6204; Laws, 1942, § 3232; Laws, 1962, ch. 574; Laws, 1977, 2d Ex Sess, ch. 24, § 3; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 36, eff from and after June 5, 2006.

§ 23-15-127. Preparation, use and revision of primary election pollbooks.

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

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

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

Sources: Derived from 1942 Code § 3112 [Laws, 1934, ch. 308; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 37, eff from and after June 5, 2006.

§ 23-15-129. Subprecinct pollbooks.

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

Sources: Derived from 1972 Code § 23-5-74 [Laws, 1977, 2d Ex Sess, ch. 24, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 38, eff from and after June 5, 2006.

§ 23-15-131. Repealed.

Sources: Derived from 1972 Code § 23-5-75 [Codes, 1892, § 3621; Laws, 1906, § 4128; Hemingway's 1917, § 6762; Laws, 1930, § 6205; Laws, 1942, § 3233; Laws, 1977 2d Ex Sess, ch. 24, § 4; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 39, eff from and after June 5, 2006. .

§ 23-15-133. Procedure for forming subprecincts and making subprecinct pollbooks.

The procedure to be used by the commissioners of election and the registrars to form subprecincts and to make subprecinct pollbooks shall be as follows, and in the following order:

- (a) Identify those subprecinct areas in each voting precinct, if any, where all persons within such subprecincts shall vote on the same candidates for each public office;
- (b) The portion of each voting precinct with the largest population shall retain the original voting precinct designation and those portions of each voting precinct with smaller populations shall be called subprecincts and identified by the original voting precinct designation with the suffixes "a", "b", "c", et cetera, for as many subprecincts as are formed for any given precinct;
- (c) The qualified electors residing in each subprecinct shall be identified; and
- (d) The names of the qualified electors so identified whose names appear on the original voting precinct pollbook shall be transferred to and placed upon the appropriate subprecinct pollbook, and a notation of such transfer shall be made opposite such names in the original voting precinct pollbook. Such electors so identified shall be notified by regular mail that they reside in a newly formed subprecinct; however, failure to give such notice shall not invalidate an otherwise valid election.

Sources: Derived from 1972 Code § 23-5-76 [Laws, 1977, 2d Ex Sess, ch. 24, § 2; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 40, eff from and after January 1, 1987.

§ 23-15-135. Registrar to keep registration book and pollbooks.

The registration books of the several voting precincts of each county and the pollbooks heretofore in use shall be delivered to the registrar of the county, and they, together with the registration books and pollbooks hereafter made, shall be records of his office, and he shall carefully preserve the same as such; and after each election the pollbooks shall be speedily returned to the office of the registrar.

Sources: Derived from 1972 Code § 23-5-77 [Codes, 1892, § 3610; Laws, 1906, § 4116; Hemingway's 1917, § 6750; Laws, 1930, § 6206; Laws, 1942, § 3234; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 41, eff from and after January 1, 1987.

§ 23-15-137. Municipality authorized to contract with county election commissioners to revise registration books and pollbooks; compensation. [Repealed effective January 1, 2006]

(1) If the governing authorities of a municipality determine that revision of the registration books and pollbooks can be performed more effectively and efficiently utilizing the authority granted in this section, then such governing authorities may contract with the commissioners of election of the county or counties in which the municipality is located to provide the municipal registrar of such municipality with registration books and pollbooks containing only the duly qualified electors of such municipality. The registration books and pollbooks provided pursuant to this section may be used to conduct any municipal election in such municipality. By adopting the registration books and pollbooks so provided, the municipal commissioners of election shall be deemed to have met any requirements to revise such books which are imposed upon such commissioners by Mississippi law.

(2) In addition to any meeting otherwise authorized by law, the county commissioners of election may meet to prepare the registration and pollbooks of each municipality pursuant to a contract authorized pursuant to subsection (1) of this section. Each municipality shall compensate the county commissioners of election for the actual cost of preparing such registration books and pollbooks for the municipality and shall pay each county commissioner of election the per diem provided for in Section 23-15-153(2) for each day or period of not less than five (5) hours

accumulated over two (2) or more days such commissioners are actually employed in preparing such registration books and pollbooks for such municipality, not to exceed five (5) days. The county commissioners of election shall not receive any compensation for the preparation of registration books and pollbooks pursuant to subsection (1) other than that provided for in this subsection.

Sources: Laws, 1994, ch. 590, § 1; Laws, 2004, ch. 305, § 11. eff June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-139. Repealed

Repealed by Laws, 2002, ch 588, § 4, eff from and after the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the repeal of this section.

§ 23-15-140. Repealed

Repealed by Laws, 2002, ch 588, § 4, eff from and after the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the repeal of this section.

SUBARTICLE F. PURGING

§ 23-15-151. Roll of persons convicted of certain crimes to be kept by circuit clerk; comparison with registration book.

The circuit clerk of each county is authorized and directed to prepare and keep in his office a full and complete list, in alphabetical order, of persons convicted of any crime listed in Section 241, Mississippi Constitution of 1890. Said clerk shall enter the names of all persons who have been or shall be hereafter convicted of any crime listed in Section 241, Mississippi Constitution of 1890, in a book prepared and kept for that purpose. The board of supervisors of each county shall, as early as practicable, furnish the circuit clerk of their county with a suitable book for the enrollment of said names showing the name, date of birth, address, court, crime and date of conviction. Said roll, when so prepared, shall be compared with the registration book before each election commissioner of the county. A certified copy of any enrollment by one clerk to another will be sufficient authority for the enrollment of such name, or names, in another county.

Sources: Derived from 1972 Code § 23-5-37 [Codes, 1906, §§ 879, 4121; Hemingway's 1917, §§ 4037, 6755; Laws, 1930, §§ 4079, 6187; Laws, 1942, §§ 3215, 7920; Laws, 1898, ch. 62; Laws, 1908, ch. 109; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 42; Laws, 1987, ch. 499, § 1, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the amendment).

§ 23-15-153. Revision of registration books and pollbooks by commissioners; amount and limitations of per diem payments to commissioners; provision of copies of registration books to municipal registrars; certification of hours worked; number of days in calendar year for which commissioners entitled to receive compensation.

[Until January 1, 2006, this section shall read as follows:]

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

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

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

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

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

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

(2) Except as provided in subsection (3) of this section, and subject to the following annual limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Seventy Dollars (\$70.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks as required in subsection (1) of this section:

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

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

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

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

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

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

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

(h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal

decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

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

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

(5) The county registrar shall provide copies of the registration books revised pursuant to this section to the municipal registrar of each municipality located within the county.

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

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER									
PER DIEM CLAIM FORM									
NAME:					COUNTY:				
ADDRESS:					DISTRICT:				
CITY:			ZIP:						
PURPOSE APPLICABLE ACTUAL PER DIEM									
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS			
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED			
<hr/>									
<hr/>									
<hr/>									
TOTAL NUMBER OF PER DIEM DAYS EARNED									
PER DIEM RATE PER DAY EARNED x 70.00									
TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____									
I understand that I am signing this document under my oath as a commissioner of elections and under penalties of perjury.									
I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.									
Signed this the _____ day of _____, _____.									
<hr/>									

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

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

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

(7) Notwithstanding the provisions of this section to the contrary, from June 20, 2001, until the conclusion of calendar year 2004, the number of days for which the commissioners of election of a county are entitled to receive compensation shall not be less than the number of days of compensation they were entitled to receive during the 2000 calendar year, excluding those days for which election commissioners were either entitled to or did receive compensation for the conduct of any special elections in calendar year 2000.

[From and after January 1, 2006, this section shall read as follows:

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

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

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

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

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

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

(2) Except as provided in subsection (3) of this section, and subject to the following annual limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Seventy Dollars (\$70.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or

more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks as required in subsection (1) of this section:

- (a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than fifty (50) days per year, with no more than fifteen (15) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but less than thirty thousand (30,000) residents according to the latest federal decennial census, not more than seventy-five (75) days per year, with no more than twenty-five (25) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than one hundred (100) days per year, with no more than thirty-five (35) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (d) In counties having seventy thousand (70,000) residents according to the latest federal decennial census but less than ninety thousand (90,000) residents according to the latest federal decennial census, not more than one hundred twenty-five (125) days per year, with no more than forty-five (45) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents according to the latest federal decennial census, not more than one hundred fifty (150) days per year, with no more than fifty-five (55) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (f) In counties having one hundred seventy thousand (170,000) residents according to the latest federal decennial census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than one hundred seventy-five (175) days per year, with no more than sixty-five (65) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
- (j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.

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

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

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

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

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER									
PER DIEM CLAIM FORM									
NAME:					COUNTY:				
ADDRESS:					DISTRICT:				
CITY:			ZIP:						
		PURPOSE		APPLICABLE		ACTUAL PER DIEM			
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS			
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED			
<hr/>									
<hr/>									
<hr/>									
TOTAL NUMBER OF PER DIEM DAYS EARNED									
PER DIEM RATE PER DAY EARNED x 70.00									
TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____									
<p>I understand that I am signing this document under my oath as a commissioner of elections and under penalties of perjury.</p> <p>I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.</p> <p>Signed this the _____ day of _____, _____.</p> <p>_____</p> <p>Commissioner's Signature</p>									

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

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

Signed this the _____ day of _____, _____.

Commissioner's Signature

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

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

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

Sources: Derived from 1972 Code § 23-5-79 [Codes, 1880, § 124; 1892, § 3635; Laws, 1906, § 4142; Hemingway's 1917, § 6776; Laws, 1930, § 6211; Laws, 1942, § 3239; Laws, 1968, ch. 570, § 1; Laws, 1970, ch. 506, § 24; Laws, 1979, ch. 487, § 1; Laws, 1983, ch. 423, §§ 1, 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 43; Laws, 1987, ch. 499, § 15; Laws, 1988, ch. 389, § 1; Laws, 1993, ch. 510, § 1; Laws, 1994, ch. 590, § 2; Laws, 2000, ch. 430, § 4; Laws, 2001, ch. 414, § 1; Laws, 2002, ch. 444, § 1; Laws, 2004, ch. 305, § 12, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-155 and 23-15-157. Repealed

Repealed by Laws, 1987, ch. 499, § 19, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the repeal of this section).

§ 23-15-159. Repealed.

Repealed by Laws, 2000, ch. 430, § 7, effective from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the repeal of this section).

§ 23-15-160. Names of voters whose registration cancelled under former Section 23-15-159 to be returned to registration books and pollbooks.

The names of all electors whose registration has been cancelled pursuant to the provisions of Section 23-15-159 prior to August 11, 2000, shall be returned to the registration books and pollbooks and shall be treated in the same manner as electors who have changed their place of residence.

Sources: Laws, 2000, ch. 430, § 5, eff from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the enactment of this section).

§ 23-15-161. Attendance and assistance of registrar at meeting of commissioners.

The registrar shall attend the meetings of the commissioners, and shall furnish them the registration books and the pollbooks, and shall render them all needed assistance of which he is capable in the performance of their duties in revising the list of qualified electors.

Sources: Derived from 1972 Code § 23-5-83 [Codes, 1880, § 125; 1892, § 3636; Laws, 1906, § 4143; Hemingway's 1917, § 6777; Laws, 1930, § 6212; Laws, 1942, § 3241; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 47, eff from and after January 1, 1987.

SUBARTICLE G. STATEWIDE CENTRALIZED VOTER SYSTEM

§ 23-15-163. Purpose of subarticle.

The purposes of this subarticle are:

- (a) To establish a centralized statewide qualified voter file that consists of all qualified electors who are registered to vote;
- (b) To enhance the uniformity of the administration of elections by creating and maintaining a centralized statewide file of qualified voters;
- (c) To increase the efficiency and decrease the cost of maintaining voter registration records and implementing the National Voter Registration Act of 1993;
- (d) To increase the integrity of the voting process by compiling a single centralized qualified voter file from county voter roll data that will permit the name of each citizen of this state to appear only once;
- (e) To apply technology and information gathered by principal executive departments of state government, state agencies and local voter registrars in a manner that ensures that accurate and current records of qualified voters are maintained and to secure cooperation among all state and county entities to develop systems and processes that are interfaced with the Centralized Statewide Voter System; and
- (f) To enable the state to receive federal funds which may be available to carry out provisions of this subarticle.

Sources: Laws, 2002, ch. 588, § 1, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section).

§ 23-15-165. Implementation of centralized database of registered voters; functions; format; advisory committee.

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

(4) The Secretary of State may, with the assistance of the advisory committee, adopt rules and regulations necessary to administer the Statewide Centralized Voter System. Such rules and regulations shall at least:

- (a) Provide for the establishment and maintenance of a centralized database for all voter registration information in the state;
- (b) Provide procedures for integrating data into the centralized database;
- (c) Provide security to insure that only the registrar, or his designee or other appropriate official, as the law may require, can add information to, delete information from and modify information in the system;
- (d) Provide the registrar or his designee or other appropriate official, as the law may require, access to the system at all times, including the ability to download copies of the industry standard file, for all purposes related to their official duties, including, but not limited to, exclusive access for the purpose of printing of all local pollbooks;
- (e) Provide security and protection of all information in the system and monitor the system to ensure that unauthorized access is not allowed;
- (f) Provide a procedure that will allow the registrar, or his designee or other appropriate official, as the law may require, to identify the precinct and subprecinct to which a voter should be assigned; and
- (g) Provide a procedure for phasing in or converting existing manual and computerized voter registration systems in counties to the Statewide Elections Management System.

(5) The Secretary of State shall establish an advisory committee to assist in developing system specifications, procurement, implementation and maintenance of the Statewide Elections Management System. The committee shall include two (2) representatives from the Circuit Clerks Association, appointed by the association; two (2) representatives from the Election Commissioners Association of Mississippi, appointed by the association; one (1) member of the Mississippi Association of Supervisors, or its staff, appointed by the association; the Director of the

Stennis Institute of Government at Mississippi State University, or his designee; the Executive Director of the Department of Information Technology Services, or his designee; two (2) persons knowledgeable about elections and information technology appointed by the Secretary of State; and the Secretary of State, who shall serve as the chairman of the advisory committee.

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

(b) Copies of statewide, district, county or municipal voter registration files, excluding social security numbers, telephone numbers and date of birth and age information, shall be provided to any person in accordance with the Mississippi Public Records Act of 1983 at a cost not to exceed the actual cost of production.

Sources: Laws, 2002, ch. 588, § 2, eff June5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-167. Expenditures for purchase of computer hardware or software.

No state funds shall be used for the purchase of computer hardware or software needed to carry out the provisions of this subarticle unless state funds are made available through legislative appropriation. County funds shall not be required to be expended because of this subarticle.

Sources: Laws, 2002, ch. 588, § 3, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

SUBARTICLE H

COMPLIANCE WITH HELP AMERICA VOTE ACT 2002

§23-15-169. Secretary of State to establish administrative complaint procedure for handling grievances

The Secretary of State shall, by rule and regulation, establish an administrative complaint procedure for handling grievances in accordance with the Help America Vote Act of 2002.

Sources: Laws, 2004, ch. 305, § 2, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.1. Secretary of State and Commissioner of Public Safety to enter agreement granting access to driver's license and identification cardholder databases for purpose of matching information in Statewide Centralized Voter Database

The Secretary of State and the Commissioner of Public Safety shall enter into an agreement to grant the Secretary of State's Office "read only" access to the driver's license database and identification cardholder database for the purpose of matching information in the database of the Statewide Centralized Voter System created in Section 23-15-163 et seq. to the extent required to enable the Secretary of State to verify the accuracy of information provided on applications for voter registration in compliance with the Help America Vote Act of 2002.

Sources: Laws, 2004, ch. 305, § 3, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.2. Commissioner of Public Safety to enter agreement with Commissioner of Social Security to verify accuracy of information provided with respect to applications for voter registration

The Commissioner of Public Safety shall enter into an agreement with the Commissioner of Social Security under Section 205 (r) (8) of the Social Security Act in accordance with the Help America Vote Act of 2002 to verify the accuracy of applicable information provided by the Commissioner of Public Safety with respect to applications for voter registration.

Sources: Laws, 2004, ch. 305, § 4, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.3. Secretary of State authorized to accept and expend federal funds under Help America Vote Act of 2002; eligibility for federal funds of counties purchasing voting systems that comply with Act

(1) The Secretary of State shall have the authority to accept federal funds authorized under the Help America Vote Act of 2002 and to meet all the requirements of the Help America Vote Act of 2002 in order to expend the funds.

(2) Counties that purchase voting systems that comply with the requirements of the Help America Vote Act of 2002 shall be eligible for federal funds accepted by the Secretary of State for Help America Vote Act of 2002 compliance efforts. The only restriction that the Secretary of State may place on the expenditure of federal funds for the purchase of voting systems is that the systems comply with the criteria established in the Help America Vote Act of 2002 for voting systems.

Sources: Laws, 2004, ch. 305, § 5, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.4. Information to be provided to absent uniformed services voters and overseas voters regarding voter registration and absentee ballot procedures.

The Secretary of State shall be responsible for providing to all absent uniformed services voters and overseas voters who wish to vote or register to vote in this state information required by the Help America Vote Act of 2002 regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections, including procedures relating to the use of the federal write-in absentee ballot.

Sources: Laws, 2004, ch. 305, § 6, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.5. Rules and regulations to be promulgated by the Secretary of State

The Secretary of State shall promulgate rules and regulations necessary to effectuate the provisions of the Help America Vote Act of 2002 in this state.

Sources: Laws, 2004, ch. 305, § 7, July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-169.6. Task force to study voting systems complying with Help America Vote Act of 2002; report of findings and recommendations; composition of task force; appointments; meetings; quorum requirements; compensation; staff

(1) There is created a task force to study voting systems that comply with the Help America Vote Act of 2002 and their suitability for use in elections in Mississippi. The task force shall make a report of its findings and recommendations to the Legislature before or by September 15, 2005, including any recommended legislation.

(2) The task force shall be composed of the following members:

(a) The Secretary of State, or his designee;

- (b) The Chairman of the Elections Committee of the Senate;
 - (c) The Chairman of the Apportionment and Elections Committee of the House of Representatives;
 - (d) A circuit clerk appointed by the President of the Mississippi Association of Circuit Clerks;
 - (e) A member of the general public who is not an elected official or state employee, appointed by the Governor;
 - (f) A member of the general public who is not an elected official or state employee, appointed by the Lieutenant Governor; and
 - (g) A member of the general public who is not an elected official or state employee, appointed by the Speaker of the House of Representatives.
- (3) Appointments shall be made within thirty (30) days after July 12, 2004, and, within fifteen (15) days thereafter on a day to be designated jointly by the Speaker of the House and the Lieutenant Governor, the task force shall meet and organize by selecting from its membership a chairman and a vice chairman. The vice chairman shall also serve as secretary and shall be responsible for keeping all records of the task force. A majority of the members of the task force shall constitute a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the task force shall be required. All members shall be notified in writing of all meetings, such notices to be mailed at least fifteen (15) days before the date on which a meeting is to be held.
- (4) The task force shall study voting systems that comply with the Help America Vote Act of 2002 and make recommendations regarding the types of voting systems that are suitable for use in Mississippi.
- (5) Members of the task force who are not legislators, state officials or state employees shall be compensated at the per diem rate authorized by Section 25-3-69 and shall be reimbursed in accordance with Section 25-3-41 for mileage and actual expenses incurred in the performance of their duties. Legislative members of the task force shall be paid from the contingent expense funds of their respective houses in the same manner as provided for committee meetings when the Legislature is not in session. However, no per diem or expense for attending meetings of the task force will be paid to legislative members of the task force while the Legislature is in session. No task force member may incur per diem, travel or other expenses unless previously authorized by vote, at a meeting of the task force, which action shall be recorded in the official minutes of the meeting. Nonlegislative members shall be paid from any funds made available to the task force for that purpose.
- (6) The task force shall use clerical and legal staff already employed by the Legislature and any other staff assistance made available to it. To effectuate the purposes of this section, any department, division, board, bureau, commission or agency of the state or of any political subdivision thereof shall, at the request of the chairman of the task force, provide to the task force such facilities, assistance and data as will enable the task force to properly carry out its task.

SOURCES: Laws, 2005, ch. 534, § 18, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 5.
TIMES OF PRIMARY AND GENERAL ELECTIONS

SUBARTICLE A.
MUNICIPAL ELECTIONS

§ 23-15-171. Primary elections.

(1) 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, such second primary shall be held on the third Tuesday in May preceding such general municipal election. At such 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 such 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 such primary, and the returns of such election shall be made to such municipal executive committee. Vacancies in the executive committee shall be filled by it.

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

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

Sources: Derived from 1972 Code § 23-1-63 [Codes, 1906, § 3726; Hemingway's 1917, § 6417; Laws, 1930, § 5905; Laws, 1942, § 3152; Laws, 1910, ch. 209; Laws, 1950, ch. 499; Laws, 1952, ch. 379; Laws, 1970, ch. 506, § 18; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 48, eff from and after January 1, 1987.

§ 23-15-173. General elections.

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

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

Sources: Derived from 1972 Code § 21-11-7 [Codes, 1930, § 2597; Laws, 1942, § 3374-62; Laws, 1922, ch. 219; Laws, 1928, ch. 184; Laws, 1932, ch. 226; Laws, 1936, ch. 281; Laws, 1950, ch. 491 § 62; Laws, 1976, ch. 485, § 11; repealed by Laws, 1986, ch. 495, § 49, eff from and after January 1, 1987.

SUBARTICLE B.
OTHER ELECTIONS

§ 23-15-191. Primary elections.

The first primary shall be held on the first Tuesday after the first Monday of August preceding any regular or general election; and the second primary shall be held three (3) weeks thereafter. Any candidate who receives the

highest popular vote cast for the office which he seeks in the first primary shall thereby become the nominee of the party for such office; provided also it be a majority of all the votes cast for that office. If no candidate receive such majority of popular votes in the first primary, then the two (2) candidates who receive the highest popular vote for such office shall have their names submitted as such candidates to a second primary, and the candidate who leads in such second primary shall be nominated to the office. When there is a tie in the first primary of those receiving next highest vote, these two (2) and the one (1) receiving the highest vote, none having received a majority, shall go into the second primary, and whoever leads in such second primary shall be entitled to the nomination.

Sources: Derived from 1942 Code § 3109 [Codes, 1906, § 3700; Hemingway's 1917, § 6391; Laws, 1930, § 5868; Laws, 1914, ch. 149; Laws, 1982, ch. 477, § 1; repealed, Laws, 1970, ch. 506, § 33; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 50; Laws, 1989, ch. 506, § 1, eff from and after June 28, 1989 (the date on which the United States Attorney General interposed no objections to the amendment).

§ 23-15-193. Officers to be elected at general state election.

At the election in 1995, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

Sources: Derived from 1972 Code § 23-5-93 [Codes, Hutchinson's 1848, ch. 7, art. 5 (1); 1857, ch. 4, art. 1; 1871, § 357; 1880, § 118; 1892, § 3633; Laws, 1906, § 4140; Hemingway's 1917, § 6774; Laws, 1930, § 6210; Laws, 1942, § 3238; Laws, 1970, ch. 506, § 23; Laws, 1978, ch. 458, § 16; Laws, 1982, Ex Sess, ch. 17, § 19; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 51; Laws, 1992, ch. 496, § 12, eff from and after July 1, 1992.

§ 23-15-195. Elections to be by ballot in one day.

All elections by the people shall be by ballot, and shall be concluded in one (1) day.

Sources: Derived from 1972 Code § 23-5-89 [Codes, Hutchinson's 1848, ch. 7, art 5 (1); 1857, ch. 4, art 1; 1871, § 356; 1880, § 117; 1892, § 3632; Laws, 1906, § 4139; Hemingway's 1917, § 6773; Laws, 1930, § 6209; Laws, 1942, § 3237; Laws, 1970, ch. 506, § 22; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 52, eff from and after January 1, 1987.

§ 23-15-197. Times for holding elections.

(1) Times for holding primary and general elections for congressional offices shall be as prescribed in Sections 23-15-1031, 23-15-1033, and 23-15-1041.

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

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

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

Sources: Laws, 1986, ch. 495, § 53; Laws, 1994, ch 564, § 88, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section).

ARTICLE 7.

ELECTION OFFICIALS

§ 23-15-211. Board of election commissioners and registrar; elections training seminar; certification of seminar participants; compensation of commissioners attending seminar; comprehensive poll worker training program

(1) There shall be 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; 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 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 therein.

(2) The board of supervisors of each county shall pay members of the county election commissioners for attending training events a per diem in the amount provided in Section 23-15-153 however, such per diem shall not be paid to an election commissioner for more than six (6) 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 six (6) 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.

(5) 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.

SOURCES: Derived from 1972 Code § 23-5-1 [Codes, 1871, §§ 340 et seq.; 1880, § 121; 1892, § 3601; Laws, 1906, § 4107; Hemingway's 1917, § 6741; Laws, 1930, § 6176; Laws, 1942, § 3204; Laws, 1964, 1st Ex Sess ch. 30; Laws, 1968 ch. 568, § 1; Laws, 1970, ch. 509, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 54; Laws, 1990, ch. 325, § 1; Laws, 2004, ch. 305, § 13, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-211.1. Secretary of State designated Mississippi's chief election officer.

For purposes of the National Voter Registration Act of 1993, the Secretary of State is designated as Mississippi's chief election officer.

Sources: Laws, 2000, ch. 430, § 6, eff from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the enactment of this section).

§ 23-15-212. Committee to study how election officials can be better trained in conduct of elections.

The Secretary of State, the Attorney General, two (2) circuit clerks appointed by the Mississippi Circuit Clerks' Association, two (2) election commissioners appointed by the Election Commissioners' Association of Mississippi, one (1) representative appointed by the State Democratic Executive Committee, one (1) representative appointed by the State Republican Executive Committee and the Mississippi Judicial College shall conduct a study to determine how registrars, commissioners of election, executive committee members and poll workers can be better trained in the conduct of elections. A report of the findings of the Attorney General, the Secretary of State and the Mississippi Judicial College, along with any recommendations for legislation, shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives no later than December 15, 1993.

Sources: Laws, 1993, ch. 528, § 1, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-213. Election of county commissioners.

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

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

Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not less than sixty (60) days before the election and unless such petition is filed within said time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

The petition shall have attached thereto a certificate of the registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the same shall contain the required number of signatures and be filed within the time required, the president of the board shall verify that such candidate is a resident of the supervisors district in which he seeks election and that such candidate is otherwise qualified as provided by law, and shall certify the same to the chairman or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected unless and until he has received a majority of the votes cast for the position or post for which he is a candidate. If such majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held two (2) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

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

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

Sources: Derived from 1972 Code §§ 23-5-3 [Codes, 1871, §§ 340 et seq.; 1880, § 121; 1892, § 3602; Laws, 1906, § 4108; Hemingway's 1917, § 6742; Laws, 1930, § 6177; Laws, 1942, § 3205; Laws, 1968, ch. 568, § 2; Laws, 1978, ch. 431, § 1; Laws, 1979, ch. 359, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 55; Laws, 2000, ch. 592, § 2, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-215. Performance by board of supervisors of commissioners' duties.

If there shall not be commissioners of election in any county, or if they fail to act, the duties prescribed for them shall be performed by the board of supervisors. In such case, the president of the board is charged with the duty of having the official ballot printed and distributed; and the managers of election shall make returns to the board, which shall canvass the returns, give certificates of election, and make report to the Secretary of State, in like manner as the commissioners of election are required to do.

Sources: Derived from 1972 Code §§ 23-5-177 [Codes, 1880, § 132, 1892, § 3642; Laws, 1906, § 4149; Hemingway's 1917, § 6783; Laws, 1930, § 6254; Laws, 1942, § 3283; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 56, eff from and after January 1, 1987.

§ 23-15-217. County election commissioner authorized to be candidate for other office; resignation from office; duties and powers of board of supervisors where election of county election commissioner is contested.

(1) A commissioner of election of any county may be a candidate for any other office at any election held or to be held during the four-year term for which he has been elected to the office of commissioner of election or with reference to which he has acted as such; provided that he has resigned from the office of election commissioner before January 1 of the year in which he desires to seek the office. However, a commissioner of election of any county may be a candidate in a special election to fill a vacancy in any other office, provided he resigns as election commissioner within ten (10) days after the issuance of the notice of a special election by the appropriate authorities.

(2) In any case involving the election of a county election commissioner wherein there is a contest of any nature including, but not limited to, the right of any person to vote or the counting of any challenge ballot, all the duties and powers of the commission in connection with said contest shall be performed by the board of supervisors, as is contemplated by Section 23-15-215 in cases where there are no commissioners of election in the county.

Sources: Derived from 1972 Code §§ 23-5-95 [Codes, 1871, § 342; 1880, § 122; 1892, § 3634; Laws, 1906, § 4141; Hemingway's 1917, § 6775; Laws, 1930, § 6213; Laws, 1942, § 3242; Laws, 1968, ch. 568, § 3; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 57; Laws, 1989, ch. 483, § 1; Laws, 1991, ch. 613, § 1; Laws, 2003, ch. 447, § 1, eff from June 9, 2003 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-219. Employment by board of election commissioners of investigators, legal counsel and others.

(1) The board of election commissioners is hereby authorized and empowered to employ and set or determine the duties of and determine the compensation of such investigators, legal counsel, secretaries, technical advisors and any other employees or persons who or which said board or a majority thereof may deem necessary to enable them to discharge the duties and obligations presently or hereafter vested in them. However, before employing such persons or setting or determining said compensation, the election commissioners must first have the approval of the board of supervisors of the county.

(2) The board of supervisors of the county is authorized and empowered to pay out of the general fund of the county the salaries and necessary traveling and subsistence expenses of said employees of said board of commissioners in such amounts as may be mutually agreed upon by the said board of supervisors and said board of election commissioners, but which shall be computed on the same basis allowed to state employees when traveling on state business. All expense accounts of said employees of said board of election commissioners shall be approved by said board of election commissioners and said board of supervisors or, in the discretion of each of said boards, by one (1) of the members of each of said boards duly authorized by the respective boards to approve or disapprove said subsistence, traveling and mileage expense accounts.

(3) Nothing in this section shall be construed to prohibit a person who holds the office of commissioner of election from being employed and receiving compensation pursuant to this section. Any compensation which such a person may receive from his employment pursuant to this section shall be in addition to any compensation such person may receive in performing his duties as a commissioner of election.

Sources: Derived from 1972 Code § 23-5-97 [Codes, 1942, § 3242.5; Laws, 1966, Ex Sess, ch. 33, §§ 1, 2; Laws, 1983, ch. 363; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 58, eff from and after January 1, 1987.

§ 23-15-221. Appointment and duties of municipal election commissioners.

The governing authorities of municipalities having a population of less than twenty thousand (20,000) inhabitants according to the last federal decennial census shall appoint three (3) election commissioners; the governing authorities of municipalities having a population of twenty thousand (20,000) inhabitants or more and less than one hundred thousand (100,000) inhabitants according to the last federal decennial census shall appoint five (5) election commissioners; and the governing authorities of municipalities having a population of one hundred thousand (100,000) or more according to the last federal decennial census shall appoint seven (7) election commissioners, one (1) of whom, in each municipality, shall be designated to have printed and distributed the "official ballots," and all

of whom shall perform all the duties in respect to the municipal election prescribed by law to be performed by the county election commissioners where not otherwise provided. The said election commissioners shall, in case there be but one (1) election precinct in the municipality, act as election managers themselves.

Sources: Derived from 1972 Code § 23-11-13 [Codes, 1942, § 3203-105; Laws, 1972, ch. 490, § 105; Repealed by Laws, 1986, ch. 490, § 345]; En, Laws, 1986, ch. 495, § 59, eff from and after January 1, 1987.

§ 23-15-223. Appointment of county registrars and deputy registrars; liability of registrar for malfeasance or nonfeasance of deputy registrar.

The State Board of Election Commissioners, on or before the fifteenth day of February succeeding each general election, shall appoint in the several counties registrars of elections, who shall hold office for four (4) years and until their successors shall be duly qualified. The registrar is empowered to appoint deputy registrars, with the consent of the board of election commissioners, who may discharge the duties of the registrar.

The clerk of every municipality shall be appointed as such a deputy registrar.

The county registrar may not be held liable for any malfeasance or nonfeasance in office by any deputy registrar who is a deputy registrar by virtue of his office.

Sources: Derived from 1972 Code § 23-5-7 [Codes, 1892, § 3603; Laws, 1906, § 4109; Hemingway's 1917, § 6743; Laws, 1930, § 6178; Laws, 1942, § 3206; Laws, 1900, ch. 75; Laws, 1984, ch. 460, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 60; Laws, 1988, ch. 350, § 4, eff from and after November 29, 1988 (the date the United States Attorney General interposed no objection to the amendment).

§ 23-15-225. Compensation of registrars.

(1) The registrar shall be entitled to such compensation, payable monthly out of the county treasury, which the board of supervisors of the county shall allow on an annual basis in the following amounts:

(a) For counties with a total population of more than two hundred thousand (200,000), an amount not to exceed Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(b) For counties with a total population of more than one hundred thousand (100,000) and not more than two hundred thousand (200,000), an amount not to exceed Twenty-five Thousand Three Hundred Dollars (\$25,300.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(c) For counties with a total population of more than fifty thousand (50,000) and not more than one hundred thousand (100,000), an amount not to exceed Twenty-three Thousand Dollars (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(d) For counties with a total population of more than thirty-five thousand (35,000) and not more than fifty thousand (50,000), an amount not to exceed Twenty Thousand Seven Hundred Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(e) For counties with a total population of more than twenty-five thousand (25,000) and not more than thirty-five thousand (35,000), an amount not to exceed Eighteen Thousand Four Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(f) For counties with a total population of more than fifteen thousand (15,000) and not more than twenty-five thousand (25,000), an amount not to exceed Sixteen Thousand One Hundred Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred Dollars (\$9,200.00).

(g) For counties with a total population of more than ten thousand (10,000) and not more than fifteen thousand (15,000), an amount not to exceed Thirteen Thousand Eight Hundred Dollars (\$13,800.00), but not less than Eight Thousand Fifty Dollars (\$8,050.00).

(h) For counties with a total population of more than six thousand (6,000) and not more than ten thousand (10,000), an amount not to exceed Eleven Thousand Five Hundred Dollars (\$11,500.00), but not less than Eight Thousand Fifty Dollars (\$8,050.00).

(i) For counties with a total population of not more than six thousand (6,000), an amount not to exceed Nine Thousand Two Hundred Dollars (\$9,200.00) but not less than Six Thousand Three Hundred Twenty-five Dollars (\$6,325.00).

(j) For counties having two (2) judicial districts, the board of supervisors of the county may allow, in addition to the sums prescribed herein, in its discretion, an amount not to exceed Eleven Thousand Five Hundred Dollars (\$11,500.00).

(2) In the event of a reregistration within such county, or a redistricting which necessitates the hiring of additional deputy registrars, the board of supervisors may by contract compensate the county registrar amounts in addition to the sums prescribed herein, in its discretion.

(3) As compensation for their services in assisting the county election commissioners in performance of their duties in the revision of the registration books and the pollbooks of the several voting precincts of the several counties and in assisting the election commissioners, executive committees or boards of supervisors in connection with any election, the registrar shall receive the same daily per diem and limitation on meeting days as provided for the board of election commissioners as set out in Section 23-15-153 and Section 23-15-227 to be paid from the general fund of the county.

(4) In any case where an amount has been allowed by the board of supervisors pursuant to this section, such amount shall not be reduced or terminated during the term for which the registrar was elected.

(5) The circuit clerk shall, in addition to any other compensation provided for by law, be entitled to receive as compensation from the board of supervisors the amount of Two Thousand Dollars (\$2,000.00) per year. This payment shall be for the performance of his duties in regard to the conduct of elections and the performance of his other duties.

(6) The municipal clerk shall, in addition to any other compensation for performance of duties, be eligible to receive as compensation from the municipality's governing authorities a reasonable amount of additional compensation for reimbursement of costs and for additional duties associated with mail-in registration of voters.

(7) The board of supervisors shall not allow any additional compensation authorized under this section for services as county registrar to any circuit clerk who is receiving fees as compensation for his services equal to the limitation on compensation prescribed in Section 9-1-43.

Sources: Derived from 1972 Code § 23-5-53 [Codes, 1880, § 116; 1892, § 3622; Laws, 1906, § 4129; Hemingway's 1917, § 6763; Laws, 1930, § 6195; Laws, 1942, § 3223; Laws, 1964, ch. 510, § 1; Laws, 1977, ch. 335; Laws, 1981, ch. 500, § 1; Laws, 1983, ch. 519; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 61; Laws, 1991, ch. 440, § 6; Laws, 1997, ch. 570, § 7, eff October 1, 1997.

§ 23-15-227. Compensation of managers, clerks and other persons generally.

The managers and clerks shall be each entitled to Fifty Dollars (\$50.00) for each election; provided, however, that the board of supervisors may, in its discretion, pay the managers and clerks an additional amount not to exceed Twenty-five Dollars (\$25.00) per election. The manager or other person who shall carry to the place of voting, away from the courthouse, the official ballots, ballot boxes, pollbooks and other necessities, shall be allowed Ten Dollars (\$10.00) for each voting precinct for so doing. The manager or other person who acts as returning officer shall be allowed Ten Dollars (\$10.00) for each voting precinct for that service. The compensation authorized in this section shall be allowed by the board of supervisors, and shall be payable out of the county treasury.

The compensation provided in this section shall constitute payment in full for the services rendered by the persons named for any election, whether there be one (1) election or issue voted upon, or more than one (1) election or issue voted upon at the same time.

Sources: Derived from 1972 Code § 23-5-183 [Codes, 1892, § 3706; Laws, 1906, § 4213; Hemingway's 1917, § 6849; Laws, 1930, § 6257; Laws, 1942, § 3286; Laws, 1932, ch. 298; Laws, 1938, ch. 306; Laws, 1950, ch. 281; Laws, 1960, ch. 452, § 1; Laws, 1966 ch. 614, § 1; Laws, 1970, ch. 511, § 1; Laws, 1973, ch. 401 § 1; Laws, 1975, ch. 497, § 2; Laws, 1979, ch. 487, § 3; Laws, 1983, ch. 510; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 62; Laws, 1987, ch. 499, § 16; Laws, 1988 ch. 402, § 1, eff from and after July 22, 1988 (the date the United States Attorney General interposed no objection to the amendment of this section); Laws, 1995, ch. 446, § 1, eff from and after August 4, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-229. Compensation of municipal clerks, managers and other workers.

The compensation for clerks, managers and other workers in the polling places of a municipality shall be the same as the compensation paid by the county for such services; provided, however, that the governing authorities of a municipality shall not be required to pay any additional compensation authorized by the board of supervisors. The governing authorities of a municipality may, in their discretion, pay clerks and managers in the polling places of the municipality an additional amount of compensation not to exceed Twenty-five Dollars (\$25.00) per election.

Sources: Derived from 1972 Code § 23-5-184 [Laws, 1973, ch. 346, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 63; Laws, 1995, ch. 446, § 2, eff from and after August 4, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-231. Appointment of election managers; designation of bailiff.

Prior to every election, the commissioners of election shall appoint three (3) persons for each voting precinct to be managers of the election, one (1) of whom shall be designated by the commissioners of election as election bailiff. Such managers shall not all be of the same political party if suitable persons of different political parties can be found in the district. If any person appointed shall fail to attend and serve, the managers present, if any, may designate someone to fill his place; and if the commissioners of election fail to make the appointments or in case of the failure of all those appointed to attend and serve, any three (3) qualified electors present when the polls should be opened may act as managers. Provided, however, any person appointed to be manager or act as manager shall be a qualified elector of the county in which the polling place is located.

Sources: Derived from 1972 Code § 23-5-99 [Codes, Hutchinson's 1848, ch. 7, art 5 (4); 1857, ch. 4, art 7; 1871, § 369; 1880, § 133; 1892, § 3643; Laws, 1906, § 4150; Hemingway's 1917, § 6784; Laws, 1930, § 6214; Laws, 1942, § 3243; Laws, 1977 2d Ex Sess, ch. 24, § 5; Laws, 1980, ch. 486, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 64, eff from and after January 1, 1987.

§ 23-15-233. Duties of election managers.

The managers shall take care that the election is conducted fairly and agreeably to law, and they shall be judges of the qualifications of electors, and may examine, on oath, any person duly registered and offering to vote touching his qualifications as an elector, which oath any of the managers may administer.

Sources: Derived from 1972 Code § 23-5-101 [Codes, Hutchinson's 1848, ch. 7, art. 5 (14); 1857, ch. 4, art. 9; 1880, § 134; 1892, § 3644; Laws, 1906, § 4151; Hemingway's 1917, § 6785; Laws, 1930, § 6215; Laws, 1942, § 3244; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 65, eff from and after January 1, 1987.

§ 23-15-235. Appointment of additional managers and clerks.

In addition to the managers appointed pursuant to Section 212-15-231 for the first five hundred (500) registered voters in each voting precinct, the commissioners of election may, in their discretion, appoint not more than three (3) persons to serve as managers or clerks of the election. The commissioners of election may, in their discretion, appoint three (3) additional persons to serve as clerks for each one thousand (1,000) registered voters or fraction

thereof in each voting precinct above the first five hundred (500). Any person appointed as clerk shall be a qualified elector of the county in which the voting precinct is located.

The restrictions provided for in this section regarding the number of additional managers and clerks that may be appointed by commissioners of election shall not apply to elections conducted by paper ballot prior to January 1, 1989. In elections conducted by paper ballot prior to January 1, 1989, the commissioners of election may appoint as many additional managers and clerks as they may consider necessary to conduct the elections.

Sources: Derived from 1972 Code § 23-5-103 [Codes, Hutchinson's 1848, ch. 7, art 5 (4); 1857, ch. 4, art 7; 1871, § 369; 1880, § 135; 1892, § 3645; Laws, 1906, § 4152; Hemingway's 1917, § 6786; Laws, 1930, § 6216; Laws, 1942, § 3245; Laws, 1980, ch. 486, § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 66, eff from and after January 1, 1987.

§ 23-15-237. Oath of office for managers and clerks.

The managers and clerks shall be sworn by some officer present competent to administer oaths, or each may be sworn by one of the others, faithfully to perform their duties at the election according to law, and not to attempt to guide, aid, direct or influence any voter in the exercise of his right to vote, except as expressly allowed by law.

Sources: Derived from 1972 Code § 23-5-103 [Codes, Hutchinson's 1848, ch. 7, art 5 (4); 1857, ch. 4, art 7; 1871, § 369; 1880, § 135; 1892, § 3645; Laws, 1906, § 4152; Hemingway's 1917, § 6786; Laws, 1930, § 6216; Laws, 1942, § 3245; Laws, 1980, ch. 486, § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 67, eff from and after January 1, 1987.

§ 23-15-239. Mandatory training of managers and clerks.

(1) 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; provided, however, that 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.

(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 board of supervisors, in their discretion, may compensate managers who attend such training sessions. The compensation shall be at a rate of not less than the federal hourly minimum wage nor more than Ten Dollars (\$10.00) per hour. Managers shall not be compensated for more than two (2) hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions.

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

Sources: Laws, 1986, ch. 495, § 68; Laws, 1989, ch. 396, § 1; Laws, 1999, ch. 441, § 1; Laws, 2001, ch. 523, § 2, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-240. Appointment of student interns to serve during elections.

(1) The officials in charge of the election in a county or municipality may, in their discretion, appoint not more than two (2) students for each precinct to serve as student interns during elections. To be appointed a student intern a student must:

(a) Be recommended by a principal or other school official, or the person responsible for the student's legitimate home instruction program;

(b) Be at least sixteen (16) years of age at the time of the election for which the appointment is made;

(c) Be a resident of the county or municipality for which the appointment is made;

(d) Be enrolled in a public high school, an accredited private high school or a legitimate home instruction program and be classified as a junior or senior or its equivalent, or be enrolled in a junior college or a college or university; and

(e) Meet any additional qualifications considered necessary by the officials in charge of the election in the county or municipality.

(2) (a) The duties of the student interns appointed pursuant to this section shall be determined by the officials in charge of the election in the county or municipality; however, such duties shall not include;

(i) Determining the qualifications of a voter in case a voter is challenged;

(ii) The discharge of any duties related to affidavit ballots;

(iii) The operation and maintenance of any voting equipment;

(iv) Any duties normally assigned to a bailiff; or

(v) The tallying of votes.

(b) Student interns shall at all times be under the supervision of the managers and clerks of the election while performing their duties at precincts.

(3) Before performing any duties, student interns shall attend all required training for managers and clerks of the county or municipality and any additional training considered necessary by the officials in charge of the election in the county or municipality.

(4) As used in this section "officials in charge of the election" means the county or municipal executive committee, as appropriate, in primary elections and the county or municipal election commission, as appropriate, in all other elections.

Sources: Laws, 2002, ch. 521, § 1; brought forward without change, Laws, 2002, ch. 590, § 1, eff. July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the bringing forward of this section.)

§ 23-15-241. Election bailiff to keep peace.

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

Sources: Derived from 1972 Code § 23-5-105 [Codes, Hutchinson's 1848, ch. 7, art 5 (13); 1857, ch. 4, art 6; 1871, § 365; 1880, § 128; 1892, § 3638; Laws, 1906, § 4145; Hemingway's 1917, § 6779; Laws, 1930, § 6217; Laws, 1942, § 3246; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 69, eff. from and after January 1, 1987.

§ 23-15-243. Selection of election bailiff if none designated.

If the commissioners of election fail to designate a manager as the bailiff, or if their designee fails to serve, the managers of election may select an election bailiff from among their number.

Sources: Derived from 1972 Code § 23-5-107 [Codes, 1857, ch. 4, art 4; 1871, § 366; 1880, § 129; 1892, § 3639; Laws, 1906, § 4146; Hemingway's 1917, § 6780; Laws, 1930, § 6218; Laws, 1942, § 3247; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 70, eff. from and after January 1, 1987.

§ 23-15-245. Duties of election bailiff; polls to be open and clear.

It shall be the duty of the manager designated as bailiff to be present at the voting place, and to take such steps as will accomplish the purpose of his appointment, and he shall have full power to do so, and he may summon to his aid all persons present at the voting place. A space thirty (30) feet in every direction from the polls, or the room in which the election is held, shall be kept open and clear of all persons except the election officers and two (2) challengers of good conduct and behavior, selected by each party to detect and challenge illegal voters; and the electors shall approach the polls from one direction, line, door or passage, and depart in another as nearly opposite as convenient.

Sources: Derived from 1972 Code § 23-5-109 [Codes, 1880, § 130; 1892, § 3640; Laws, 1906, § 4147; Hemingway's 1917, § 6781; Laws, 1930, § 6219; Laws, 1942, § 3248; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 71, eff. from and after January 1, 1987.

§ 23-15-247. Ballot boxes.

The commissioners of election in each county shall procure, if not already provided, a sufficient number of ballot boxes, which shall be distributed by them to the voting precincts of the county before the time for opening the polls. The boxes shall be secured by good and substantial locks, and, if an adjournment shall take place after the opening of the polls and before all the votes shall be counted, the box shall be securely locked, so as to prevent the admission of anything into it, or the taking of anything from it, during the time of adjournment; and the box shall be kept by one of the managers and the key by another of the managers, and the manager having the box shall carefully keep it, and neither unlock or open it himself nor permit it to be done, nor permit any person to have any access to it during the time of adjournment. The box shall not be removed from the polling building or place after the polls are opened until the count is complete, if as many as three (3) qualified electors object. After each election the ballot boxes shall be delivered, with the keys thereof, to the clerk of the circuit court of the county for preservation; and he shall keep them for future use, and, when called for, deliver them to the commissioners of election.

Sources: Derived from 1972 Code § 23-5-111 [Codes, Hutchinson's 1848, ch. 7, art 5 (15); 1857, ch. 4, art 10; 1871, § 364; 1880, § 126; 1892, § 3637; Laws, 1906, § 4144; Hemingway's 1917, § 6778; Laws, 1930, § 6220; Laws, 1942, § 3249; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 72, eff. from and after January 1, 1987.

§ 23-15-249. Procedure when pollbooks or ballot boxes not distributed.

The failure to distribute to the different voting places the pollbooks containing the alphabetical list of voters, or the ballot boxes provided for, shall not prevent the holding of an election, but in such case the managers shall proceed to hold the election without the books and ballot boxes, and shall provide some suitable substitute for the ballot boxes, and conform as nearly as possible to the law in the reception and disposition of the official ballots.

Sources: Derived from 1972 Code § 23-5-113 [Codes, 1880, § 145; 1892, § 3676; Laws, 1906, § 4183; Hemingway's 1917, § 6817; Laws, 1930, § 6221; Laws, 1942, § 3250; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 73, eff from and after January 1, 1987.

§ 23-15-251. Duties of manager designated to receive and distribute ballots.

The commissioners of election, in appointing the managers of election, shall designate one (1) of the managers at each voting place to receive and distribute the official ballots, and shall deliver to him the proper number of ballots and cards of instruction for his district not less than one (1) day before the election; and the manager receiving the ballots from the commissioners shall distribute the same to the electors of his district in the manner herein provided. It shall be the duty of said person so designated as aforesaid for service at a voting place other than the courthouse, to carry to the said voting place, on the day previous to the election, the ballot box, the pollbook, the blank tally sheets, the blank forms to be used in making returns, the other necessary stationery and supplies and the official printed ballots aforesaid, and all of the same used and unused shall be returned by the manager designated as aforesaid to the commissioners of election on the day next following the election.

Sources: Derived from 1972 Code § 23-5-127 [Codes, 1892, § 3660; Laws, 1906, § 4167; Hemingway's 1917, § 6801; Laws, 1930, § 6228; Laws, 1942, § 3257; Laws, 1968, ch. 571, § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 74, eff from and after January 1, 1987.

§ 23-15-253. Managers to be furnished stationery and blank forms.

The commissioners of election shall furnish to the managers at each voting place a sufficient quantity of stationery for use in holding the election, and also blank forms to be used in making returns of the election, including blank tally sheets with printed caption and suitable size and ruling.

Sources: Derived from 1972 Code § 23-5-115 [Codes, 1892, § 3646; Laws, 1906, § 4153; Hemingway's 1917, § 6787; Laws, 1930, § 6222; Laws, 1942, § 3251; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 75, eff from and after January 1, 1987.

§ 23-15-255. Voting compartments, shelves and tables; information required to be posted at precinct polling place on election day.

The supervisor of each respective supervisors district shall provide at each election place a sufficient number of voting compartments, shelves and tables for the use of electors, which shall be so arranged that it will be impossible for a voter in one (1) compartment to see another voter who is preparing his ballot. The number of voting compartments and shelves or tables shall not be less than one (1) to every two hundred (200) electors in the voting precinct. Each compartment shall be supplied and have posted up in it a card of instructions, and be furnished with other conveniences for marking the ballots.

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

- (a) A sample version of the ballot that will be used at the election;
- (b) Information the date of the election and the hours during which the polling places will be open;
- (c) Instructions on how to vote, including how to cast a vote and how to cast an affidavit ballot;
- (d) Instruction for persons who have registered to vote by mail and first time voters, if appropriate;

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

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

Sources: Derived from 1972 Code § 23-5-117 [Codes, 1892, § 3647; Laws, 1906, § 4154; Hemingway's 1917, § 6788; Laws, 1930, § 6223; Laws, 1942, § 3252; Laws, 1978, ch. 390, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 76; Laws, 2004, ch. 305, § 14, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-257. Duties of marshal or chief of police in municipal elections.

The marshal or chief of police shall perform, in respect to the municipal elections, all the duties prescribed by law to be performed by the board of supervisors in reference to furnishing voting compartments for state and county elections.

Sources: Derived from 1972 Code § 21-11-17 [Codes, 1892, § 3033; Laws, 1906, § 3438; Hemingway's 1917, § 5998; Laws, 1930, § 2600; Laws, 1942, § 3374-67; Laws, 1950, ch. 491, § 67; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 77, eff from and after January 1, 1987.

§ 23-15-259. Authority of boards of supervisors; availability of facilities for use as polling places.

The boards of supervisors of the several counties are authorized to allow compensation of the officers rendering services in matters of registration and elections, to provide ballot boxes, registration and pollbooks, and all other things required by law in registration and elections. Said boards are also authorized, by order spread upon the minutes of the board setting forth the cost and source of funds therefor, to purchase improved or unimproved property and to construct, reconstruct, repair, renovate and maintain polling places or to pay to private property owners reasonable rental fees when the property is used as a polling place for a period not to exceed the day immediately preceding the election, the day of the election, and the day immediately following the election and to allow such reasonable sum as may be expended in supplying voting compartments, tables or shelves for use at elections.

All facilities owned or leased by the state, county, municipality or school district may be made available at no cost to the board of supervisors for use as polling places to such extent as may be agreed to by the authority having control or custody of such facilities.

Sources: Derived from 1972 Code § 23-5-179 [Codes, 1892, § 3704; Laws, 1906, § 4211; Hemingway's 1917, § 6847; Laws, 1930, § 6255; Laws, 1942, § 3284; Laws, 1976, ch. 350, §§ 1, 2; Laws, 1985, ch. 397, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 78, eff from and after January 1, 1987.

§ 23-15-261. Certification of service as managers and clerks.

The commissioners of election shall, after each election, make out a list of all persons who served as managers and clerks at the election, designating for what service each is entitled to pay, certify to the correctness of the same, and file it with the clerk of the board of supervisors; and an allowance shall not be made to any such officer unless his service be so certified.

Sources: Derived from 1972 Code § 23-5-181 [Codes, 1892, § 3705; Laws, 1906, § 4212; Hemingway's 1917, § 6348; Laws, 1930, § 6256; Laws, 1942, § 3285; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 79, eff from and after January 1, 1987.

§ 23-15-263. Duties of county executive committees at primary elections.

(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 primary elections, and perform all other duties required by

law to be performed by the county executive committee; however, each house of the Legislature shall rule on the qualifications of the membership of its respective body in contests involving the qualifications of such members. The executive committee shall be subject to all the penalties to which county election commissioners are subject, except that Section 23-15-217 shall not apply to members of the county executive committee who seek elective office.

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

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

Sources: Derived from 1942 Code § 3105 [Codes, 1906, § 3697; Hemingway's 1917, § 6388; Laws, 1930, § 5864; Repealed, 1970, ch. 506, § 33; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 80; Laws, 1989, ch. 483, § 1, eff from and after June 13, 1989 (the date the United States Attorney General interposed no objection to the amendment of this section); Laws, 1993, ch. 528, § 10, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-265. Meeting of county executive committee; appointment of managers and clerks by committee.

(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 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.

Sources: Derived from 1942 Code § 3115 [Codes, 1906, § 3707; Hemingway's 1917, § 6399; Laws, 1930, § 5873; Laws, 1962, ch. 565, § 1; repealed, Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 81; Laws, 2001, ch. 523, § 3, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-266. Executive committee authorized to enter into agreements regarding conduct of elections if certain criteria met.

A county or municipal executive committee shall be eligible to enter into written agreements with a circuit or municipal clerk or a county or municipal election commission as provided for in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-233, 23-15-235 or Section 23-15-597, only if the political party with which such county or municipal executive committee is 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.

Sources: Laws, 2001, ch. 523, § 1, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-267. Primary election ballot boxes; penalty for failure to deliver ballot boxes.

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

(2) If an adjournment shall take place after the polls are open and before all votes are counted, the ballot box shall be securely locked so as to prevent the admission into it or the taking of anything from it during the time of adjournment; and the box shall be kept by one of the managers, and the key by another of the managers, and the manager having the box shall carefully keep it, and neither undertake to open it himself or permit it to be done, or to permit any person to have access to it during the time of adjournment. The box shall not be removed from the polling building or place after the polls are open until the count is completed if as many as three (3) electors qualified to vote at the election object.

(3) After each election, the ballot boxes of those provided by the regular commissioner of election shall be delivered, with the keys thereof immediately and as soon thereafter as possible, and without delay to the clerk of the circuit court of the county.

(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.

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

Sources: Derived from 1942 Code § 3126 [Codes, 1906, § 3712; Hemingway's 1917, § 6404; Laws, 1930, § 5884; Laws, 1910, ch. 208; repealed, Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 82; Laws, 2001, ch. 523, § 4, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-269. Penalty for violation of election law by election official.

Any election commissioner, or any other officer or person acting as such, or performing election duty, who shall willfully refuse or knowingly fail to perform any duty required of him by the election laws, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not less than ten (10) days nor more than ninety (90) days, or both.

Sources: Derived from 1972 Code § 23-5-161 [Codes, 1892, § 3669; Laws, 1906, § 4176; Hemingway's 1917, § 6810; Laws, 1930, § 6246; Laws, 1942, § 3275; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 83, eff from and after January 1, 1987.

§ 23-15-271. Election integrity assurance committee.

(1) The state executive committee of any political party authorized to conduct political party primaries shall form an election integrity assurance committee for each congressional district. The state executive committee shall appoint three (3) of its members to each congressional district election integrity assurance committee. The members so appointed shall be residents of the congressional district for which the election integrity assurance committee is formed. The state executive committee shall name a chairman and a secretary from among the members of each committee. The state executive committee shall provide to each circuit and municipal clerk a list of the members of the congressional district integrity assurance committee for the congressional district in which the county or municipality of such clerk is located.

(2) If a county executive committee or a municipal executive committee fails to perform in a timely manner any of the duties specified in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-333, 23-15-335, and 23-15-597 and there is no written agreement in place between the county or municipal executive committee and the county or municipal election commission or the circuit or municipal clerk pursuant to such sections, or there is such an agreement in place and it is not being executed, the circuit or municipal clerk may notify the chairman and secretary of the congressional district election integrity assurance committee or the chairman of the state executive committee of such failure and call upon them to take immediate and appropriate action to insure that such duties are performed in order to secure the orderly conduct of the primary. Such notification may occur on the last day by which the duties are required to be performed or at such time as the circuit or municipal clerk believes such notification is necessary for the orderly administration of the primary.

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

Sources: Laws, 2001, ch. 472, § 1, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.

ARTICLE 9.

SUPERVISOR'S DISTRICTS AND VOTING PRECINCTS

§ 23-15-281. Fixing supervisors districts, voting precincts and voting places.

Each county shall be divided into supervisors districts, which shall be the same as those for the election of members of the board of supervisors, and may be subdivided thereafter into voting precincts; and there shall be only one (1) voting place in each voting precinct, but the supervisors districts, voting precincts and voting places as now fixed in each county shall remain until altered. Provided, however, that such boundaries, if altered, shall conform to visible natural or artificial boundaries such as streets, highways, railroads, rivers, lakes, bayous or other obvious lines of demarcation except county lines and municipal corporate limits. The board of supervisors, no later than April 1,

1987, shall notify the office of the Secretary of State of the boundary of each supervisors district and voting precinct as then fixed and shall provide said office a legal description and a map of each supervisors district and voting precinct and shall indicate the voting place in each such district.

Sources: Derived from 1972 Code § 23-5-9 [Codes, 1880, § 102; 1892, § 3604; Laws, 1906, § 4100; Hemingway's 1917, § 6744; Laws, 1930, § 6179; Laws, 1942, § 3207; Laws, 1980, ch. 425 § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 84, eff from and after January 1, 1987.

§ 23-15-283. Alteration of boundaries.

The board of supervisors shall have power to alter the boundaries of the supervisors districts, voting precincts and the voting place therein; and if they order a change in the boundaries, they shall notify the commissioners of election, who shall at once cause the registration books of voting precincts affected thereby to be so changed as to conform to the change of districts, and to contain only the names of the qualified electors in the voting precincts as made by the change of boundaries. Upon the order of change in the boundaries of any voting precinct or the voting place therein, the board of supervisors shall notify the office of the Secretary of State and provide said office a legal description and a map of any boundary change. No change shall be implemented or enforced until the requirements of this section have been met. Provided, however, that, with the exception of county lines and municipal corporate limits, such altered boundaries shall conform to visible natural or artificial boundaries such as streets, highways, railroads, rivers, lakes, bayous or other obvious lines of demarcation.

Sources: Derived from 1972 Code § 23-5-11 [Codes, 1880, § 110; 1892, § 3605; Laws, 1906, § 4111; Hemingway's 1917, § 6745; Laws, 1930, § 6180; Laws, 1942, § 3208; Laws, 1980, ch. 425, § 3; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 85, eff from and after January 1, 1987.

§ 23-15-285. Entry of boundaries and alterations thereto on minutes of board of supervisors; limit on number of voters within each precinct or ballot box.

The board of supervisors shall cause an entry to be made on the minutes of the board at some meeting, as early as convenient, defining the boundaries of the several supervisors districts and voting precincts in the county, and designating the voting place in each voting precinct; and as soon as practicable after any alteration shall have been made in any supervisors district or voting precinct, or any voting place changed, shall cause such alteration or change to be entered on the minutes of the board in such manner as to be easily understood; provided, however, that no voting precinct shall have more than five hundred (500) qualified electors residing in its boundaries and the board of supervisors of the various counties of this state shall as soon as practical after the effective date of this section, alter or change the boundaries of the various voting precincts to comply herewith and shall from time to time make such alterations or changes in the boundaries of voting precincts so that there shall never be more than five hundred (500) qualified electors within the boundaries of the various voting precincts of this state; provided further, this limitation shall not apply wherein voting precincts are so divided, alphabetically or otherwise, so as to have less than five hundred (500) qualified electors in any one (1) box within a voting precinct; provided, however, that the limitation of five hundred (500) qualified electors to the voting precinct shall not apply wherein voting machines are used at all elections held in any voting precinct; but no alteration of any supervisor's district or voting precinct shall take effect within two (2) months before an election to be held in the district or voting precinct. Provided, however, that, with the exception of county lines and municipal corporate limits, such altered boundaries shall conform to visible natural or artificial boundaries such as streets, highways, railroads, rivers, lakes, bayous or other obvious lines of demarcation.

Sources: Derived from 1972 Code § 23-5-13 [Codes, 1880, § 103; 1892, § 3606; Laws, 1906, § 4112; Hemingway's 1917, § 6746; Laws, 1930, § 6181; Laws, 1942, § 3209; Laws, 1964, ch. 509, § 1; Laws, 1980, ch. 425, § 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 86, eff from and after January 1, 1987.

ARTICLE 11.

NOMINATIONS

§ 23-15-291. Nomination for state, district, county and county district office to be by primary election.

All nominations for state, district, county and county district officers made by the different parties of this state shall be made by primary elections. All primary elections shall be governed and regulated by the election laws of the state in force at the time the primary election is held.

Sources: Derived from 1942 Code § 3105 [Codes, 1906, § 3697; Hemingway's 1917, § 6388; Laws, 1930, § 5864; repealed, Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 87, eff from and after January 1, 1987.

§ 23-15-293. Each county or part of county to vote for and nominate candidates for state and state district office, and for legislative office for district containing county or part of county.

Candidates for state and state district office, and candidates for legislative offices for districts composed of more than one county or parts of more than one county, shall be voted for and nominated by all the counties or parts of counties within their respective districts, and all said district nominations shall be under the supervision and control of the state executive committee of the respective political parties, which committees shall discharge in respect to such state district nominations all the powers and duties imposed upon them in connection with nominations of candidates for other state officers.

Sources: Derived from 1942 Code § 3147 [Codes, 1906, § 3723; Hemingway's 1917, § 6414; Laws, 1930, § 5900; repealed, Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 88, eff from and after January 1, 1987.

§ 23-15-295. Withdrawal of candidate.

When any person has qualified in the manner provided by law as a candidate for party nomination in any primary election, such person shall have the right to withdraw his name as a candidate by giving notice of his withdrawal in writing to the secretary of the proper executive committee at any time prior to the printing of the official ballots, and in the event of such withdrawal the name of such candidate shall not be printed on the ballot. When a candidate for party nomination for a state or district office who has qualified with the state executive committee withdraws as a candidate as is herein set forth after the sample of the official ballot has been approved and certified by the State Executive Committee the Secretary or Chairman of the State Executive Committee shall forthwith notify the county executive committee of each county affected or involved of the fact of such withdrawal and such notification shall authorize said county executive committees to omit the name of the withdrawn candidate from the ballot if such notification is received prior to the printing of the ballot. In the case of the withdrawal of any candidate, the fee paid by such candidate shall be retained by the state or county executive committee, as the case may be.

Sources: Derived from 1972 Code § 23-1-31 [Codes, 1942, § 3118.7; Laws, 1952, ch. 294; Laws, 1970, ch. 506, § 4; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 89, eff from and after January 1, 1987.

§ 23-15-296. Written notification to Secretary of State.

All political parties registered with the Secretary of State shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the name, mailing address and office sought of all candidates for statewide, state district, and multicounty legislative office who have submitted qualifying papers to the political party on or before the qualifying deadline, and all political parties shall notify the Secretary of State of any such candidate who withdraws his candidacy within two (2) working days of receiving written notice of the withdrawal. All circuit clerks of counties which contain single county legislative districts shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the name, mailing address and office sought of all candidates for single county legislative office who have submitted qualifying papers to the circuit clerk on or before the qualifying deadline, and all such circuit clerks shall notify the Secretary of State of any candidate for single county legislative office who withdraws his candidacy within two (2) working days of the circuit clerk receiving written notice of the withdrawal.

Sources: Laws, 1999, ch. 301, § 6, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-297. Fee required to be paid upon entering race for party nomination.

All candidates upon entering the race for party nominations for office shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election the following amounts.

(a) Candidates for Governor not to exceed Three Hundred Dollars (\$300.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, not to exceed Two Hundred Dollars (\$200.00).

(c) Candidates for district attorney, not to exceed One Hundred Dollars (\$100.00).

(d) Candidates for State Senator, State Representative, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education and board of supervisors, not to exceed Fifteen Dollars (\$15.00).

(e) Candidates for county surveyor, county coroner, justice court judge and constable, not to exceed Ten Dollars (\$10.00).

(f) Candidates for United States Senator, not to exceed Three Hundred Dollars (\$300.00).

(g) Candidates for United States Representative, not to exceed Two Hundred Dollars (\$200.00).

Sources: Derived from 1972 Code § 23-1-33 [Codes, 1906, § 3718; Hemingway's 1917, § 6410; Laws, 1930, § 5878; Laws, 1942, § 3120; Laws, 1936, ch. 326; Laws, 1962, ch. 566, § 1; Laws, 1970, ch. 508, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 90; Laws, 1987, ch. 499, § 2, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the amendment); Laws, 1994, ch 564, § 89, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section); Laws, 1996, ch. 301, § 2, eff from and after January 25, 1996 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-299. Time for payment of fee; written statement to accompany fee; recordation and disbursement of fee; determination of candidate's qualifications; declaration of nominee in single candidate race; special qualifying deadline in 2011 if census received late.

(1) (a) Assessments made pursuant to paragraphs (a), (b) and (c) of Section 23-15-297 and assessments made pursuant to paragraph (d) of Section 23-15-297 for legislative offices 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 or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary elections for the office is held.

(b) If the 2010 federal decennial census has not been received from the United States Secretary of Commerce by the Governor of the State of Mississippi by January 1, 2011, then the qualifying deadline for legislative offices shall be changed for the year 2011 only, as follows: Assessments made pursuant to paragraph (d) of Section 23-15-297 for legislative offices 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 June 1, 2011. This paragraph (b) shall stand repealed on July 1, 2012; however, no such assessments may be paid before January 1 of the year in which the election for the office is held.

2) Assessments made pursuant to paragraphs (d) and (e) of Section 23-15-297 other than assessments made for legislative offices, shall be paid by each candidate to the circuit clerk of such candidate's county of residence by 5:00 p.m. on March 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be 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 any person who pays the required fee and files the required statement after 5:00 p.m. on the date of the qualifying deadline shall not be placed on the primary election ballot.

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

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

(7) Upon receipt of the proper fee and all necessary information, the proper executive committee shall then determine whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and whether each candidate meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The committee also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless 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.

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) No candidate may qualify by filing the information required by this section by using the internet.

Sources: Derived from 1942 Code § 3118 [Codes, 1906, § 3715; Hemingway's 1917, § 6407; Laws, 1930, § 5876; Laws, 1928, ch. 128; Laws, 1944, ch. 172; Laws, 1947, 1st Ex Sess, ch. 14; Laws, 1948, ch. 307; Laws, 1960, ch. 477; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346], and § 3121 [Codes, 1930, § 5879; Laws, 1944, ch. 170; Laws, 1947, 1st Ex. Sess. ch 18; Laws, 1962, chs. 566, 567; Laws, 1976, ch. 481, § 2; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 91; Laws, 1987, ch. 499, § 3; Laws, 2000, ch. 592, § 3; Laws, 2003, ch. 428, § 1, eff June 5, 2006(the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.)

§ 23-15-301. Payment of election expenses.

All the expenses of printing the tickets or primary election ballots, for necessary stationery, and for paying the managers, clerks and returning officer of every primary election authorized by this chapter held in any county shall be paid by the board of supervisors of such county out of the general funds of the county, but such officers of primary elections shall receive only such compensation as is authorized by Section 23-15-227 to be paid managers, clerks and returning officer for like services in holding elections thereunder. However, this section shall not apply to the expenses of a primary election held by any political party which at either of the last two (2) preceding general elections for the office of Governor or either of the last two (2) preceding national elections for President of the United States did not vote as many as twenty percent (20%) of the total vote cast in the entire state.

Sources: Derived from 1972 Code § 23-1-67 [Codes, 1906, § 3718; Hemingway's 1917, § 6410; Laws, 1930, § 5877; Laws, 1942, § 3119; Laws, 1966, ch. 610, § 1; Laws, 1970, ch. 507, § 1; repealed 1970, ch. 506, § 33; Laws, 1972, ch. 366, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 92, eff from and after January 1, 1987.

§ 23-15-303. Each political party or organization to hold independent primary election; resolving dispute as to place for holding election.

When two (2) or more political parties or political organizations are holding primary elections, each shall be conducted entirely independent of the other but at the same time.

The board of supervisors or the supervisor of the district in which the voting precinct is located shall have authority, and it is made its and his duty when requested, to specifically designate the respective places where the precinct election of each party shall be held where there may be a dispute as to the room or exact place for holding such precinct elections.

Sources: Derived from 1942 Code § 3127 [Codes, 1930, § 5885; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 93, eff from and after January 1, 1987.

§ 23-15-305. Majority vote required for nomination; run-off elections.

The candidate who received the majority number of votes cast for the office which he seeks shall thereby become the nominee of his party for such office and no person shall be declared to be the nominee of his party unless and until he has received a majority of the votes cast for such office, except as hereinafter provided. If no candidate received such majority of the votes cast in the first primary, then the two (2) candidates who receive the highest number of votes cast for such office shall have their names submitted as such candidates to the second primary and the candidate who leads in such second primary shall be nominated for the office.

If the candidate who received the second highest number of votes cast for such office for any reason declines to enter the second primary, then in that event the candidate who received the third highest shall have his name submitted to the second primary, together with the candidate who received the highest number of votes cast for such office.

If the candidate who received the third highest number of votes cast for such office for any reason declines to enter the second primary, then in that event the candidate who received the fourth highest shall have his name submitted to the second primary, together with the candidate who received the highest number of votes cast for such office.

If no candidate will enter the second primary with the candidate who received the highest number of votes cast, then the candidate who received the highest number of votes cast in the first primary shall be declared the nominee of his party for such office.

Sources: Derived from 1972 Code § 23-3-69 [Codes, 1942, § 3194; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 94, eff from and after January 1, 1987.

§ 23-15-307. Nomination as condition of being placed on general election ballot and holding office.

The name of any candidate shall not be placed upon the official ballot in general elections as a party nominee who is not nominated as herein provided, and the election of any party nominee who shall be nominated otherwise than as provided in this chapter shall be void and he shall not be entitled to hold the office to which he may have been elected. No political party shall be entitled to recognition, as such, in the appointment of the county or precinct election officers, unless it has made its nominations as herein provided.

Sources: Derived from 1942 Code § 3156 [Codes, 1906, § 3721; Hemingway's 1917, § 6413; Laws, 1930, § 5909; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 95, eff from and after January 1, 1987.

§ 23-15-309. Nomination for elective municipal office to be made at primary election; fee requirements; determination of candidate's qualifications.

(1) Nominations for all municipal officers which are elective shall be made at a primary election, or elections, to be held in the manner prescribed by law. All persons desiring to be candidates for the nomination in the primary elections shall first pay Ten Dollars (\$10.00) to the clerk of the municipality, at least sixty (60) days prior to the first primary election, no later than 5:00 p.m. on such deadline day.

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

(3) The clerk shall promptly receipt the payment, stating the office for which the person making the payment is running and the political party with which such person is affiliated. The clerk shall keep an itemized account in detail showing the time and date of the receipt of such payment received by him, from whom such payment was received, the party with which such person is affiliated and for what office the person paying the fee is a candidate. The clerk shall promptly supply all necessary information and pay over all fees so received to the secretary of the proper municipal executive committee. Such funds may be used and disbursed in the same manner as is allowed in Section 23-15-299 in regard to other executive committees.

(4) Upon receipt of the above information, the proper municipal executive committee shall then determine whether each candidate is a qualified elector of the municipality, and of the ward if the office sought is a ward office, shall determine whether each candidate either meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The committee also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the proper municipal executive committee finds that a candidate either (a) 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 (b) 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.

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

Sources: Derived from 1942 Code § 3152 [Codes, 1906, § 3726; Hemingway's 1917, § 6417; Laws, 1930, § 5905; Laws, 1910, ch. 209; Laws, 1950, ch. 499; Laws, 1952 ch. 379; Laws, 1982, chs. 477, § 3, 484, § 1; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 96; Laws, 1987, ch. 499, § 4; Laws, 2000, ch. 549, § 1; Laws, 2000, ch. 592, § 4, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-311. Payment of municipal primary election expenses.

All the expenses of printing the tickets, paying the managers, clerks and returning officer of a municipal primary election shall be paid by the municipality from the general funds thereof, but such officers of primary elections shall receive only such compensation as is authorized by law or ordinance to be paid managers, clerks and returning officer for like services rendered in the final and regular elections held in such municipality.

Sources: Derived from 1972 Code § 23-1-65 [Codes, 1930, § 5906; Laws, 1942, § 3153; Laws, 1970, ch. 506, § 19; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 97, eff from and after January 1, 1987.

§ 23-15-313. Selection of temporary executive committee in municipality not having party executive committee, notice to public.

If there be any political party, or parties, in any municipality which shall not have a party executive committee for such municipality, such political party, or parties, shall select temporary executive committees to serve until executive committees shall be regularly elected, said selection to be in the following manner, to-wit: The chairman of the county executive committee of the party desiring to select a municipal executive committee shall, upon petition of five (5) or more members of that political faith, call a mass meeting of the electors of their political faith, residing in the municipality, to meet at some convenient place within said municipality, at a time to be designated in the call, and at such mass convention the members of that political faith shall select an executive committee which shall serve until the next primary election. The public shall be given notice of such mass meeting as provided in the next succeeding section.

Sources: Derived from 1942 Code § 3154 [Codes, Hemingway's 1917, §§ 6418, 6419; Laws, 1930, § 5907; Laws, 1910, ch. 209; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 98, eff from and after January 1, 1987.

§ 23-15-315. Publication of notice to public.

The chairman of the county executive committee shall publish a copy of his call for a meeting in some newspaper published in the municipality affected for three (3) weeks preceding the date set for said mass convention, or if there be no newspaper published in said municipality by posting notices in three (3) public places in said municipality not less than three (3) weeks before the date for said mass convention.

Sources: Derived from 1942 Code § 3155 [Codes, Hemingway's 1917, § 6420; Laws, 1930, § 5908; Laws, 1910, ch. 209; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 99, eff from and after January 1, 1987.

§ 23-15-317. Nomination of nominee when vacancy in nomination occurs between primary election and general election; procedure for withdrawal based upon legitimate nonpolitical reason.

If any person nominated for office in a primary election shall die, be removed after his nomination or withdraw or resign from his candidacy for a legitimate nonpolitical reason as defined in this section, and such vacancy in nomination shall occur between the primary election and the ensuing general election, then the municipal, county or state executive committee with which the original nominee qualified as a candidate in the primary election shall nominate a nominee for such office. Where such a party nominee is unopposed each political party registered with the State Board of Election Commissioners shall have the privilege of nominating a candidate for the office involved. Such nominee shall be duly certified by the respective executive committee chairman. Within two (2) days after such nomination is made by the appropriate executive committee, such committee shall formally notify the

Secretary of State of the name of the nominee. The Secretary of State shall thereupon officially notify the appropriate officials charged with conducting the election for the office wherein the vacancy occurred of the name of the nominee. All nominations made pursuant to the provisions of this section shall have the same force and effect and shall entitle the nominees to all rights and privileges that would accrue to them as if they had been nominated in the regular primary election.

"Legitimate nonpolitical reason" as used in this section shall be limited to the following:

- (a) Reasons of health, which shall include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued.
- (b) Family crises, which shall include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business.
- (c) Substantial business conflict, which shall include the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his capability to properly carry out the functions of the office being sought.

Any candidate who withdraws based upon a "legitimate nonpolitical reason" which is not covered by the above definition shall have the strict burden of proof for his reason.

A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his reason by sworn affidavit. Such affidavit shall be filed with the state party chairman of the nominee's party and the State Board of Election Commissioners. No substitution of candidates shall be authorized, except for death or disqualification, unless the State Board of Election Commissioners approves the affidavit as constituting a "legitimate nonpolitical reason" for the candidate's resignation within five (5) days of the date the affidavit is submitted to the board.

Immediately upon approval or disapproval of such affidavit, the State Board of Election Commissioners shall notify the respective executive committee of same.

Sources: Derived from 1972 Code § 23-5-136 [Laws, 1984, ch. 439, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 100, eff from and after January 1, 1987.

§ 23-15-319. Applicability of chapter to municipal primary elections.

All the provisions of this subarticle as far as practicable shall apply to and regulate primary elections for the nomination of elective municipal offices. Candidates for the nomination of such municipal offices shall file with the clerk of the city, village or town, the affidavits and reports required of candidates for party nominations to any county or county district office to be filed pursuant to this chapter.

Sources: Derived from 1972 Code § 23-3-71 [Codes, 1942, § 3195; Laws, 1935, ch. 19; Laws, 1944, ch. 210; repealed by Laws, 1986, ch.495, § 333]; Laws, 1986, ch. 495, § 101, eff from and after January 1, 1987.

ARTICLE 13. **BALLOTS**

SUBARTICLE A. **PRIMARY ELECTIONS**

§ 23-15-331. Duties of state executive committee.

It shall be the duty of the state executive committee of each political party to furnish to each county executive committee, not less than fifty (50) days prior to the election, the names of all state and state district candidates and all candidates for legislative districts composed of more than one county or parts of more than one county who have

qualified as provided by law, and in accordance with the requirements of Section 23-15-333 a sample of the official ballot to be used in the primary, the general form of which shall be followed as nearly as practicable.

Sources: Derived from 1972 Code § 23-1-39 [Codes, 1906, § 3704; Hemingway's 1917, § 6396; Laws, 1930, § 5881; Laws, 1942, § 3123; Laws, 1970, ch. 506, § 6; Laws, 1978, ch. 391, § 1; Laws, 1984, ch. 401, § 4; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 102, eff from and after January 1, 1987.

§ 23-15-333. Duties of county executive committee; order in which titles of various offices are to be listed on the ballot.

(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. 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.

Sources: Derived from 1942 Code § 3124 [Codes, 1906, § 3710; Hemingway's 1917, § 6402, § 5882; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 103; Laws, 2000, ch. 592, § 7; Laws, 2001, ch. 523, § 5, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-335. Duties of person designated by county executive committee to distribute ballots.

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

(2) (a) If it is eligible under Section 23-15-266 the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the 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) Any person charged with any of the duties prescribed in this section who shall willfully or with culpable carelessness violate the same shall be guilty of a misdemeanor.

Sources: Derived from 1972 Code § 23-3-39 [Codes, 1942, § 3177; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 104; Laws, 2001, ch. 523, § 6, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

SUBARTICLE B. OTHER ELECTIONS

§ 23-15-351. Authority to print ballots; penalties.

It shall be the duty of the chairman of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal elections which shall be printed as herein provided by the authorities of the respective municipalities; and the said election commissioner shall cause the official ballot to be printed by a printer sworn to keep the ballots secret under the penalties prescribed by law. The printer shall deliver to the election commissioners for holding elections, a certificate of the number of ballots printed for each precinct, and shall not print any additional ballots, except on instruction of proper election commissioners; and failure to observe either of these requirements shall be a misdemeanor.

In the case of the statewide special election for the selection of the official state flag provided for in Section 1 of Laws, 2001, ch. 301, the provisions of this article regarding the printing and distribution of the official ballots, shall be governed by the provisions of Section 1(2) of Laws, 2001, ch. 301.

Sources: Derived from 1972 Code § 23-5-119 [Codes, 1892, § 3651; Laws, 1906, § 4158; Hemingway's 1917, § 6792; Laws, 1930, § 6224; Laws, 1942, § 3253; Laws, 1968, ch. 571, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 105; Laws, 2001, ch. 301, § 3, eff from and after February 7, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-353. Sufficient ballots to be printed and distributed; cards of instruction.

The officer charged with printing and distributing the official ballot shall ascertain from the registrar, at least ten (10) days before the day of election, the number of registered voters in each voting precinct; and he shall have printed and distributed a sufficient number of ballots for use in each precinct. He 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 officer 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 commissioners of election; and they may be used, if applicable, in subsequent elections.

Sources: Derived from 1972 Code § 23-5-121 [Codes, 1892, § 3659; Laws, 1906, § 4166; Hemingway's 1917, § 6800; Laws, 1930, § 6225; Laws, 1942, § 3254; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 106, eff from and after January 1, 1987.

§ 23-15-355. Payment of ballot expenses.

Ballots in all elections shall be printed and distributed at public expense and shall be known as "official ballots." The expense of printing such ballots shall be paid out of the county treasury, except that in municipal elections such expenses shall be paid by the respective cities, towns and villages. In the case of the statewide special election for the selection of the official state flag provided for in Section 1 of Laws, 2001, ch. 301, the provisions of this section regarding payment of the expenses of printing the official ballots shall be governed by the provisions of Section 1(2) of Laws, 2001, ch. 301.

Sources: Derived from 1972 Code § 23-5-123 [Codes, 1892, § 3650; Laws, 1906, § 4157; Hemingway's 1917, § 6791; Laws, 1930, § 6226; Laws, 1942, § 3255; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 107; Laws, 2001, ch. 301, § 4, eff from and after February 7, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-357. Back and outside of ballot.

On the back and outside of the ballot shall be printed the words "OFFICIAL BALLOT," the name of the voting precinct or place for which the ballot is prepared, and the date of the election.

Sources: Derived from 1972 Code § 23-5-125 [Codes, 1892, § 3657; Laws, 1906, § 4164; Hemingway's 1917, § 6798; Laws, 1930, § 6227; Laws, 1942, § 3256; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 108, eff from and after January 1, 1987.

§ 23-15-359. Names of candidates to be printed on ballot; filing of petition for office; inapplicability of section to municipal elections; special elections; determination of candidate's qualifications; declaration of nominee in single candidate race.

(1) The ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors.

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

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

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

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

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

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

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

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

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

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

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

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

(7) Nothing in this section shall prohibit special elections to fill vacancies in either house of the Legislature from being held as provided in Section 23-15-851. In all elections conducted under the provisions of Section 23-15-851 the commissioner shall have printed on the ballot the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with said commissioner by 5:00 p.m. not less than ten (10) working days prior to the election, and signed by not less than fifty (50) qualified electors.

(8) The appropriate election commission shall determine whether each candidate is a qualified elector of the state, state district, county or county district they seek to serve, and whether each candidate meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state, unless the offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the appropriate election commission 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.

(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.

Sources: Derived from 1972 Code § 23-5-134 [Laws, 1978, ch. 429, § 1; Laws, 1982, ch. 477, § 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 109; Laws, 1987, ch. 499, § 5; Laws, 1989, ch. 431, § 2; Laws, 2000, ch. 592, § 5; Laws, 2002, ch. 336, § 1, eff June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-361. Names of municipal office candidates to be printed on ballot; filing of petition for municipal office; determination of candidate's qualifications; declaration of nominee in single candidate race.

(1) The municipal general election ballot shall contain the names of all candidates who have been put in nomination by the municipal primary election of any political party. There shall be printed on the ballots the names of all persons so nominated, whether the nomination be otherwise known or not, upon the written request of one or more of the candidates so nominated, or of any qualified elector who will make oath that he was a participant in the primary election, and that the person whose name is presented by him was nominated by such primary election. The municipal election commissioner designated to have the ballots printed shall also have printed on the ballot in any

municipal general election the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the clerk of the municipality no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary elections are required to pay the fee provided for in Section 23-15-309, and signed by not less than the following number of qualified electors.

(a) For an office elected by the qualified electors of a municipality having a population of one thousand (1,000) or more, not less than fifty (50) qualified electors.

(b) For an office elected by the qualified electors of a municipality having a population of less than one thousand (1,000), not less than fifteen (15) qualified electors.

(2) Unless the petition required above shall be filed no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary election are required to pay the fee provided for in Section 23-15-309 the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each municipal office, and such names shall be listed under the name of the political party such candidate represents as provided by law and as certified to the municipal clerk by the municipal executive committee of such political party. Provided further, however, that nothing in this section shall prohibit a person from qualifying as a nominee of a political party, or from requesting to be a candidate for the office by filing a petition, in the event of the death of a candidate for the office which makes it impossible to have an election contest. In the event such candidate qualifies as an independent as herein provided, he shall be listed on the ballot as an independent candidate.

(3) The clerk of the municipality shall notify the municipal commissioners of election of all persons who have filed petitions pursuant to subsection (1) of this section within two (2) business days of the date of filing.

(4) The ballot in elections to fill vacancies in municipal elective office shall contain the names of all persons who have qualified as required by Section 23-15-857.

(5) The municipal commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office and shall determine whether each candidate either meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The municipal election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the municipal election commission 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 above and not pardoned, then the name of the candidate shall not be placed upon the ballot.

(6) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary election 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 municipal 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 (5) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

Sources: Derived from 1972 Code § 23-5-134 [Laws, 1978, ch. 429, § 1; Laws, 1982, ch. 477, § 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 110; Laws, 2000, ch. 592, § 6; Laws, 2002, ch. 336, § 2, eff

June 27, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-363. Names of candidates who have not duly withdrawn not omitted from ballot.

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 upon the written request of the candidate nominated, made at least ten (10) days before the election, and in no case after such ballot has been printed; and every ballot shall contain the names of all candidates nominated as specified, and not duly withdrawn.

Sources: Derived from 1972 Code § 23-5-135 [Codes, 1892, § 3655; Laws, 1906, § 4162; Hemingway's 1917, § 6796; Laws, 1930, § 6232; Laws, 1942, § 3261; Laws, 1944, ch. 169; Laws, 1947, 1st Ex ch. 12; Laws, 1970, ch. 506, § 25; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 111, eff from and after January 1, 1987.

§ 23-15-365. Write-in candidates.

There shall be left on each ballot one (1) blank space under the title of each office to be voted for, and in the event of the death, resignation, withdrawal or removal of any candidate whose name shall have been printed on the official ballot, the name of the candidate duly substituted in the place of such candidate may be written in such blank space by the voter.

Sources: Derived from 1972 Code § 25-5-137 [Codes, 1892, § 3653; Laws, 1906, § 4160; Hemingway's 1917, § 6794; Laws, 1930, § 6233; Laws, 1942, § 3262; Laws, 1984, ch. 439, § 2; repealed by Laws, 1986, ch. 495, § 337]; en, Laws, 1986, ch. 495, § 112, eff from and after January 1, 1987.

§ 23-15-367. Arrangement of names of candidates, order of titles of offices, and printing of official ballot generally; order in which titles of various offices are to be listed on the ballot; furnishing of sample of official ballot; alphabetical arrangement in primary elections.

(1) Except as otherwise provided by Section 23-15-974 through 23-15-985 and subsection (2) of this section, the arrangement of the names of the candidates, and 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; but the arrangement need not be uniform.

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

Candidates for national office;

Candidates for statewide office;

Candidates for state district office;

Candidates for legislative office;

Candidates for countywide office;

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.

Sources: Derived from 1972 Code § 23-5-139 [Codes, 1892, § 3656; Laws, 1906, § 4163; Hemingway's 1917, § 6797; Laws, 1930, § 6234; Laws, 1942, § 3263; Laws, 1970, ch. 506, § 26; Laws, 1978, ch. 391, § 2; Laws, 1984, ch. 401, § 5; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 113; Laws, 1994, ch. 564, § 92; Laws, 2000, ch. 592, § 8, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-369. Form and substance of proposed constitutional amendment or other public measure.

(1) (a) Whenever a constitutional amendment is submitted to the vote of the people, the substance of such amendment shall be printed in clear and unambiguous language on the ballot after the list of candidates, if any, followed by the word "YES" and also by the word "NO", and shall be styled in such a manner that a "YES" vote will indicate approval of the proposal and a "NO" vote will indicate rejection.

(b) The substance of the amendment shall be an explanatory statement not exceeding seventy-five (75) words in length of the chief purpose of the measure. Such statement shall be prepared by the Legislature and included in the concurrent resolution proposing the amendment to the Constitution. The statement shall avoid, whenever possible, the use of legal terminology or jargon and shall use instead, simple, ordinary, everyday language. The Secretary of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification of the amendments. The Secretary of State shall furnish the designating number and the substance of each amendment to the circuit clerk of each county in which such amendment is to be voted on.

(c) The full text of each proposed constitutional amendment shall be published by the Secretary of State as provided for in Section 9-3-39 Mississippi Code of 1972, and shall be posted prominently in all polling places, with copies of said proposed amendment to be otherwise available at each polling place.

(2) Except as may be otherwise provided in subsection (1) of this section, whenever any public measure, question or matter that requires an affirmative or negative vote is submitted to a vote of the electors, the measure or matter shall be printed on the ballot and also the words "FOR" or "AGAINST" to be so arranged by the proper officer so that the voter can intelligently vote his preference.

Sources: Derived from 1972 Code § 23-5-141 [Codes, 1892, § 3654; Laws, 1906, § 4161; Hemingway's 1917, § 6795; Laws, 1930, § 6235; Laws, 1942, § 3264; repealed, Laws, 1986, ch. 495, § 335; repealed, Laws, 1986, ch. 501, § 2] and § 23-5-142 [Laws, 1979, ch. 502, § 1; repealed, Laws, 1986, ch. 495, § 33; repealed, Laws, 1986, ch. 501, § 2]; en, Laws, 1986, ch. 495, § 114; Laws, 1987, ch. 499, § 6; Laws, 1993, ch. 474, § 1, eff from and after July 15, 1993 (the date the United States Attorney General interposed no objections under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-371. Loss or destruction of official ballots.

In case the official ballots prepared shall be lost or destroyed, the commissioners of election shall have like ballots furnished in place of those lost or destroyed, if time remain therefor. If from any cause there should be no official ballots or an insufficient number at a voting place, and not sufficient time in which to have them printed, the ballots may be written; but, if written by anyone except the voter alone for himself, the names of all candidates shall be written thereon, without any mark or device by which one name may be distinguished from another, and such ballots shall be marked by the voter as provided for printed ballots. If the manager designated fails to have the ballots at the voting place at the proper time, or if he fails to distribute them, the managers, or those of them present at the election, shall provide ballots, and select some suitable person to distribute them, who shall take the oath required of the managers, and distribute the ballots according to law.

Sources: Derived from 1972 Code § 23-5-143 [Codes, 1892, § 3661; Laws, 1906, § 4168; Hemingway's 1917, § 6802; Laws, 1930, § 6236; Laws, 1942, § 3265; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 115, eff from and after January 1, 1987.

§ 23-15-373. Report regarding lost ballots.

Within one (1) day after election day, the managers of election shall report to the election commissioners, under oath, as to the loss of official ballots, the number lost, and all facts connected therewith, which report the commissioners may deliver to the grand jury, if deemed advisable.

Sources: Derived from 1972 Code § 23-5-145 [Codes, 1892, § 3662; Laws, 1906, § 4169; Hemingway's 1917, § 6803; Laws, 1930, § 6237; Laws, 1942, § 3266; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 116, eff from and after January 1, 1987.

§ 23-15-375. Local issues.

Local issue elections may be held on the same date as any regular or general election. A local issue election held on the same date as the regular or general election shall be conducted in the same manner as the regular or general election using the same poll workers and the same equipment. A local issue may be placed on the regular or general election ballot pursuant to the provisions of Section 23-15-359 Mississippi Code of 1972. The provisions of this section and Section 23-15-359 with regard to local issue elections shall not be construed to affect any statutory requirements specifying the notice procedure and the necessary percentage of qualified electors voting in such an election which is needed for adoption of the local issue. Whether or not a local issue is adopted or defeated at a local issue election held on the same day as a regular or general election shall be determined in accordance with relevant statutory requirements regarding the necessary percentage of qualified electors who voted in such local issue election, and only those persons voting for or against such issue shall be counted in making that determination. As used in this section "local issue elections" include elections regarding the issuance of bonds, local option elections, elections regarding the levy of additional ad valorem taxes and other similar elections authorized by law that are called to consider issues that affect a single local governmental entity. As used in this section "local issue" means any issue that may be voted on in a local issue election.

Sources: Laws, 1989, ch. 431, § 1, eff from and after May 12, 1989 (the date the United States Attorney General interposed no objection to the addition of this section).

ARTICLE 15. **VOTING SYSTEMS**

SUBARTICLE A. **GENERAL PROVISIONS**

§ 23-15-391. Voting machines, electronic voting systems, optical mark reading equipment, or direct recording electronic voting equipment to be used unless paper ballot will be less expensive

The board of supervisors of each county in the State of Mississippi shall utilize voting machines, electronic voting systems, optical mark reading equipment or direct recording electronic voting equipment which shall comply with the specifications provided by law. The election commissioners may designate elections to be administered by paper ballot where the election commissioners determine that administration of an election by paper ballot will be less expensive than administration of the same election by voting machines, electronic voting systems, optical mark reading equipment or direct recording electronic voting equipment.

SOURCES: Laws, 1986, ch. 495, § 117; Laws, 2005, ch. 534, § 15, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.).

§ 23-15-393. In counties having a population of greater than 250,000, the number of voting machines used in each voting precinct to be distributed in direct proportion to voter turnout in elections in preceding two years; such counties to create special fund to deposit monies received for reimbursement under "Help America Vote Act of 2002; use of monies deposited to upgrade direct recording electronic voting equipment."

(1) In any county having a population greater than two hundred fifty thousand (250,000) according to the 2000 federal decennial census, the number of voting machines to be used in each voting precinct must be distributed in direct proportion to voter turnout in all elections held within such county for the preceding two (2) years, with a greater number of voting machines to be used in voting precincts where voter turnout has been the highest.

(2) The county board of supervisors of any county having a population greater than two hundred fifty thousand (250,000) according to the 2000 federal decennial census shall create a special fund to deposit any monies received by such county for reimbursement to comply with the "Help America Vote Act of 2002" for direct recording electronic voting equipment purchased within five (5) years preceding the effective date of this act. Monies deposited in such special fund shall be used by such county board of supervisors only to upgrade direct recording electronic voting equipment, to purchase additional voting equipment or to improve such voting equipment. This subsection shall stand repealed on July 1, 2010.

SOURCES: Laws, 2005, ch. 534, § 17, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

SUBARTICLE B. VOTING MACHINES

§ 23-15-401. Definitions.

The list of candidates used or to be used on the front of the voting machines for a voting precinct in which a voting machine is used pursuant to law shall be deemed official ballots under this chapter. The word "ballot" as used in this chapter (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition, with the word "YES" for voting for any question or proposition, and the word "NO" for voting against any question. The term "question" shall mean any constitutional amendment, proposition, or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever. The term "officials in charge of the election" shall mean the state election commissioners, the county election commissioners, the county executive committee, the municipal election commissioners, the municipal executive committee, or any other official or officials empowered by law or who may in the future be empowered by law to hold an election.

Sources: Derived from 1972 Code § 23-7-1 [Codes, 1942, § 3316-24; Laws, 1954, ch. 360, § 24; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 118, eff from and after January 1, 1987.

§ 23-15-403. Authority to purchase or rent voting machines; construction of voting machines.

The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent any voting machine or machines which shall be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for all candidates of as many political parties or organizations as may make nominations, and for or against as many questions as submitted; it shall, except at primary elections, permit the voter to vote for all the candidates of one party or in the part for the candidates of one or more other parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but not more; it shall prevent the voter from voting for the same person more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote on, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record and accurately count all votes cast for any and all persons and for or against any and all questions; it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it

shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one (1) device for each party, for voting for all the presidential electors of that party by one (1) operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice-President, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote for individual electors when permitted to do so by law.

Sources: Derived from 1972 Code § 23-7-3 [Codes, 1942, § 3316-01; Laws, 1954, ch. 360, § 1; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 119, eff from and after January 1, 1987.

§ 23-15-405. Use of voting machines.

Whenever the board of supervisors of any county or the governing authorities of any municipality shall purchase or rent voting machines that meet the requirements of this article, such voting machines may be used at all elections held in such county or municipality, or in any part thereof, for voting, registering and counting votes cast at such elections. In providing voting machines, the board of supervisors is hereby empowered to purchase or rent voting machines for each voting precinct in the entire county, including those located within the municipality, or, in the discretion of the board, voting machines may be purchased or rented only for those voting precincts located outside the limits of the municipalities located in said county. The board of supervisors of any county and the governing authorities of any municipality may jointly purchase or rent voting machines for all of the voting precincts in the entire county. Whenever voting machines have been purchased or rented by either the board of supervisors or the governing authorities of a municipality, for use at voting precincts within the county or within the municipality, said voting machines may be used at said voting precincts in all elections, and the officials in charge of the election to be held shall cause the voting machines to be prepared and used at such election as provided for herein. Voting machines of different kinds may be adopted for different counties within the state.

Voting machines may be used in combination with paper ballots in any election at the discretion of and under rules and regulations set up by the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-5 [Codes, 1942, § 3316-02; Laws, 1954, ch. 360, § 2; Laws, 1978, ch. 387, § 1; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 120, eff from and after January 1, 1987.

§ 23-15-407. Preservation and repair of voting machines.

The board of supervisors of any county or the governing authorities of any municipality may provide for each voting precinct one or more voting machines in complete working order, and thereafter the circuit clerk where machines are purchased or rented by the board of supervisors, and clerk of the municipalities where purchased by the governing authorities of a municipality, shall preserve and keep them in repair, and shall have custody thereof when not in use at an election.

Sources: Derived from 1972 Code § 23-7-7 [Codes, 1942, § 3316-03; Laws, 1954, ch. 360, § 3; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 121, eff from and after January 1, 1987.

§ 23-15-409. Form of ballots.

All ballots for use in voting machines shall be furnished by the same officer whose duty it is to furnish regular ballots and shall be printed on paper or clear white material, of such form and size as will fill the ballot frames of the machines, in plain color type as large as the space will reasonably permit. The names of the candidates for each office shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

Sources: Derived from 1972 Code § 23-7-9 [Codes, 1942, § 3316-04; Laws, 1954, ch. 360, § 4; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 122, eff from and after January 1, 1987.

§ 23-15-411. Sample or instruction ballots.

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

Sources: Derived from 1972 Code § 23-7-11 [Codes, 1942, § 3316-05; Laws, 1954, ch. 360, § 5; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 123, eff from and after January 1, 1987.

§ 23-15-413. Official ballots to be provided for each polling place; return of ballots.

Two (2) sets of official ballots shall be provided for each polling place for each voting precinct for use in and upon the voting machine, one (1) set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the circuit clerk in county and countywide elections and the clerk of the municipality in municipal elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine. At the close of the election, all official ballots (except those actually in or upon the voting machine at the close of the election), whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

Sources: Derived from 1972 Code § 23-7-13 [Codes, 1942, § 3316-06; Laws, 1954, ch. 360, § 6; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 124, eff from and after January 1, 1987.

§ 23-15-415. Preparation and protection of voting machines.

It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero, and otherwise in good and proper order for use at such election. For the purpose of placing ballots in the ballot frames of the machine, putting it in order, setting, testing and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons, to be known as custodian or custodians of voting machines, who shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty (30) days before the election. All voting machines to be used in an election shall be properly prepared at least three (3) days prior to the election day. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the registrar, together with a written report made by the custodian or official preparing the machine, stating that it is in every way properly prepared for the election. After the voting machine has been transferred to the polling place, it shall be the duty of the managers to provide ample protection against molestation or injury to the machine. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sources: Derived from 1972 Code § 23-7-15 [Codes, 1942, § 3316-07; Laws, 1954, ch. 360, § 7; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 125, eff from and after January 1, 1987.

§ 23-15-417. Instruction of election managers and clerks.

At least twenty-one (21) days before each election, the officials in charge of the elections shall appoint one or more persons to instruct the managers and clerks that are to serve in a voting precinct in the use of the machine, and in their duties in connection therewith; and he shall give to each manager and clerk, who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction, the person or persons appointed as instructors shall call such meeting or meetings of the managers and clerks as shall be necessary. Such person shall, within five (5) days, file a report with the officials in charge of the elections, stating that he has instructed the managers and clerks, giving the names of such officers, and the time and place where such instruction was given. The managers and clerks of each voting precinct in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No manager or clerk shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has

received a certificate to that effect, provided, however, that this shall not prevent the appointment of a person as a manager or clerk to fill a vacancy in an emergency.

Sources: Derived from 1972 Code § 23-7-17 [Codes, 1942, § 3316-08; Laws, 1954, ch. 360, § 8; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 126, eff from and after January 1, 1987.

§ 23-15-419. Exhibition of voting machine containing sample ballot.

Where voting machines are to be used, officials in charge of the election shall designate suitable and adequate times and places where voting machines containing sample ballots, showing titles of offices to be filled, and, so far as practicable, the names of candidates to be voted for at the next election, shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine, which is to be assigned for use in an election, shall be used for instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-19 [Codes, 1942, § 3316-09; Laws, 1954, ch. 360, § 9; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 127, eff from and after January 1, 1987.

§ 23-15-421. Preparation and delivery of official ballots.

Official ballots of the form and description set forth in this chapter for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sources: Derived from 1972 Code § 23-7-21 [Codes, 1942, § 3316-10; Laws, 1954, ch. 360, § 10; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 128, eff from and after January 1, 1987.

§ 23-15-423. Size of voting precincts.

Voting precincts in which voting machines are to be used may be altered, divided or combined so as to provide that each voting precinct in which the machine is to be used shall contain, as nearly as may be, five hundred (500) voters, and that each voting precinct in which two (2) machines are to be used shall contain, as nearly as may be, one thousand (1,000) voters, and that each voting precinct in which three (3) machines are to be used shall contain, as nearly as may be, one thousand five hundred (1,500) voters; provided that nothing herein shall prevent any voting precinct from containing a greater or lesser number than above if necessary for the convenience of the voters.

Sources: Derived from 1972 Code § 23-7-23 [Codes, 1942, § 3316-11; Laws, 1954, ch. 360, § 11; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 129, eff from and after January 1, 1987.

§ 23-15-425. Non-delivery, loss, destruction or theft of official ballots.

If the official ballots for a voting precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the official or officials, whose duty it now is, in such case, to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written, as nearly as may be, of the form and description of the official ballots, and officials in charge of the election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sources: Derived from 1972 Code § 23-7-25 [Codes, 1942, § 3316-12; Laws, 1954, ch. 360, § 12; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 130, eff from and after January 1, 1987.

§ 23-15-427. Inoperative voting machines.

In case any voting machine used in any voting precinct shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the manager immediately to give notice thereof to the registrar providing such machine, and it shall be the duty of the registrar, if possible, to substitute a perfect machine for the injured machine, and, at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but

if no other machine can be prepared for use at such election, and the one injured cannot be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the managers and placed by them in a receptacle in such case to be provided by the managers, and counted with the votes registered on the voting machine; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed, with a certificate or statement setting forth how and why the same were voted.

Sources: Derived from 1972 Code § 23-7-27 [Codes, 1942, § 3316-13; Laws, 1954, ch. 360, § 13; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 131, eff from and after January 1, 1987.

§ 23-15-429. Opening of polls.

Prior to the opening of the polls, the managers and clerks of each voting precinct shall meet at the polling place at the time set for opening of the polls, at each election, and shall proceed to arrange the furniture, stationery and voting machine for the conduct of the election. The keys to the voting machines shall be delivered to the managers before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine, and the number of the seal and the number registered on the protective counter or device, as reported by the custodian or official preparing the machine. Before opening the envelope, all managers and clerks present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian, or other authorized person, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged.

If the numbers on the envelope are the same as those on the machine, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero, the manager shall immediately notify the officials in charge of the election or the custodian, who shall, if practicable, adjust the counters at zero; but if it shall be impracticable to so adjust such counters before the time set for opening the polls, the managers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and, in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sources: Derived from 1972 Code § 23-7-29 [Codes, 1942, § 3316-14; Laws, 1954, ch. 360, § 14; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 132, eff from and after January 1, 1987.

§ 23-15-431. Voting irregular ballot for person whose name does not appear on voting machine.

Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of persons not in nomination, or wholly of persons not in nomination by any party. Such irregular ballots shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. With that exception, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sources: Derived from 1972 Code § 23-7-31 [Codes, 1942, § 3316-15; Laws, 1954, ch. 360, § 15; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 133, eff from and after January 1, 1987.

§ 23-15-433. Arrangement of polling room; who may be present during elections.

At all elections where voting machines are used, the arrangement of the polling room shall be the same as is now provided by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the managers and clerks; the voting machine shall be placed at least three (3) feet from every wall or partition of the polling room and at least four (4) feet from any table where any of the managers and clerks may be engaged or

seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the managers and clerks and the party watchers when not in use by voters. The managers and clerks shall not themselves be, or permit any other person to be, in any position or near any position that will permit one to see or ascertain how a voter votes, or has voted. The manager attending the machine shall inspect the face of the machine, after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places and that the machine has not been injured. During elections, the door or other covering of the counter compartment of the machine shall not be unlocked or opened. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sources: Derived from 1972 Code § 23-7-33 [Codes, 1942, § 3316-16; Laws, 1954, ch. 360, § 16; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 134, eff from and after January 1, 1987.

§ 23-15-435. Casting vote.

Where a voter presents himself for the purpose of voting, the clerks shall ascertain whether his name is upon the pollbook, and if his name appears thereon and no challenge be interposed, the voter shall go to the voting machine for the purpose of casting his vote. No voter shall remain in the voting machine booth longer than ten (10) minutes, if no one is waiting to vote, and no longer than five (5) minutes if someone is waiting to vote, and, having cast his vote, the voter shall at once emerge therefrom, and leave the polling room by the exit opening; if he shall refuse to leave after the lapse of time stated above, he shall be removed by the election officers. No voter, after having entered and emerged from the voting machine booth, shall be permitted to re-enter the same on any pretext whatever.

Sources: Derived from 1972 Code § 23-7-35 [Codes, 1942, § 3316-17; Laws, 1954, ch. 360, § 17; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 135, eff from and after January 1, 1987.

§ 23-15-437. Instruction of voters.

For the instruction of voters on any election days, there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the clerk's table, or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the offices and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two (2) election officers may, if necessary, enter the booth and give him such instructions, but no manager or person assisting a voter shall, in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or person assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sources: Derived from 1972 Code § 23-7-37 [Codes, 1942, § 3316-18; Laws, 1954, ch. 360, § 18; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 136, eff from and after January 1, 1987.

§ 23-15-439. Assistance to blind or physically disabled voters.

The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such elections, shall be interpreted to include the voting machine enclosure or curtain.

Sources: Derived from 1972 Code § 23-7-39 [Codes, 1942, § 3316-19; Laws, 1954, ch. 360, § 19; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 137, eff from and after January 1, 1987.

§ 23-15-441. Closing polls; reading and announcing vote; statements of canvass.

Immediately upon the close of the polls, the managers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of the persons who may be lawfully present at that time, giving

full view of the counters. The manager shall then, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition or other question. As each vote is read and announced, it shall be recorded on two (2) statements of canvass by the two (2) clerks, and, when completed, shall be compared with the numbers on the counters of the machine. If found to be correct, the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and any necessary corrections shall then and there be made by the managers or clerks. There shall be furnished two (2) copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sources: Derived from 1972 Code § 23-7-41 [Codes, 1942, § 3316-20; Laws, 1954, ch. 360, § 20; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 138, eff from and after January 1, 1987.

§ 23-15-443. Locking counter compartment; securing irregular ballots.

The managers and clerks shall, as soon as the count is completed and fully ascertained, lock the counter compartment, and it shall so remain for a period of thirty (30) days or until it must be prepared for use in another election, except it be ordered opened by a court of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the managers and clerks shall return all such ballots in a properly secured package endorsed "IRREGULAR BALLOTS" and return and file such package with the original statement of the result of the election made by them. Said package shall be preserved for six (6) months next succeeding such election, and it shall not be opened or its contents examined during that time except by court order. At the end of said six (6) months, said package may be opened and said ballots disposed of at the discretion of the registrar.

Sources: Derived from 1972 Code § 23-7-43 [Codes, 1942, § 3316-21; Laws, 1954, ch. 360, § 21; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 139, eff from and after January 1, 1987.

§ 23-15-445. Securing keys to voting machines; storing machines.

The keys of the machine shall be enclosed in an envelope to be supplied by the registrar on which shall be written the number of the machine and the voting precinct and ward where it has been used, which envelope shall be securely sealed and endorsed by the manager, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the registrar having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine, and all election officers or persons entrusted with such keys for election purposes, or in the preparation therefor, shall not retain them longer than necessary to use them for such legal purposes. All machines shall be stored as soon after the close of the election as possible, and the machines shall at all times be stored in a suitable place.

Sources: Derived from 1972 Code § 23-7-45 [Codes, 1942, § 3316-22; Laws, 1954, ch. 360, § 22; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 140, eff from and after January 1, 1987.

§ 23-15-447. Penalties for unlawful possession of voting machine or keys and for tampering with machine.

Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), imprisonment in the county jail, not less than ten (10) nor more than thirty (30) days. Any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the state prison of this state at hard labor for not less than three (3) nor more than ten (10) years.

Sources: Derived from 1972 Code § 23-7-47 [Codes, 1942, § 3316-23; Laws, 1954, ch. 360, § 23; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 141, eff from and after January 1, 1987.

§ 23-15-449. Applicability of laws now in force; absentee ballots.

All laws relating to elections now in force in this state shall apply to all elections under this chapter so far as the same may be applicable thereto, and so far as such provisions are not inconsistent with the provisions of this chapter. Absentee ballots shall be voted as now provided by law.

Sources: Derived from 1972 Code § 23-7-49 [Codes, 1942, § 3316-25; Laws, 1954, ch. 360, § 25; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 142, eff from and after January 1, 1987.

§ 23-15-451. Sections supplemental to law now in force.

Sections 23-15-401 through 23-15-451 are supplemental and in addition to the election laws of the State of Mississippi as now in effect or as may be amended.

Sources: Derived from 1972 Code § 23-7-51 [Codes, 1942, § 3316-26; Laws, 1954, ch. 360, § 26; repealed by Laws, 1986, ch. 495, § 338]; en, Laws, 1986, ch. 495, § 143, eff from and after January 1, 1987.

SUBARTICLE C. ELECTRONIC VOTING SYSTEMS

§ 23-15-461. Definitions.

As used in this chapter, unless otherwise specified:

- (a) "Automatic tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots or ballot cards and tabulate the results.
- (b) "Ballot card" means a tabulating card on which votes may be recorded by means of punching or marking.
- (c) "Ballot labels" means the cards, papers, booklet, pages or other material, containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.
- (d) "Ballot" means a paper ballot on which votes are recorded, or alternatively may mean ballot cards and ballot labels.
- (e) "Chad" means the part of a ballot card that is designed to be punched out by the voter.
- (f) "Counting center" means one or more locations used for the automatic counting of ballots.
- (g) "Electronic voting system" means a system in which votes are recorded on a paper ballot or ballot cards by means of marking or punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting centers.
- (h) "Voting device" means an apparatus which the voter uses to record his votes by marking or punching a hole in a paper ballot or tabulating card, which votes are subsequently counted by electronic tabulating equipment.

Sources: Derived from 1972 Code § 23-7-301 [Codes, 1942, § 3316-31; Laws, 1966, ch. 609, § 1; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 144; Laws, 2002, ch. 529, § 2, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-463. Authority to purchase or rent electronic voting system and to change boundaries of precinct within which system is used; applicable law; absentee ballots.

The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent voting devices and automatic tabulating equipment used in an electronic voting system which meets the requirements of Section 23-15-465 and may use such system in all or a part of the precincts within its boundaries, or in combination with paper ballots in any election or primary. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used. The provisions of Sections 23-15-431 through 23-15-485 shall be controlling with respect to elections where an electronic voting system is used, and shall be liberally construed so as to carry out the purpose of this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, insofar as they are applicable and not inconsistent with the efficient conduct of elections with electronic voting systems, shall apply. Absentee ballots shall be voted as now provided by law.

Sources: Derived from 1972 Code § 23-7-303 [Codes, 1942, § 3316-32; Laws, 1966, ch. 609, § 2; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 145, eff from and after January 1, 1987.

§ 23-15-465. Construction of electronic voting system.

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

- (a) Provide for voting in secrecy when used with voting booths;
- (b) Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure.
- (c) Permit each voter, at presidential elections, by one (1) mark or punch to vote for the candidates of that party for President, Vice-President, and their presidential electors, or to vote individually for the electors of his choice when permitted by law;
- (d) Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent nominees;
- (e) Permit each voter to vote for candidates only in the primary in which he is qualified to vote;
- (f) Permit each voter to vote for persons whose names are not on the printed ballot or ballot labels;
- (g) Prevent the voter from voting for the same person more than once for the same office;
- (h) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots;
- (i) Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted;
- (j) When properly operated, record correctly and count accurately every vote cast;
- (k) Be provided with a mechanical model for instructing voters, and be so constructed that a voter may readily learn the method of operating it;
- (l) Be safely transportable, and include a light to enable voters to read the ballot labels and instructions.

Sources: Derived from 1972 Code § 23-7-305 [Codes, 1942, § 3316-33; Laws, 1966, ch. 609, § 3; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 146, eff from and after January 1, 1987.

§ 23-15-467. Use of voting equipment.

Whenever the board of supervisors of any county or the governing authorities of any municipality shall purchase or rent voting equipment that meets the requirements of this chapter, such voting equipment may be used at all elections held in such county or municipality, or in any part thereof, for voting, registering, or counting votes cast at such elections as provided by Section 23-15-405 with respect to voting machines.

Sources: Derived from 1972 Code § 23-7-307 [Codes, 1942, § 3316-34; Laws, 1966, ch. 609, § 4; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 147, eff from and after January 1, 1987.

§ 23-15-469. Form of ballots and ballot labels; posting of sample ballots and instructions; write-in ballots.

Ballots and ballot labels shall, as far as practicable, be in the same order of arrangement as provided for paper ballots, except that such information may be printed in vertical or horizontal rows, or in a number of separate pages which are placed on the voting device. Ballot labels shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to fit the construction of the voting device. Arrows may be printed on the ballot labels to indicate the place to punch the ballot card, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns or on a series of separate pages, and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column or on one (1) ballot page, the ballot or ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and, so far as possible, the same number of names shall be printed on each column or page. The names of candidates for each office shall be printed in vertical columns or on separate pages, grouped by the offices which they seek. In partisan elections, the party designation of each candidate, which may be abbreviated, shall be printed following his name.

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

Sample ballots may be printed on a single page or on a number of pages stapled together. A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided if required to permit voters to write in the title of the office and the name of a person not on the printed ballot for whom he wishes to vote.

Sources: Derived from 1972 Code § 23-7-309 [Codes, 1942, § 3316-35; Laws, 1966, ch. 609, § 5; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 148, eff from and after January 1, 1987.

§ 23-15-471. Preparation and delivery of necessary forms and supplies.

The official ballots, ballot labels, ballot cards, sample ballots and other necessary forms and supplies of the form and description required by this chapter or required for the conduct of elections with an electronic voting system shall be prepared and furnished by the same officials, in the same manner and time, and delivered to the same officials as provided by law with respect to paper ballots. If ballot cards are used, each card shall have a serially numbered stub which shall be removed in the presence of an election officer by the voter before being deposited in the ballot box.

Sources: Derived from 1972 Code § 23-7-311 [Codes, 1942, § 3316-36; Laws, 1966, ch. 609, § 6; Laws, 1972, ch. 512, § 2; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 149, eff from and after January 1, 1987.

§ 23-15-473. Storage, maintenance and repair of voting devices; use of unofficial ballots when device malfunctions.

The circuit court clerk shall be the custodian of voting devices acquired by a county, who shall be charged with the proper storage, maintenance and repair of voting devices, and the preparation of them for voting prior to elections. After they have been prepared for an election and at least three (3) days prior thereto, the voting devices shall be

available for public inspection at a time and place designated by the custodian. Thereafter they shall be locked or sealed before delivery to the managers of the election. The custodian shall immediately repair, replace or remove any voting device which fails to function properly on election day. The clerk of any municipality which acquires voting devices shall be the custodian of such voting devices and perform the same functions.

If a voting device at a polling place malfunctions and cannot be repaired or replaced quickly and there is no other device in the polling place that can be used to perform the function of the device that malfunctions, unofficial ballots made as nearly as possible in the form of the official ballot may be used until the voting device is repaired or replaced. Such ballots shall be received by the managers and placed by them in a receptacle in such case to be provided by the managers, and counted with the votes registered on the voting device; and the result shall be declared the same as though there had been no accident to the voting device; the ballots thus voted shall be preserved and returned as herein directed, with a certificate or statement setting forth how and why the same were voted.

Sources: Derived from 1972 Code § 23-7-313 [Codes, 1942, § 3316-37; Laws, 1966, ch. 609, § 7; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 150, eff from and after January 1, 1987.

§ 23-15-475. Instruction of polling officers; public display of voting devices.

Prior to each election, the officials in charge of the election shall provide for the instruction of the polling officers in their duties as provided in Section 23-15-417 with respect to voting machines, and shall place voting devices on public display at such times and places as they may determine for the education of voters in their use.

Sources: Derived from 1972 Code § 23-7-315 [Codes, 1942, § 3316-38; Laws, 1966, ch. 609, § 8; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 151, eff from and after January 1, 1987.

§ 23-15-477. Opening and closing polls; instructing voters; spoiled ballots.

Not less than thirty (30) minutes before the opening of the polls, the voting precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers; open the voting devices, place them in the voting booths, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order; and open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters. Each voter shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth, two (2) election officers may, if necessary, enter the booth and give him such additional instructions. Any voter who spoils his ballot or ballot card may return it and secure another. The word "SPOILED" shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots. If ballot cards are used, the voter, after he has marked his ballot card, shall remove the stub in the presence of the election officer, and deposit the ballot card inside the ballot box. No ballot from which the stub has been detached without the presence of the election officer shall be accepted by the judge in charge of the ballot box, but it shall be marked "SPOILED" and placed with the spoiled ballots. As soon as the polls have been closed and the last qualified voter has voted, the voting devices shall be sealed against further voting. All unused ballots or ballot cards shall be placed in a container which shall be sealed and returned to the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-317 [Codes, 1942, § 3316-39; Laws, 1966, ch. 609, § 9; Laws, 1972, ch. 512, § 1; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 152, eff from and after January 1, 1987.

§ 23-15-479. Report of voters; sealing and delivery of ballot box; return of records and supplies.

The managers shall prepare a report in duplicate of the number of voters who have voted, as indicated by the poll list, and shall place this report in the ballot box, which thereupon shall be sealed with a paper seal signed by the managers so that no additional ballots may be deposited or removed from the ballot box. Two (2) managers shall forthwith deliver the ballot box to the counting center or other designated place and receive a signed, numbered receipt therefor. The poll list, register of voters, unused ballots and ballot cards, spoiled ballots, and other records and supplies, shall be returned as directed by the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-319 [Codes, 1942, § 3316-40; Laws, 1966, ch. 609, § 10; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 153, eff from and after January 1, 1987.

§ 23-15-481. Testing of tabulating equipment.

Prior to the start of the count of the ballots, the commissioners of elections, in conjunction with the circuit clerks or officials in charge of the election shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least forty-eight (48) hours prior thereto by publication once in one or more daily or weekly newspapers published in the county, city or jurisdiction where such equipment is used, if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be witnessed by representatives of the political parties, candidates, the press and the public. It shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the officials in charge before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots.

Sources: Derived from 1972 Code § 23-7-321 [Codes, 1942, § 3316-41; Laws, 1966, ch. 609, § 11; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 154, eff from and after January 1, 1987.

§ 23-15-483. Counting vote.

(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 observation of the public, but no persons except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized in writing and take an oath that they will faithfully perform their assigned duties. Persons assigned to operate the automatic tabulating equipment shall submit evidence satisfactory to the commissioners of elections or officials in charge of the elections of their qualifications to operate said equipment.

(2) The commissioners of elections or the officials in charge of the election shall appoint qualified electors of the county to serve as judges on a resolution board in the manner provided in Section 23-15-523 to review all ballots that have been rejected by the electronic voting system tabulating equipment and are damaged or defective. An odd number of members shall be appointed to the resolution board.

(3) (a) If any ballot is damaged or defective so that it cannot be properly counted by the automatic tabulating equipment, the ballot shall be deposited in an envelope provided for that purpose marked "RESOLUTION BOARD." All such ballots shall be carefully handled so as to avoid disturbing any chad or mark on the ballot.

(b) The commissioners of election or officials in charge of the election shall direct the judges or the resolution board to manually count any damaged or defective ballots, who shall determine the intent of the voter and record the vote consistent with this determination.

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

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

(ii) The resolution board shall mark the first original they examine as "Original #1" and the duplicate of this original as "Duplicate #1." Subsequent originals and duplicates shall be likewise marked and numbered consecutively so the

duplicate of each original can be identified. Duplicate ballots may be printed in a different color from the original ballots so that they may be easily distinguished for the originals.

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

(4) If the resolution board is directed to manually count damaged or defective ballots, the board shall examine each damaged or defective ballot and determine the intent of the voter. A vote on a ballot in which a hole is punched by the voter to indicate a vote shall not be counted unless:

(a) At least two (2) corners of the chad are detached;

(b) Light is visible through the hole;

(c) An indentation on the chad from the stylus or other object is clearly present and indicates a clearly ascertainable intent of the voter to vote; or

(d) The chad reflects by other means a clearly ascertainable intent of the voter to vote based on the totality of the ballot.

(5) All ballots that are rejected by the automatic tabulating equipment and which contain overvotes shall be inspected by the resolution board. In cases in which a ballot appearing to contain overvotes is reviewed by the resolution board, the board shall apply the following standards in determining the intent of the voter:

(a) When an elector casts more votes for any office or measure than the voter is entitled to cast, all the elector's votes for that office or measure are invalid and the voter shall be deemed to have voted for none of them.

(b) In an election for President of the United States, if the voter votes for both the candidates for president and vice president of the United States from the same party ticket or independent candidate choices, if such option is available to the voter due to the design of the electronic voting system ballot, then the vote is counted as a single vote for the joint candidates for president and vice president.

(6) Subsections (2) and (3) of this section shall not supercede any clearly ascertainable intent of the voter.

(7) If for any reason it becomes impractical to count all or a part of the ballots with the automatic tabulating equipment, the officials in charge of the election may direct that the ballots be counted manually and voter intent shall be determined by following the provisions of subsections (2), (3) and (4) of this section in cases of overvoted ballots or those appearing to be blank.

(8) The return printed by the automatic tabulating equipment, to which have been added the ballots that have been manually counted and which has been duly certified by the officials in charge of the election, shall constitute the official return of each voting precinct or supervisors district. Unofficial and incomplete returns may be released during the count. Upon completion of the count, the official returns shall be open to the public.

(9) Automatic 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 automatic tabulating equipment that enables or permits the automatic 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.

(10) 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 automatic tabulating equipment because the ballots appear to be damaged or defective or are rejected by the automatic tabulating equipment for any other reason; or

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

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

Sources: Derived from 1972 Code § 23-7-323 [Codes, 1942, § 3316-42; Laws, 1966, ch. 609, § 12; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 155; Laws, 2002, ch. 529, § 3, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-485. Authority of Secretary of State and commissioners of elections.

The Secretary of State shall have the power to issue supplementary instructions and procedures for the safe and efficient use of electronic voting systems and to carry out the purpose of this chapter. Subject to such instructions and procedures and the provisions of this chapter, the commissioners of elections shall have the power to make all necessary and desirable provisions for the conduct of elections with approved electronic voting systems.

Sources: Derived from 1972 Code § 23-7-325 [Codes, 1942, § 3316-43; Laws, 1966, ch. 609, § 13; repealed by Laws, 1986, ch. 495, § 339]; en, Laws, 1986, ch. 495, § 156, eff from and after January 1, 1987.

SUBARTICLE D. OPTICAL MARK READING EQUIPMENT

§ 23-15-501. Sections supplemental to law now in effect.

Section 23-15-501 through 15-23-525 are supplemental and in addition to the election laws of the State of Mississippi as now in effect or as may be amended.

Sources: Derived from 1972 Code § 23-7-501 [Laws, 1984, ch. 509, § 1; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 157, eff from and after January 1, 1987.

§ 23-15-503. Definitions.

As used in this subarticle, unless otherwise specified:

(a) "OMR" means optical mark reading.

(b) "Optical mark reading equipment (OMR)" means any apparatus necessary to automatically examine and count votes as designated on paper ballots.

(c) "Counting center" means one or more locations used for the automatic counting of ballots.

(d) "Electronic voting systems" means a system in which votes are recorded on a paper ballot by means of marking, and such votes are subsequently counted and tabulated by optical mark reading equipment at one or more counting centers.

(e) "Marking device" means a pen or pencil which the voters use to record their votes by marking a paper ballot.

(f) "Ballot" means a paper ballot on which votes are recorded by means of marking the ballot with a marking device.

Sources: Derived from 1972 Code § 23-7-503 [Laws, 1984, ch. 509, § 2; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 158, eff from and after January 1, 1987.

§ 23-15-505. Authority to purchase or rent optical mark reading equipment; applicable law.

The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent optical mark

reading equipment used in an electronic voting system which meets the requirements of Section 23-15-507 and may use such system in all or a part of the precincts within its boundaries. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used. The provisions of this chapter shall be controlling with respect to elections where any OMR system is used, and shall be liberally construed so as to carry out the purpose of this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, that are to be manually tabulated, insofar as they are applicable and not in conflict with the efficient conduct of the systems, shall apply.

Sources: Derived from 1972 Code § 23-7-505 [Laws, 1984, ch. 509, § 3; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 159, eff from and after January 1, 1987.

§ 23-15-507. Construction of optical mark reading system.

No optical mark reading system shall be acquired or used in accordance with this chapter unless it shall:

- (a) Permit each voter to vote at any election for all persons and no others for whom and for which they are lawfully entitled to vote; to vote for as many persons for an office as they are entitled to vote for; to vote for or against any questions upon which they are entitled to vote;
- (b) The OMR tabulating equipment shall be capable of rejecting choices recorded on the ballot if the number of choices exceeds the number which the voter is entitled to vote for the office or on the measure;
- (c) Permit each voter, at presidential elections, by one (1) mark to vote for the candidates of that party for President, Vice-President, and their presidential electors, or to vote individually for the electors of their choice when permitted by law;
- (d) Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent nominees;
- (e) Permit each voter to vote for candidates only in the primary in which they are qualified to vote;
- (f) Permit each voter to vote for persons whose names are not on the printed ballot;
- (g) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and the counting of ballots;
- (h) Be provided with means for sealing the ballots after the close of the polls and the last voter has voted;
- (i) When properly operated, record correctly and count accurately all votes cast; and
- (j) Provide the voter with a set of instructions that will be so displayed that a voter may readily learn the method of voting.

Sources: Derived from 1972 Code § 23-7-507 [Laws, 1984, ch. 509, § 4; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch.495, § 160, eff from and after January 1, 1987.

§ 23-15-509. Use of optical mark reading system.

Whenever the board of supervisors of any county or the governing authorities of any municipalities shall purchase or rent any OMR voting system that meets the requirements of this article, such system may be used at all elections held in such county or municipality, or in any part thereof, for voting, registering or counting votes cast at such elections as provided by Section 23-15-405 with respect to voting machines.

Sources: Derived from 1972 Code § 23-7-509 [Laws, 1984, ch. 509, § 5; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 161, eff from and after January 1, 1987.

§ 23-15-511. Form of ballots; posting of sample ballots; ballot security envelopes.

The ballots shall, as far as practicable, to be in the same order of arrangement as provided for paper ballots that are to be counted manually, except that such information may be printed in vertical or horizontal rows. Nothing in this chapter shall be construed as prohibiting the information being presented to the voters from being printed on both sides of a single ballot. In those years when a special election shall occur on the same day as the general election, the names of candidates in any special election and the general election shall be placed on the same ballot by the commissioners of elections or officials in charge of the election, but the general election candidates shall be clearly distinguished from the special election candidates. At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot, but shall be clearly distinguished as special election candidates or primary election candidates.

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR tabulating equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is continued on the following column. The names of candidates for each office shall be printed in vertical columns, grouped by the offices which they seek. In partisan elections, the party designation of each candidate, which may be abbreviated, shall be printed following his name.

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

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

Sources: Derived from 1972 Code § 23-7-511 [Laws, 1984, ch. 509, § 6; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 162, eff from and after January 1, 1987.

§ 23-15-513. Preparation and delivery of necessary forms and supplies.

The official ballots, sample ballots and other necessary forms and supplies of the forms and description required by this chapter or required for the conduct of elections with an electronic voting system shall be prepared and furnished by the same official, in the same manner and time, and delivered to the same officials as provided by law with respect to paper ballots that are to be counted manually.

Sources: Derived from 1972 Code § 23-7-513 [Laws, 1984, ch. 509, § 7; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 163, eff from and after January 1, 1987.

§ 23-15-515. Storage, maintenance, repair and preparation of equipment.

The circuit court clerk shall be the custodian of OMR tabulating equipment acquired by the county, who shall be charged with the proper storage, maintenance and repair of the OMR equipment and preparation of them for tabulating prior to elections. The custodian shall repair or replace any tabulating equipment which fails to function properly on election day. The clerk of any municipality which acquires OMR tabulating equipment shall be the custodian of such equipment and perform the same functions.

Sources: Derived from 1972 Code § 23-7-515 [Laws, 1984, ch. 509, § 8; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 164, eff from and after January 1, 1987.

§ 23-15-517. Opening and closing polls; instructing voters; spoiled ballots.

At least thirty (30) minutes before the opening of the polls, the voting precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers; the voting precinct election officers shall examine the ballots to verify that they have the correct ballots for their precinct and check the supplies, records and forms, and post the sample ballots and instruction to the voter. They shall also inspect the ballot boxes to insure they are empty, and then seal the box for voting.

Each voter shall receive written and/or verbal instructions by the voting precinct election official instructing the voter how to properly vote the paper ballot before they enter the voting booth. If any voter needs additional instructions after entering the voting booth, two (2) election officers may, if necessary, enter the booth and give him such additional instructions. If any voter spoils a ballot he may obtain others, one (1) at a time, not exceeding three (3) in all, upon returning each spoiled ballot. The word "SPOILED" shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots. As soon as the polls have been closed and the last qualified voter has voted, the ballots shall be sealed against further voting. All unused ballots shall be placed in a container provided for that purpose which shall be sealed and returned to the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-517 [Laws, 1984, ch. 509, § 9; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 165, eff from and after January 1, 1987.

§ 23-15-519. Report of voters; delivery of ballot box; return of records and supplies.

The managers shall prepare a report in duplicate of the number of voters who have voted, as indicated by the poll list, and shall place this report in the ballot box, which thereupon shall be sealed with a paper seal signed by the managers so that no additional ballots may be deposited or removed from the ballot box. The manager or other person who acts as returning officer shall forthwith deliver the ballot box to the counting center or other designated place and receive a signed, numbered receipt therefor. The poll list, register of voters, unused ballots, spoiled ballots, and other records and supplies, shall be returned as directed by the officials in charge of the election.

Sources: Derived from 1972 Code § 23-7-519 [Laws, 1984, ch. 509, § 10; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 166, eff from and after January 1, 1987.

§ 23-15-521. Testing of tabulating equipment.

Prior to the start of the count of the ballots, the commissioners of elections or officials in charge of the election shall have the OMR tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Representatives of the political parties, candidates, the press and the general public may witness the test conducted on the OMR tabulating equipment. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the OMR tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the officials in charge before the count is started. On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots.

Sources: Derived from 1972 Code § 23-7-521 [Laws, 1984, ch. 509, § 11; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 167, eff from and after January 1, 1987.

§ 23-15-523. Counting vote.

(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.

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

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

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

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

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

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

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

(5) All ballots that are rejected by the OMR tabulating equipment and which contain overvotes shall be inspected by the resolution board. Regarding those ballots upon which an overvote appears and voter intent cannot be determined by inspection of the resolution board, the officials in charge of the election may use the OMR tabulating equipment in determining the vote in the races which are unaffected by the overvote. All other ballots which are overvoted shall be counted manually following the provisions of this section at the direction of the officials in charge of the election. If for any reason it becomes impracticable to count all or a part of the ballots with the OMR tabulating equipment, the officials in charge may direct that they be counted manually, and voter intent shall be determined by following the provisions of this section. The return printed by the OMR tabulating equipment to which have been added the manually tallied ballots, which shall be duly certified by the officials in charge of the election, shall constitute the official return of each voting precinct. Unofficial and incomplete returns may be released during the count. Upon the completion of the counting, the official returns shall be open to the public.

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

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

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

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

- (d) The voter underlines the ballot measure or the name of a candidate.
 - (e) The voter draws a line from the arrow, oval, circle or square to a ballot measure or the name of a candidate.
 - (f) The voter draws a circle or oval around the ballot measure or the name of the candidate.
 - (g) The voter draws a circle or oval around the arrow, oval, circle or square adjacent to the ballot measure or the name of the candidate.
- (7) The resolution board, when inspecting an OMR ballot which contains or appears to contain one or more overvotes, appears to be damaged or defective, or is rejected by the OMR tabulating equipment for any reason or cannot be counted by the OMR tabulating equipment, shall make its determination in accordance with the following:
- (a) When an elector casts more votes for any office or measure than he or she is entitled to cast at an election, all the elector's votes for that office or measure are invalid and the elector is deemed to have voted for none of them except as provided in paragraph (b) of this subsection. If an elector casts less votes for any office or measure than he or she is entitled to cast at an election, all votes cast by the elector shall be counted but no vote shall be counted more than once.
 - (b) If an elector casts more than one (1) vote for the same candidate for the same office, the first vote is valid and the remaining votes are invalid.
 - (c) No write-in vote for a candidate whose name is printed on the ballot shall be regarded as defective due to misspelling a candidate's name, or by abbreviation, addition or omission or use of a wrong initial in the name, as long as the intent of the voter can be ascertained.
 - (d) In any case where a voter writes in the name of a candidate for President of the United States whose name is printed on the general election ballot, the failure by the voter to write in the name of a candidate for the Office of Vice President of the United States on the general election ballot does not invalidate the elector's vote for the slate of electors for any candidate whose name is written in for the Office of President of the United States.
 - (e) For any ballot measure in which the words "for" or "against" are printed on a ballot, if the voter shall write the word "for" or the word "against" instead of or in addition to marking the ballot in accordance with the ballot instruction in the space adjacent to the pre-printed words "for" or "against," the resolution board shall, in reviewing such ballot, count the vote in accordance with the voter's handwritten preference, unless the voter marks the ballot in the space adjacent to the pre-printed words "for" or "against" contrary to the handwritten preference, in which case no vote shall be recorded for such ballot in regard to the ballot measure.
 - (f) For any ballot measure in which the words "yes" or "no" are printed on a ballot, if the voter shall write the word "yes" or the word "no" instead of or in addition to marking the ballot in accordance with the ballot instructions in the space adjacent to the pre-printed words "yes" or "no," the resolution board shall, in reviewing such ballot, count the vote in accordance with the voter's handwritten preference, unless the voter marks the ballot in the space adjacent to the pre-printed words "yes" or "no" contrary to the handwritten preference, in which case no vote shall be recorded for such ballot in regard to 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.

Sources: Derived from 1972 Code § 23-7-523 [Laws, 1984, ch. 509, § 12; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 168; Laws, 2002, ch. 529, § 1, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-525. Authority of Secretary of State and commissioners of elections.

The Secretary of State shall have the power to issue supplementary instructions and procedures for the safe and efficient use of OMR tabulating equipment within the State of Mississippi and to carry out the purpose of this chapter. Subject to such instructions and procedures and the provisions of this chapter, the commissioners of elections shall have the power to make all necessary and desirable provisions for the conduct of elections with approved electronic voting systems.

Sources: Derived from 1972 Code § 23-7-525 [Laws, 1984, ch. 509, § 13; repealed by Laws, 1986, ch. 495, § 340]; en, Laws, 1986, ch. 495, § 169, eff from and after January 1, 1987.

SUBARTICLE E.

DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT (DRE)

§ 23-15-531. Definitions

As used in this subarticle:

(a) "DRE" means direct recording electronic voting equipment.

(b) "Direct recording electronic voting equipment" means a computer driven unit for casting and counting votes on which an elector touches a video screen or a button adjacent to a video screen to cast his or her vote.

SOURCES: Laws, 2005, ch. 534, § 1, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.1. Minimum requirements DRE systems must meet to be used in elections

Each DRE unit shall:

(a) Permit the voter to verify, in a private and independent manner, the votes selected by the voter on the ballot before the ballot is cast and counted;

(b) Provide the voter with the opportunity, in a private and independent manner, to change the ballot or correct any error before the ballot is cast and counted, including, but not limited to, the opportunity to correct the error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct any error;

(c) If the voter selects votes for more candidates for a single office than are eligible for election:

- (i) Notify the voter that he has selected more candidates for that office than are eligible for election;
- (ii) Notify the voter before his vote is cast and counted of the effect of casting multiple votes for such an office;
and
- (iii) Provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.
- (d) Produce a permanent paper record with a manual audit capacity which shall be available for any recount conducted with respect to the election in which the DRE unit is used;
- (e) Have the capability to print the ballots cast by electors to be utilized in the event of a recount conducted with respect to the election in which the DRE is used;
- (f) Be accessible for individuals with disabilities, including, but not limited to, nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. This requirement may be satisfied through the use of at least one (1) DRE unit or other voting unit equipped for individuals with disabilities at each polling place;
- (g) Provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965; and
- (h) Have a residual vote rate in counting ballots attributable to the voting system and not to voter error that complies with error rate standards established under the voting system standards issued by the Federal Election Commission which were in effect as of October 29, 2002.

SOURCES: Laws, 2005, ch. 534, § 2, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.2. Manner in which DREs must be arranged at polling places

DREs shall be arranged in the polling place in such a manner as to:

- (a) Ensure the privacy of the elector while voting on such units;
- (b) Allow monitoring of the units by the poll managers while the polls are open; and
- (c) Permit the public and lawful poll watchers to observe the voting without affecting the privacy of the electors as they vote.

SOURCES: Laws, 2005, ch. 534, § 3, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.3. Form of ballot; requirements where color display is used

- (1) The ballots for DREs shall be of such size and arrangement as will suit the construction of the DRE screen and shall be in plain, clear type that is easily readable by persons with normal vision.
- (2) (a) If the equipment has the capacity for color display, the names of all candidates in a particular race shall be displayed in the same color, font and size, and the political party or affiliation of candidates may be displayed in a color different from that used to display the names of the candidates, but all political party or affiliations shall be displayed in the same color. All political party names shall be displayed in the same size and font.

- (b) All ballot questions and constitutional amendments shall be displayed in the same color.

SOURCES: Laws, 2005, ch. 534, § 4, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.4. Duties of official in charge of election in regard to use of DREs; circuit clerk to be custodian of DRE units; testing of DRE units prior to election

- (1) The officials in charge of the election of each county or municipality shall:
 - (a) Cause the proper ballot design and style to be programmed for each DRE unit which is to be used in any precinct within the county or municipality;
 - (b) Cause each DRE unit to be placed in proper order for voting;
 - (c) Examine each unit before it is sent to a polling place;
 - (d) Verify that each registering mechanism is set at zero; and
 - (e) Properly secure each unit so that the counting machinery cannot be operated until later authorized.
- (2) The circuit clerk shall be the custodian of the DRE units acquired by the county.
- (3) The officials in charge of the election shall be responsible for the preparation of the units to be used in the county or municipality at the primaries and other elections in the county or municipality.
- (4) (a) On or before the third day preceding any election, except runoff elections, the officials in charge of the election shall have each DRE unit tested to ascertain that it will correctly count the votes cast for all offices and on all questions in a manner that the Secretary of State may prescribe by rule or regulation.
 - (b) On or before the third day preceding any runoff election, the officials in charge of the election shall test a number of DRE units at random to ascertain that the units will correctly count the votes cast for all offices. If the total number of DRE units in the county is thirty (30) units or less, all of the units shall be tested. If the total number of DRE units in the county is more than thirty (30) but not more than one hundred (100), then at least one-half (1/2) of the units shall be tested at random. If there are more than one hundred (100) DRE units in the county, the officials in charge of the election shall test at least fifteen percent (15%) of the units at random. In no event shall the officials in charge of the election test less than one (1) DRE unit per precinct. All memory cards to be used in the runoff shall be tested. Public notice of the time and place of the test shall be made at least five (5) days prior thereto. Representatives of candidates, political parties, news media and the public shall be permitted to observe such tests.
- (5) In every primary or general election, the officials in charge of the election shall furnish, at the expense of the county or municipality, all ballots, forms of certificates and other papers and supplies required under this subarticle which are not furnished by the Secretary of State, all of which shall be in the form and according to any specifications prescribed from time to time by the Secretary of State.

SOURCES: Laws, 2005, ch. 534, § 5, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.5. Arrangement of offices, names of candidates and questions on DRE ballots; write-in ballots

(1) The arrangement of offices, names of candidates and questions upon the DRE ballots shall conform as nearly as practicable to the arrangement of offices, names of candidates and questions on paper ballots.

(2) A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided if required to permit voters to write in the title of the office and the name of the person not on the printed ballot for whom he wishes to vote. The design of the write-in ballot shall permit the officials in charge of the election and poll workers when obtaining the vote count from such systems to determine readily whether an elector has cast any write-in vote not authorized by law.

SOURCES: Laws, 2005, ch. 534, § 6, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.6. Officials to ensure delivery of proper DRE units to polling places at least one hour before polls open; each unit to be thoroughly tested, inspected and sealed prior to delivery to polling place; protection against molestation of or injury to DRE units; preparation of DRE units for voting

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

(2) The officials in charge of the election shall require that each DRE unit be thoroughly tested, inspected and sealed prior to the delivery of each DRE unit to the polling place. Prior to opening the polls each day on which the units will be used in an election, the manager shall break the seal on each unit, turn on each unit, certify that each unit is operating properly and is set to zero, and print a zero tape certifying that each unit is set to zero and shall keep or record such certification on each unit.

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

(4) The officials in charge of the election, in conjunction with the governing authorities, shall, at least one (1) hour prior to the opening of the polls:

(a) Provide sufficient lighting to enable electors to read the ballot and which shall be suitable for the use of the poll managers in examining the booth and conducting their responsibilities;

(b) Provide directions for voting on the DRE units which shall be prominently posted within each voting booth and at least two (2) sample ballots for the primary or general election which shall be prominently posted outside the enclosed space within the polling place;

(c) Ensure that each DRE unit's tabulating mechanism is secure throughout the day during the primary or general election; and

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

SOURCES: Laws, 2005, ch. 534, § 7, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.7. Demonstration on use of DREs

The officials in charge of the election shall place on public exhibition and demonstrate the use of the DRE units throughout the county or municipality during the month preceding each primary and general election. At least during the initial year in which DRE equipment is used in a county or municipality, all officials in charge of the election

shall offer a series of demonstrations and organized voter education initiatives to educate electors in the use of such equipment in voting.

SOURCES: Laws, 2005, ch. 534, § 8, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.8. Storage of DRE units when not in use

(1) All DRE units and related equipment shall be properly stored and secured when not in use.

(2) The circuit clerk shall store the DRE units and related equipment under his or her supervision when it is not in use at an election. The circuit clerk shall provide compensation for the safe storage and care of such units and related equipment if the units and related equipment are stored by a person or entity other than the circuit clerk.

SOURCES: Laws, 2005, ch. 534, § 9, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.9. Manner in which elector to vote on DRE unit; voiding of ballots in certain instances when elector does not complete voting process

(1) A duly qualified elector shall cast his vote on a DRE unit by touching the screen or pressing the appropriate button on the unit for the candidate or issue of the elector's choice. After pressing the appropriate button on the unit or location on the screen to cast the ballot, the elector's vote shall be final and shall not be subsequently altered.

(2) If an elector leaves the voting booth without having pressed the appropriate button on the unit or location on the screen to finally cast his or her ballot and cannot be located to return to the booth to complete the voting process, then a poll manager shall take the steps necessary to void the ballot that was not completed by the elector and an appropriate record shall be made of the event.

SOURCES: Laws, 2005, ch. 534, § 10, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.10. Counting votes and determining results in elections conducted with DREs

(1) In elections in which DRE voting equipment is used, the ballots shall be counted at the precinct under the direction of the officials in charge of the election. All persons who perform any duties at the precinct shall be deputized by the officials in charge of the election and only persons so deputized shall touch any ballot, container, paper or machine utilized in the conduct of the count or be permitted to be in the immediate area designed for officers deputized to conduct the count.

(2) All proceedings at the precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the officials in charge of the election shall touch any ballot, any DRE unit or the tabulating equipment.

(3) After the polls have closed and all voting in the precinct has ceased, the poll manager shall shut down the DRE units and extract the election results from each unit as follows:

(a) The manager shall obtain the results tape from each DRE unit and verify that the number of ballots cast as recorded on the tape matches the public count number as displayed on the DRE unit;

(b) If a system is established by the Secretary of State, the poll manager shall first transmit the election results extracted from each DRE unit in each precinct via modem to the central tabulating center of the county; and

(c) The manager shall then extract the memory card, if applicable, from each DRE unit.

(4) (a) Upon completion of shutting down each DRE unit and extracting the election results, the manager shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

(i) The number of valid ballots;

(ii) The number of spoiled and invalid ballots;

(iii) The number of affidavit ballots; and

(iv) The number of unused affidavit ballots and any other unused ballots.

(b) The manager shall cause to be placed in the ballot supply container one (1) copy of the recap form and any unused, defective, spoiled and invalid ballots, each enclosed in an envelope or communication pack.

(5) The manager shall collect and retain the zero tape and the results tape for each DRE unit and place the tapes with the memory card, if any, for each unit and enclose all such items for all of the DRE units used in the precinct in one (1) envelope or communication pack which shall be sealed and initialed by the manager so that it cannot be opened without breaking the seal.

(6) The returning manager shall then deliver the envelope or communication pack to the tabulating center for the county or municipality or to such other place designated by the officials in charge of the election and shall receive a receipt therefor. The copies of the recap forms, unused ballots, records and other materials shall be returned to the designated location and retained as provided by law.

(7) Upon receipt of the sealed envelope or communication pack containing the zero tapes, results tapes and memory cards, the officials in charge of the election shall verify the signatures on the envelope or communication pack. Once verified, the officials in charge of the election shall break the seal of the envelope or communication pack and remove its contents. The officials in charge of the election shall then download the results stored on the memory card from each DRE unit into the election management system located at the central tabulation point of the county in order to obtain election results for certification.

SOURCES: Laws, 2005, ch. 534, § 11, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.11. Challenged ballots

In the case of challenged ballots cast on direct recording electronic voting equipment, the ballots shall be coded in such a way that the ballot of a challenged voter can be separated from other valid ballots at the time of tabulation and the challenged ballots shall be counted, challenged or rejected in accordance with the challenged ballot law.

SOURCES: Laws, 2005, ch. 534, § 12, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.12. Irregular paper ballots to be cast where DRE equipment becomes inoperable

If for any reason any direct recording electronic voting equipment shall become inoperable, the poll managers, or the officials in charge of the election, shall direct voters to go to an operating terminal or to cast irregular ballots, if necessary, which shall be paper ballots. Such paper ballots shall be administered, as far as is practicable, in accordance with the laws concerning paper ballots.

SOURCES: Laws, 2005, ch. 534, § 13, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-531.13. Unlawful to tamper with or damage DRE unit or tabulating computer or attempt to prevent correct operation of any DRE prohibited; penalties

Any person who willfully tampers with or damages any DRE unit or tabulating computer or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any DRE unit or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not less than three (3) years nor more than ten (10) years.

SOURCES: Laws, 2005, ch. 534, § 14, eff June 6, 2005 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 17. **CONDUCT OF ELECTIONS**

SUBARTICLE A. **GENERAL PROVISIONS**

§ 23-15-541. Hours polls to be open; designation and duties of initialing manager and alternate initialing manager.

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 indorsed 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.

Sources: Derived from 1972 Code § 23-3-13 [(Codes, 1942, § 3164; Laws, 1935, ch. 19; Laws, 1960, ch. 448) and § 23-5-147 (Codes, Hutchinson's 1848, ch. 7, art 5 (6); 1857, ch. 4, art 12; 1871, §§ 370, 371; 1880, § 136; 1892, § 3648; Laws, 1906, § 4155; Hemingway's 1917, § 6789; Laws, 1930, § 6238; Laws, 1942, § 3267; Laws, 1916, ch. 230; Laws, 1960, ch. 451; Laws, 1964, ch. 511, § 1) repealed by Laws, 1986, ch. 495, §§ 333, 335]; en, Laws, 1986, ch. 495, § 170; Laws, 1993, ch. 528, § 4, eff from and after date said ch. 528, is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended (see Editor's note).

§ 23-15-543. Receipt booklet to be kept in polling place, except during adjournment, until locked in ballot box.

The receipt booklet, mentioned in Section 23-15-541 shall not be taken out of the polling place at any time until finally inclosed in the ballot box, except in case of any adjournment, when the receipt booklet shall be locked in the ballot box.

Sources: Derived from 1972 Code § 23-3-15 [Codes, 1942, § 3165; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 171, eff from and after January 1, 1987.

§ 23-15-545. Entries in pollbook.

At each election, the managers shall cause one (1) of the clerks to write in the pollbook the word "VOTED," in the column having at its head the date of the election, opposite the name of each elector as he votes.

Sources: Derived from 1972 Code § 23-5-149 [Codes, 1892, § 3609; Laws, 1906, § 4115; Hemingway's 1917, § 6749; Laws, 1930, § 6239; Laws, 1942, § 3268; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 172, eff from and after January 1, 1987.

§ 23-15-547. Improper ballot not to be deposited or counted.

If the voter marks more names than there are persons to be elected to an office, or if for any reason it be impossible to determine from the ballot the voter's choice for any office voted for, his ballot so cast shall not be counted for that office. A ballot not provided in accordance with law shall not be deposited or counted.

Sources: Derived from 1972 Code § 23-5-153 [Codes, 1892, § 3649; Laws, 1906, § 4156; Hemingway's 1917, § 6790; Laws, 1930, § 6241; Laws, 1942, § 3270; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 173, eff from and after January 1, 1987.

§ 23-15-549. Assistance to voter.

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 a person of the voter's choice other than the voter's employer, or agent of that employer, or officer or agent of the voter's union.

Sources: Derived from 1972 Code § 23-5-157 [Codes, 1892, § 3666; Laws, 1906, § 4173; Hemingway's 1917, § 6807; Laws, 1930, § 6243; Laws, 1942, § 3272; Laws, 1928, ch. 196; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 174, eff from and after January 1, 1987.

§ 23-15-551. Marking and casting ballot; who may be present in polling room.

On receiving his ballot, the voter shall forthwith go into one of the voting compartments, and shall there prepare his ballot by marking with ink or indelible pencil on the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled or by filling in the name of the candidate substituted in the blank space provided therefor, and marking a cross (X) opposite thereto, and likewise a cross (X) opposite the answer he desires to give in case of an election on a constitutional amendment or any other question or matter. As an alternative method, a voter may, at his option, prepare his ballot by marking with ink or indelible pencil in the appropriate margin or place a check, in the form of and similar to a "V", opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate substituted in the blank space provided therefor, and marking a check, in the form of and similar to a "V", opposite thereto, and likewise a check, in the form of and similar to a "V", opposite the answer he desires to give in case of an election on a constitutional amendment or other question or matter, either of which methods of marking, whether by a cross (X) or by a check in the form of and similar to a "V", is authorized. Before leaving the voting compartment, the voter shall fold his ballot without displaying the markings thereof, but so that the words "OFFICIAL BALLOT," followed by the designation of the voting precinct and the date of the election, shall be visible to the officers of the election. He shall then cast his ballot by handing the same to one (1) of the managers of the election for deposit in the ballot box; this he shall do without undue delay, and as soon as he has voted he shall quit the inclosed place at once. A voter shall not be allowed to occupy a voting compartment already occupied by another voter, nor any compartment longer than ten (10) minutes, if other voters be not waiting, nor longer than five (5) minutes if other voters be waiting. A person

shall not be allowed in the room in which the ballot boxes, compartments, tables and shelves are, except the officers of the election, and those appointed by them to assist therein, and those authorized by Section 23-15-577.

Sources: Derived from 1972 Code § 23-5-151 [Codes, 1892, § 3664; Laws, 1906, § 4171; Hemingway's 1917, § 6805; Laws, 1930, § 6240; Laws, 1942, § 3269; Laws, 1948, ch. 306; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 175, eff from and after January 1, 1987.

§ 23-15-553. Ballots not to be removed before close of polls; replacement of spoiled ballot.

A person shall not take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may obtain others, one (1) at a time, not exceeding three (3) in all, upon returning each spoiled ballot.

Sources: Derived from 1972 Code § 23-5-155 [Codes, 1892, § 3665; Laws, 1906, § 4172; Hemingway's 1917, § 6806; Laws, 1930, § 6242; § 1942, § 3271; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 176, eff from and after January 1, 1987.

§ 23-15-555. Penalty for unlawfully showing mark on ballot or making false statement as to inability to mark ballot.

Any voter who shall, except as herein provided, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the one voted by him, or any person who shall interfere or attempt to interfere with any voter when inside the compartment or inclosed place, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he will mark, or after voting how he has marked his ballot, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00); and the election officers shall cause any person so violating the law to be arrested and carried before the proper officer or tribunal for commitment and trial for such offense.

Sources: Derived from 1972 Code § 23-5-159 [Codes, 1892, § 3668; Laws, 1906, § 4175; Hemingway's 1917, § 6809; Laws, 1930, § 6245; Laws, 1942, § 3274; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 177, eff from and after January 1, 1987.

§ 23-15-557. Municipality's authority to establish precincts and polling places.

The governing authorities of any municipality within the State of Mississippi are hereby authorized and empowered, in their discretion, to divide the municipality into a sufficient number of voting precincts of such size and location as is necessary, and there shall be the same number of polling places. The authority conducting an election shall not be required, however, to establish a polling place in each of said precincts, but such election authorities, whether in a primary or in a general election, may locate and establish such polling places, without regard to precinct lines, in such manner as in the discretion of such authority will better accommodate the electorate and better facilitate the holding of the election.

Sources: Derived from 1972 Code § 21-11-21 [Codes, 1942, § 3374-69.7; Laws, 1958, ch. 516; repealed by Laws, 1986, ch 495, § 329]; en, Laws, 1986, ch. 495, § 178, eff from and after January 1, 1987.

§ 23-15-559. Law applicable to municipal elections.

The provisions of Section 23-15-171 and 23-15-273 fixing the time for the holding of primary and general elections shall not apply to any municipality operating under a special or private charter where the governing board or authority thereof, on or before June 25, 1952, shall have adopted and spread upon its minutes a resolution or ordinance declining to accept such provisions, in which event the primary and general elections shall be held at the time fixed by the charter of such municipality.

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

Sources: Derived from 1972 Code § 21-11-23 [Codes, 1942, §§ 3374-68, 3374-11; Laws, 1950, ch. 491, §§ 68, 111; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 179, eff from and after January 1, 1987.

§ 23-15-561. Penalties for unlawful lottery.

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

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

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

- (a) Disqualification as a candidate in the race for the elective office; or
- (b) Removal from the elective office, if the offender has been elected thereto.

Sources: Laws, 1986, ch. 495, § 180, eff from and after January 1, 1987.

SUBARTICLE B. AFFIDAVIT BALLOTS AND CHALLENGED BALLOTS

§ 23-15-571. Challenge to voter qualifications.

(1) The following persons shall be designated as authorized challengers and shall be allowed to challenge the qualifications of any person offering to vote:

- (a) Any candidate whose name is on the ballot in the precinct in which the challenge is made;
- (b) Any official poll watcher of a candidate whose name is on the ballot in the precinct in which the challenge is made;
- (c) Any official poll watcher of a political party for the precinct in which the challenge is made;
- (d) Any qualified elector from the precinct in which the challenge is made; or
- (e) Any manager, clerk or poll worker in the polling place where the person whose qualifications are challenged is offering to vote.

(2) The challenge of any authorized challenger shall be considered and acted upon by the managers of the election.

(3) A person offering to vote may be challenged upon the following grounds:

- (a) That he is not a registered voter in the precinct;
- (b) That he is not the registered voter under whose name he has applied to vote;
- (c) That he has already voted in the election;
- (d) That he is not a resident in the precinct where he is registered;
- (e) That he has illegally registered to vote;

(f) That he has removed his ballot from the polling place; or

(g) That he is otherwise disqualified by law.

Sources: Laws, 1986, ch. 495, § 181, eff from and after January 1, 1987.

§ 23-15-573. Certain persons not to vote except by affidavit; form of affidavit.

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

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

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

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

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

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

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

(2) The affidavit shall include:

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

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

(c) The signature of the affiant; and

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

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

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

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

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

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

(7) Any person who votes in any election as a result of a federal or state court order or other order extending the time established by law for closing the polls, may only vote by affidavit ballot. Any affidavit ballot cast under this subsection shall be separated and kept apart from other affidavit ballots cast by voters not affected by the order.

Sources: Derived from 1942 Code § 3114 [Codes, 1906, § 3703; Hemingway's 1917, § 6395; Laws, 1930, § 5872; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 182; Laws, 2000, ch. 518, § 1; Laws, 2004, ch. 305, § 15, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

§ 23-15-574. Modification of affidavit form by Secretary of State.

If the enactment of any state or federal law shall require any modification to the form or language of the affidavit prescribed in Section 23-15-573 then the Secretary of State shall be authorized to promulgate an amended form of the affidavit to comply with the requirements of any such state or federal law, which shall be required to be used in all elections throughout this state.

Sources: Laws, 2000, ch. 518, § 2, eff from and after August 11, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the enactment of this section).

§ 23-15-575. Participation in primary election.

No person shall be eligible to participate in any primary election unless he intends to support the nominations made in the primary in which he participates.

Sources: Derived from 1942 Code § 3129 [Codes, 1906, § 3717; Hemingway's 1917, § 6409; Laws, 1930, § 5887; Laws, 1932, ch. 238; Laws, 1934, ch. 308; Laws, 1947, 1st Ex. sess. ch. 17, §§ 1-3; Laws, 1948, ch. 309, §§ 1, 2; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 183, eff from and after January 1, 1987.

§ 23-15-577. Inspection and challenge by candidate or representative.

Each candidate shall have the right, either in person or by a representative to be named by him, to be present at the polling place, and the managers shall provide him or his representative with a suitable position from which he or his representative may be able to carefully inspect the manner in which the election is held. He or his representative shall be allowed to challenge the qualifications of any person offering to vote, and his challenge shall be considered and acted upon by the managers.

Sources: Derived from 1972 Code § 23-1-41 [Codes, 1906, § 3716; Hemingway's 1917, § 6408; Laws, 1930, § 5886; Laws, 1942, § 3128.5; Laws, 1970, ch. 506, § 7; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 184, eff from and after January 1, 1987.

§ 23-15-579. Procedure when vote challenged.

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 inclosed 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 unanimous opinion of 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.

Sources: Derived from 1972 Code § 23-3-25 [Codes, 1942, § 3170; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 185, eff from and after January 1, 1987.

§ 23-15-581. Counting vote.

When the polls shall be closed, the managers shall then publicly open the box and immediately proceed to count the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down and called by the clerks in the presence of the managers. During the holding of the election and the counting of the ballots, the whole proceedings shall be in fair and full view of the voting public without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the managers and other officers of the election. Candidates or their duly authorized representatives shall have the right to reasonably view and inspect the ballots as and when they are taken from the box and counted, and to reasonably view and inspect the tally sheets, papers and other documents used in said election during the proceedings, but not including, of course, the secret ballots being voted and placed and held in the box. There shall be no unnecessary delay and no adjournment except as provided by law.

Sources: Derived from 1972 Code § 23-3-13 [(Codes, 1942, § 3164; Laws, 1935, ch. 19; Laws, 1960, ch. 448) and § 23-5-147 (Codes, Hutchinson's 1848, ch. 7, art 5 (6); 1857, ch. 4, art 12; 1871, §§ 370, 371; 1880, § 136; 1892, § 3648; Laws, 1906, § 4155; Hemingway's 1917, § 6789; Laws, 1930, § 6238; Laws, 1942, § 3267; Laws, 1916, ch. 230; Laws, 1960, ch. 451; Laws, 1964, ch. 511, § 1); repealed by Laws, 1986, ch. 495, §§ 333, 335]; en, Laws, 1986, ch. 495, § 186, eff from and after January 1, 1987.

SUBARTICLE C. DETERMINING THE RESULTS OF ELECTIONS

§ 23-15-591. Proclamation of results; sealing of ballot box.

When the votes have been completely and correctly counted and tallied by the managers they shall publicly proclaim the result of the election at their box and shall certify in duplicate a statement of the said result, said certificate to be signed by the managers and clerks, one (1) of the certificates to be inclosed in the ballot box, and the other to be delivered to and to be kept by one (1) of the managers and to be inspected at any time by any voter who so requests. When the count of the votes and the tally thereof have been completed, the managers shall lock and seal the ballot box, having first placed therein all ballots voted, all spoiled ballots and all unused ballots. There shall be inclosed therein also one (1) of the duplicate receipts given by the manager who received the blank ballots received for that box; and the total ballots voted, and the spoiled ballots and the unused ballots must correspond in total with the said duplicate receipt or else the failure thereof must be perfectly accounted for by a written statement, under oath of the managers, which statement must be inclosed in the ballot box. There shall be also inclosed in said box the tally list, the receipt booklet containing the signed names of the voters who voted; and the number of ballots voted must correspond with the number of names signed in said receipt booklet.

Sources: Derived from 1972 Code § 23-3-19 [Codes, 1942, § 3167; Laws, 1935, ch. 19] repealed by Laws, 1986, ch. 495, § 333; § 23-5-147 [Codes, Hutchinson's 1848, ch. 7, art 5 (6); 1857, ch. 4, art 12; 1871, §§ 370, 371; 1880, § 136; 1892, § 3648; Laws, 1906, § 4155; Hemingway's 1917, § 6789; Laws, 1930, § 6238; Laws, 1942, § 3267; Laws, 1916, ch. 230; Laws, 1960, ch. 451; Laws, 1964, ch. 511, § 1] repealed by Laws, 1986, ch. 495, § 335; and § 23-5-167 [Codes, 1871, § 377; 1880, § 139; 1892, § 3670; Laws, 1906, § 4177; Hemingway's 1917, § 6811; Laws, 1930, § 6249; Laws, 1942, § 3278] repealed by Laws, 1986, ch. 495, § 335; en, Laws, 1986, ch. 495, § 187, eff from and after January 1, 1987.

§ 23-15-593. Irregularities in ballot box.

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

Sources: Derived from 1972 Code § 23-3-19 [Codes, 1942, § 3167; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 188; Laws, 1987, ch. 499, § 7, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the amendment).

§ 23-15-595. Procedure for sealing of ballot box; reopening and resealing.

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

Sources: Derived from 1972 Code § 23-3-21 [Codes, 1942, § 3168; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495 § 333]; en, Laws, 1986, ch. 495, § 189, eff from and after January 1, 1987.

§ 23-15-597. Canvas of returns and announcement of results by executive committee.

(1) The county executive committee shall meet on the first or second day after each primary election, shall receive and canvass the returns which must be made within the time fixed by law for returns of general elections and declare the result, and announce the name of the nominees for county and county district offices and legislative offices for districts containing one (1) county or less, and the names of those candidates to be submitted to the second primary. The vote for state and state district offices and legislative offices for districts containing more than one (1) county or parts of more than one (1) county shall be tabulated by precincts and certified to and returned to the State Executive Committee, such returns to be mailed by registered letter or any safe mode of transmission within thirty-six (36) hours after the returns are canvassed and the result ascertained. The State Executive Committee shall meet a week from the day following the first primary election held for state and state district offices and legislative offices for districts containing more than one (1) county or parts of more than one (1) county, and shall proceed to canvass the returns and to declare the result, and announce the names of those nominated for the different offices in the first primary and the names of those candidates whose names are to be submitted to the second primary election. The State Executive Committee shall also meet a week from the day on which the second primary election was held and receive and canvass the returns for state and district offices, if any, and legislative offices for districts containing more than one (1) county or parts of more than one (1) county, if any, voted on in such second primary. An exact

and full duplicate of all tabulations by precincts as certified under this section shall be filed with the circuit clerk of the county who shall safely preserve the same in his office.

(2) (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.

Sources: Derived from 1942 Code § 3142 [Codes, 1906, § 3705; Hemingway's 1917, § 6397; Laws, 1930, § 5895; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 190; Laws, 2001, ch. 523, § 7, eff June 20, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-599. Tabulated statement of party vote.

(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 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 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, which shall read as follows:

"I _____, Chairman of the _____ Party State Executive Committee, do hereby certify that, on a majority vote of the _____ Party State Executive Committee, 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 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 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, which shall read as follows:

"We, the undersigned members of the county executive committee, do hereby certify that these vote totals for each candidate are the official vote totals for the election reflected therein."

Sources: Derived from 1942 Code § 3146 [Codes, 1905, § 3724; Hemingway's 1917, § 9415; Laws, 1930, § 5899; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 191; Laws, 2002, ch.

534, § 2, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-600. Forms for reporting election returns.

All forms to be prescribed by the Secretary of State for the reporting of election returns hereunder shall be either hard copy forms on which precincts are listed horizontally and candidates are listed vertically and/or a web-based system in which these forms, or forms similar to them, are made available to counties electronically.

Sources: Laws, 2002, ch. 534, § 8, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-601. Canvas of returns and declaration of results by commissioners of election; determination of tie vote.

(1) When the result of the election shall have been ascertained by the managers they, or one (1) of their number, or some fit person designated by them, shall, by noon of the second day after the election, deliver to the commissioners of election, at the courthouse, a statement of the whole number of votes given for each person and for what office; and the commissioners of election shall canvass the returns, ascertain and declare the result, and, within ten (10) days after the day of the election, shall deliver a certificate of his election to the person having the greatest number of votes for representative in the Legislature of districts composed of one (1) county or less, or other county office, board of supervisors, justice court judge and constable. If it appears that two (2) or more candidates for Representative of the county, or part of the county, or for any county office, board of supervisors, justice court judge or constable standing highest on the list, and not elected, have an equal number of votes, the election shall be decided by lot fairly and publicly drawn by the commissioners, with the aid of two (2) or more respectable electors of the county, and a certificate of election shall be given accordingly. The foregoing provisions shall apply to Senators, if the county be a senatorial district.

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

Sources: Derived from 1972 Code § 23-5-169 [Codes, Hutchinson's 1848, ch. 7, art 5 (9); 1857, ch. 4, art 13; 1871, § 377; 1880, § 138; 1892, § 3671; Laws, 1906, § 4178; Hemingway's 1917, § 6812; Laws, 1930, § 6250; Laws, 1942, § 3279; Laws, 1970, ch. 506, § 27; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 192; Laws, 2002, ch. 534, § 3, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-603. Delivery of returns to Secretary of State.

(1) The commissioners of election shall, within ten (10) days after the general election, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given in their county and the whole number of votes given in each precinct in their county, for each candidate for any office at the election; but the returns of every election for Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, Commissioner of Insurance and other state officers, shall each be made out separately, sealed up together and transmitted to the seat of government, directed to the Secretary of State, and endorsed the "VOTE FOR STATE OFFICERS," to be delivered by the Secretary of State to the Speaker of the House of Representatives at the next ensuing session of the Legislature. In addition to the other information required pursuant to this subsection, the returns for state officers shall contain a statement of the whole number of votes given in each House of Representative district or portion thereof for each candidate for state office at the election.

(2) Constitutional amendments shall be voted for at the time fixed by the concurrent resolution. The election, whether held separately or with other elections, shall be conducted, in all respects, as required for elections generally. The commissioners of election shall, within ten (10) days after the election, transmit to the Secretary of State a statement of the whole number of votes given in their county and the whole number of votes given in each precinct in their county for or against constitutional amendments.

(3) The statements certified by the election commissioners and transmitted to the Secretary of State, as required by this section, shall be tabulated by the Secretary of State and submitted to each branch of the Legislature, at the session next ensuing. Certified county vote totals shall represent the final results of the election.

(4) The statements required by this section shall contain a certification, signed and dated by a majority of the commissioners of election, which shall read as follows:

"We, the undersigned commissioners of election, do hereby certify that this statement of the whole number of votes contains the official vote for the election reflected therein."

(5) The statements required by this section shall be transmitted to the Secretary of State on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State.

Sources: Derived from 1972 Code § 23-5-171 [Codes, Hutchinson's 1848, ch. 7, art 5 (8); 1857, ch. 4, art 14; 1871, § 378; 1880, § 140; 1892, § 3672; Laws, 1906, § 4179; Hemingway's 1917, § 6813; Laws, 1930, § 6251; Laws, 1942, § 3280; Laws, 1970, ch. 506, § 28; Laws, 1978, ch. 458, § 17; Laws, 1982, Ex Sess, ch. 17, § 20; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 193; Laws, 2002, ch. 534, § 4, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-605. Ascertainment of vote and declaration of results by Secretary of State; determination of tie vote.

The Secretary of State, immediately after receiving the returns of an election, not longer than thirty (30) days after the election, shall sum up the whole number of votes given for each candidate other than candidates for state offices, legislative offices composed of one (1) county or less, county offices and county district offices, according to the statements of the votes certified to him and ascertain the person or persons having the largest number of votes for each office, and declare such person or persons to be duly elected; and thereupon all persons chosen to any office at the election shall be commissioned by the Governor; but if it appears that two (2) or more candidates for any district office where the district is composed of two (2) or more counties, standing highest on the list, and not elected, have an equal number of votes, the election shall be forthwith decided between the candidates having an equal number of votes by lot, fairly and publicly drawn, under the direction of the Governor and Secretary of State.

Sources: Derived from 1972 Code § 23-5-173 [Codes, 1857, ch. 4, art 15; 1871, § 378; 1880, § 141; 1892, § 3673; Laws, 1906, § 4180; Hemingway's 1917, § 6814; Laws, 1930, § 6252; Laws, 1942, § 3281; Laws, 1970, ch. 506, § 29; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 194; Laws, 2002, ch. 534, § 5, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-607. Determination of election for judges of Supreme Court and Court of Appeals.

(1) The commissioners of election shall, within ten (10) days after an election for judges of the Supreme Court or Court of Appeals, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given in their county, and the whole number of votes given in each precinct in their county, for each candidate for the office of judge of the Supreme Court or Court of Appeals, and the Secretary of State shall immediately notify each member of the State Board of Election Commissioners in writing to assemble at his office on a day to be fixed by him, to be within ten (10) days after the receipt by him of such statement, and when assembled pursuant to such notice the State Board of Election Commissioners shall sum up the whole number of votes given for each candidate for judge of the Supreme Court or Court of Appeals according to the total number of votes in each county for each candidate as certified to the Secretary of State, ascertain the person or persons to be elected; and thereupon all persons chosen to such office at the election shall be commissioned by the Governor; but if it appears that two (2) or more candidates for judge of the Supreme Court or Court of Appeals standing highest on the list, and not elected, have an equal number of votes, the election shall be forthwith decided between the candidates having an equal number of votes by lots, fairly and publicly drawn under the direction of the State Board of Election Commissioners.

(2) The statements required by this section shall contain a certification, signed and dated by a majority of the commissioners of election, which shall read as follows:

"We, the undersigned commissioners of election, do hereby certify that this statement of the whole number of votes contain the official vote for the election reflected therein."

(3) The statements required by this section shall be transmitted to the Secretary of State on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State.

Sources: Derived from 1972 Code § 23-5-245 [Codes, Hemingway's 1917, § 6852; Laws, 1930, § 6286; Laws, 1942, § 3315; Laws, 1916, ch. 161; Laws, 1970, ch. 506, § 32; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 195; Laws, 1993, ch. 518, § 25, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section); Laws, 2002, ch. 534, § 6, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-609. Determination of election in which city or county is entitled to separate representation in legislature.

When a city or part of a county is entitled to separate representation in the Legislature, the commissioners of election shall prepare for the election, and shall receive and canvass the returns, declare the result, and transmit it to the Secretary of State, and act in all respects as in other elections.

Sources: Derived from 1972 Code § 23-5-175 [Codes, Hutchinson's 1848, ch. 7, art 5 (16); 1857, ch. 4, art 5; 1880, § 131; 1892, § 3641; 1906, § 4148; Hemingway's 1917, § 6782; Laws, 1930, § 6253; Laws, 1942, § 3282; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 196, eff from and after January 1, 1987.

§ 23-15-611. Determination of municipal elections.

(1) In municipal elections, managers of elections shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each voting precinct for each of the candidates or ballot measures and make a return thereof to the municipal election commissioners. On the day following the election, the election commissioners shall canvass the returns so received from all voting precincts and shall, within five (5) days after such election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear that any two (2) or more of the candidates receiving the highest number of votes shall have received an equal number of votes, the election shall be decided by lot, fairly and publicly drawn by the election commissioners with the aid of two (2) or more qualified electors of the municipality.

(2) Within five (5) days after any election, the municipal election commissioners shall transmit a statement to the Secretary of State certifying the name or names of the person or persons elected thereat, and such person or persons shall be issued commissions by the Governor. The statement shall also include vote totals for each candidate for each office and vote totals for and against ballot measures, if any, including the vote totals for each candidate a ballot measure in each precinct in the municipality.

(3) The statements required by this subsection shall contain a certification, signed and dated by a majority of the municipal election commissioners, which shall read as follows:

"We, the undersigned municipal election commissioners, do hereby certify that this statement contains the official vote for the election reflected therein."

(4) The statements required by this section shall be transmitted to the Secretary of State on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State.

Sources: Derived from 1972 Code § 21-11-13 [Codes, 1892, § 3032; Laws, 1906, § 3437; Hemingway's 1917, § 5997; Laws, 1930, § 2599, 1942, § 3374-65; Laws, 1950, ch. 491, § 65; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 197; Laws, 2002, ch. 534, § 7, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-613. Reporting of residual votes required for elections in which ballots are generated that are counted by hand or by electronic tabulating equipment; certain reports required for elections that use voting devices that do not generate ballots.

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

(2) For every election, election commissions and county and municipal executive committees shall report to the Secretary of State residual vote information; however, if the voting devices utilized in the election do not produce a ballot, other information shall be reported as required in this section.

(3) For every election, election commissions and county and municipal executive committees responsible for the conduct of elections in which ballots are generated that are counted by hand or by an electronic or automatic tabulating device shall report to the Secretary of State all residual votes for all candidates and ballot measures in the elections for which they are responsible for conducting. Such residual vote reports shall:

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

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

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

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

(e) Include a copy of any printed voting instructions given or visible to voters in the election and a description of any verbal instructions and any other evidence of voter education that was utilized in the election.

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

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

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

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

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

(e) Include a copy of any printed voting instructions given or visible to voters in the election and a description of any verbal instructions and any other evidence of voter education that was utilized in the election.

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

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

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

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

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

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

Sources: Laws, 2002, ch. 534, § 1, eff July 29, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 19. **ABSENTEE BALLOTS**

SUBARTICLE A. **ABSENTEE BALLOTING PROCEDURES LAW**

§ 23-15-621. Short title.

The title of Sections 23-15-621 through 23-15-653 of this chapter shall be the Absentee Balloting Procedures Law.

Sources: Derived from 1972 Code § 23-9-401 [Codes, 1942, § 3203-401; Laws, 1972, ch. 490, § 401; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 198, eff from and after January 1, 1987.

§ 23-15-623. Application to absentee ballots authorized in Subarticles B, C, and D.

All absentee ballots as authorized in Sections 23-15-671 through 23-15-697 in Sections 23-15-711 through 23-15-721 and Sections 23-15-731 and 23-15-733 shall be handled as provided in Sections 23-15-621 through 23-15-653.

Sources: Derived from 1972 Code § 23-9-403 [Codes, 1942, § 3203-402; Laws, 1972, ch. 490, § 402; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 199, eff from and after January 1, 1987.

§ 23-15-625. Duties of registrar relating to printing and distribution of absentee voting applications; maintenance of ledger and posting of lists of persons receiving, and voting by, absentee ballot; maintenance of listing of absentee voters by county registrar; public access to list; placement of absentee ballots in ballot boxes; authority to mail applications to qualified electors.

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

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

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.

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

Sources: Derived from 1972 Code § 23-9-405 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 405; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 200; Laws, 1993, ch. 528, § 5; Laws, 1999, ch. 420, § 1, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-627. Distribution of absentee ballot application by registrar; form of application.

The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector 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:

<p style="text-align: center;">OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT</p> <p>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):</p> <p>() (PRESIDENTIAL APPLICANT ONLY:) I am currently a resident of Mississippi or have moved therefrom within thirty (30) days of the coming presidential election.</p> <p>() 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.</p> <p>() 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.</p> <p>() 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.</p> <p>() 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.</p> <p>() I am a citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia.</p> <p>() 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.</p> <p>() I will be outside the county on election day.</p> <p>() I have a temporary or permanent physical disability.</p> <p>() I am sixty-five (65) years of age or older.</p> <p>() I am the parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside his county of residence or more than fifty (50) miles away from his residence, and I will be with such person on election day.</p> <p>() I am a member of the congressional delegation, or spouse or dependent of a</p>

member of the congressional delegation.
 () I am required to be at work on election day during the times which the polls will be open.
 I hereby make application for an official ballot, or ballots, to be voted by me at the election to be held in _____, on _____.
 Mail 'Absent Elector's Ballot' to me at the following address _____ (if eligible to vote by mail).
 I realize that I can be fined up to Five Thousand Dollars (\$5,000.00) and sentenced up to five (5) years in the penitentiary for making a false statement in this application and for selling my vote and violating the Mississippi Absentee Voter Law. (This sentence is to be in bold print.)
 If you are temporarily or permanently disabled, you are not required to have this application notarized or signed by an official authorized to administer oaths for absentee balloting. You are required to sign this application in the proper place and have a person eighteen (18) years of age or older witness your signature and sign this application in the proper place.
DO NOT SIGN WITHOUT READING. (This sentence is to be in bold print.)
 IN WITNESS WHEREOF I have hereunto set my hand and seal this the _____ day of _____, 2_____.
 (Signature of absent elector)
 SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 2_____.
 (Official authorized to administer oaths for absentee balloting.)
TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY DISABLED:
 I HEREBY CERTIFY that this application for an absent elector's ballot was signed by the above-named 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 _____

Sources: Derived from 1972 Code § 23-9-407 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 201; Laws, 1986, ch. 495, § 201; Laws, 1993, ch. 528, § 6; Laws, 1999, ch. 420, § 2; Laws, 2000, ch. 592, § 9, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-629. Applications by persons who are permanently physically disabled; listing of qualified electors; distribution of ballots.

(1) The application for an absentee ballot of a person who is permanently physically disabled shall be accompanied by a statement signed and sworn to by such person's physician, or nurse practitioner, which statement must show that the person signing the statement is a licensed, practicing medical doctor or nurse practitioner and must indicate that the person applying for the absentee ballot is permanently physically disabled to such a degree that is difficult for him to vote in person.

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

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

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

Sources: Laws, 1986, ch. 495, § 202; Laws, 1995, ch. 344, § 1, eff from and after June 5, 2006.

§ 23-15-631. Instructions to absent electors; instructions as constituting substantive law.

(1) The registrar shall enclose with each ballot provided to an absent elector separate printed instructions furnished by him containing the following:

(a) All absentee voters, excepting those with temporary or permanent physical disabilities or those who are sixty-five (65) years of age or older, who mark their ballots in the county of the residence shall use the registrar of that county as the witness. The absentee voter shall come to the office of the registrar and neither the registrar nor his deputy shall be required to go out of the registrar's office to serve as an attesting witness.

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

(c) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on back of the envelope so that the signature shall be across the flap of the envelope so as to insure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on back of the envelope. Place necessary postage on the envelope and deposit it in the post office or some government receptacle provided for deposit of mail so that the absent elector's ballot, excepting presidential absentee ballots, will reach the registrar in which your precinct is located not later than 5:00 p.m. on the day preceding the date of the election.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the elector's certificate must be authenticated by the cancellation stamp of their respective post offices. If one or the other officers herein named acts as attesting witness, his signature on the elector's certificate, together with his title and address, but no seal, shall be required. Any affidavits made by an absent elector who is in the Armed Forces may be executed before a commissioned officer, warrant officer, or noncommissioned officer not lower in grade than sergeant rating or any person authorized to administer oaths.

(d) When the application accompanies the ballot it shall not be returned in the same envelope as the ballot but shall be returned in a separate preaddressed envelope provided by the registrar.

(e) person who is a candidate for public office may not be an attesting witness for any absentee ballot upon which the person's name appears.

(f) Any voter casting an absentee ballot who declares that he requires assistance to vote by reason of blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, or the voter's employer, or agent of that employer. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

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

Sources: Derived from 1972 Code § 23-9-409 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, 3403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 203; Laws, 1987, ch. 499, § 12; Laws, 1999, ch. 420, § 3;

Laws, 2000, ch. 592, § 10, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-633. Signatures of elector and attesting witness across flap of envelope.

On any envelope where the elector's signature and the signature of the attesting witness are required, the signature lines and the signatures shall be across the flap of the envelope to insure the integrity of the ballot.

Sources: Derived from 1972 Code § 23-9-411 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 204, eff from and after January 1, 1987.

§ 23-15-635. Form of elector's certificate and attesting witness certification where county registrar is not attesting witness.

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

ELECTOR'S CERTIFICATE
STATE OF _____ COUNTY OR PARISH OF _____ I, _____, do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the _____ day of _____, 2_____, and I hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted. I further swear that I marked the enclosed ballot in secret. _____ (Signature of voter)
CERTIFICATE OF ATTESTING WITNESS
Personally appeared before me, on this the _____ day of _____, 2_____, the above-named voter, known by me to be the person named, who after being duly sworn or having affirmed, subscribed the foregoing oath or affirmation. That said voter exhibited to me his blank ballot; that said ballot was not marked or voted before the said voter exhibited the ballot to me; that the said voter was not solicited or advised by me to vote for any candidate, question or issue, and that the voter, after marking his ballot, placed it in the envelope, closed and sealed the envelope in my presence, and signed and swore or affirmed the above certificate. _____ (Attesting witness) (Address) _____ (Official title) (City and State)
CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
(To be completed only if the voter has received assistance in marking the enclosed ballot.) I hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions. _____ Signature of person providing assistance _____ Printed name of person providing assistance

Address of person providing assistance <hr/> Date and time assistance provided <hr/> Family relationship to voter (if any)
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(2) The envelope used pursuant to this section shall not contain the form prescribed pursuant to Section 23-15-719.

Sources: Derived from 1972 Code § 23-9-19 [(Codes, 1942, § 3196-10; Laws, 1942, ch. 202; Laws, 1954, ch. 359, § 10), repealed by Laws, 1972, ch. 490, § 604] and § 23-9-413 [(Codes, § 3203-403; Laws, 1972, ch. 490, § 403) repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 205; Laws, 1999, ch. 420, § 4, eff from and after June 17, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-637. Timely casting of ballots.

Absentee ballots received by mail, excluding presidential ballots as provided for in Sections 23-15-731 and 23-15-733 must be received by the registrar by 5:00 p.m. on the date preceding the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted. All ballots cast by the absent elector appearing in person in the office of the registrar shall be cast not later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. The registrar shall deposit all absentee ballots which have been timely cast in the ballot boxes upon receipt.

Sources: Derived from 1972 Code § 23-9-415 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 206, eff from and after January 1, 1987.

§ 23-15-639. Examination of absentee ballots at close of polls; counting of ballots.

(1) In elections in which direct recording electronic voting systems are not utilized, the examination and counting of absentee ballots shall be conducted as follows:

(a) At the close of the regular balloting and at the close of the polls, the election managers of each voting precinct shall first take the envelopes containing the absentee ballots of such electors from the box, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the election managers find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at the election, the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined.

(c) Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the election managers shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person. If voting machines are used, all absentee ballots shall be placed in the ballot box before any ballots are counted, and the election managers in each precinct shall immediately count such absentee ballots and add them to the votes cast in the voting machine or device.

(2) In elections in which direct recording electronic voting systems are utilized, the examination and counting of absentee ballots shall be conducted as follows:

a) At the close of the regular balloting and at the close of the polls, the election managers of each voting precinct shall first take the envelopes containing the absentee ballots of such electors from the box, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the election managers find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at the election, the unopened envelope shall be marked "ACCEPTED" and the election managers shall enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person.

(c) All absentee ballot envelopes shall then be placed in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county. The official in charge of the election shall open the envelopes marked "ACCEPTED" and remove the ballot from the envelope.

(d) Having observed the ballot to be regular as far as can be observed from its official endorsement, the absentee ballot shall be processed through the central optical scanner. The scanned totals shall then be combined with the direct recording electronic voting system totals for the unofficial vote count.

When there is a conflict between an electronic voting system and a paper record, then there is a rebuttable presumption that the paper record is correct.

Sources: Derived from 1972 Code § 23-9-417 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 207; Laws, 1993, ch. 528, § 9, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-641. Grounds for rejection of ballots; procedure.

(1) If an affidavit or the certificate of the officer before whom the affidavit is taken is required and such affidavit or certificate is found to be insufficient, or if it is found that the signatures do not correspond, or that the applicant is not a duly qualified elector in the precinct, or otherwise qualified to vote, or that the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee or that the voter is present and has voted within the precinct where he represents himself to be a qualified elector, or otherwise qualified to vote, on the date of the election at such precinct, the previously cast vote shall not be allowed. Without opening the voter's envelope the commissioners of election, designated executive committee members or election managers, as appropriate, shall mark across its face "REJECTED," with the reason therefor.

(2) If the ballot envelope contains more than one (1) ballot of any kind, the ballot shall not be counted but shall be marked "REJECTED," with the reason therefor. The voter's envelopes and affidavits, and the voter's envelope with its contents unopened, when such vote is rejected, shall be retained and preserved in the same manner as other ballots at the election. Such votes may be challenged in the same manner and for the same reasons that any other vote cast in such election may be challenged.

(3) If an affidavit is required and the officials find that the affidavit is insufficient, or if the officials find that the absentee voter is otherwise disqualified to vote, the envelope shall not be opened and a commissioner or executive committee member shall write across the face of the envelope "REJECTED" giving the reason therefor, and the registrar shall promptly notify the voter of such rejection.

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

Sources: Derived from 1972 Code § 23-9-419 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 208; Laws, 1993, ch. 528, § 11, eff from and after June 5, 2006 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-643. Examination of affidavits; challenges.

If an affidavit is required, the appropriate election officials shall examine the affidavit of each absentee ballot envelope. If the officials are satisfied that the affidavit is sufficient and that the absentee voter is otherwise qualified to vote, an official shall announce the name of the voter and shall give any person present an opportunity to challenge in like manner and for the same cause as the voter could have been challenged had he presented himself personally in such precinct to vote. The ineligibility of the voter to vote by absentee ballot shall be a ground for a

challenge. Also, the officials shall consider any absentee voter challenged when a person has previously filed a written challenge of such voter's right to vote. The election officials shall handle any such challenge in the same manner as other challenged ballots are handled.

Sources: Derived from 1972 Code § 23-9-421 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 209, eff from and after January 1, 1987.

§ 23-15-645. Preservation of materials relative to absentee voters; return of materials to registrar.

After the votes have been counted the officials shall preserve all applications, envelopes and the list of absent voters along with the ballots and other election materials and return the same to the registrar.

Sources: Derived from 1972 Code § 23-9-423 [Codes, 1942, § 3203-403; Laws, 1972, ch. 490, § 403; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 210, eff from and after January 1, 1987.

§ 23-15-647. Disposition of absentee ballots received after applicable deadlines.

The registrar shall keep safely and unopened all official absentee ballots which are received subsequent to the applicable cutoff period establishing its validity. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots returned to the registrar after the cutoff time shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

Sources: Derived from 1972 Code § 23-9-425 [Codes, 1942, § 3203-404; Laws, 1972, ch. 490, § 404; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 211, eff from and after January 1, 1987.

§ 23-15-649. Preparation and printing of absentee voter ballots.

For all elections, there shall be prepared and printed by the officials charged with this duty with respect to the election, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days of the election, whichever is later, official ballots for each voting precinct to be known as absentee voter ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot.

Sources: Derived from 1972 Code § 23-9-427 [Codes, 1942, § 3203-405; Laws, 1972, ch. 490, § 405; Laws, 1984, ch. 401, § 3; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 212, eff from and after January 1, 1987.

§ 23-15-651. Announcement of results of vote by absentee balloting.

The results of the vote by absentee balloting shall be announced simultaneously with the vote cast on election day.

Sources: Derived from 1972 Code § 23-9-429 [Codes, 1942, § 3203-406; Laws, 1972, ch. 490, § 406; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 213, eff from and after January 1, 1987.

§ 23-15-653. Hours of registrars' offices on two Saturdays prior to each election.

All registrars' offices shall remain open until noon on the two (2) Saturdays prior to each election.

Sources: Derived from 1972 Code § 23-9-431 [Codes, 1942, § 3203-407; Laws, 1972, ch. 490, § 407; repealed by Laws, 1986, ch. 495, § 341]; en, Laws, 1986, ch. 495, § 214, eff from and after January 1, 1987.

§ 23-15-657. Requests for absentee ballots telephone.

The registrar is authorized to accept requests for absentee ballots by telephone. When a telephone request that an absentee ballot application be mailed by the registrar to an elector is made, the registrar shall ascertain the name and complete address of the person making the telephone request and shall print upon the absentee ballot application the name and complete address of the requestor and the relation of such person to the voter if requested by a person other than the voter and the date such request was made.

Sources: Laws, 1993, ch. 528, § 12, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the addition of this section).

SUBARTICLE B. ARMED SERVICES ABSENTEE VOTING LAW

§ 23-15-671. Short title.

The title of Sections 23-15-671 through 23-15-697 shall be the Armed Services Absentee Voting Law.

Sources: Derived from 1972 Code § 23-9-501 [Codes, 1942, § 3203-201; Laws, 1972, ch. 490, § 20; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 215, eff from and after January 1, 1987.

§ 23-15-673. Definitions.

(1) For the purposes of this subarticle, the term "absent voter" shall mean and include the following:

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

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

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

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

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

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

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

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

Sources: Derived from 1972 Code § 23-9-503 [Codes, 1942, § 3203-202; Laws, 1972, ch. 490, § 202; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 216; Laws, 2000, ch. 519, § 1, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-675. Right of absentees to vote.

Any absent voter, as defined in Section 23-15-573 who is otherwise qualified, may, upon compliance with the provisions of this subarticle, vote in any elections which are held in his voting precinct when he is absent for the reasons set forth in this subarticle.

Sources: Derived from 1972 Code § 23-9-505 [Codes, 1942, § 3203-202; Laws, 1972, ch. 490, § 202; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 217, eff from and after January 1, 1987.

§ 23-15-677. Use of federal postcard application.

All absent voters as defined in Section 23-15-673(1) and (2) may use a duly executed federal postcard application (as provided for in the Uniformed and Overseas Citizens Absentee Voting Act, 42 USCS 1973 ff et seq.) to request a ballot or to register to vote, or to do both simultaneously.

Sources: Derived from 1972 Code § 23-9-507 [Codes, 1942, § 3203-203; Laws, 1972, ch. 490, § 203; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 218; Laws, 2000, ch. 519, § 2, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-679. Preparation and printing of absentee voter ballots.

The official absentee voter ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot.

Sources: Derived from 1972 Code § 23-9-5 [Codes, 1942, § 3196-03; Laws, 1954, ch. 359, § 3; repealed by Laws, 1972, ch. 490, § 604] and § 23-9-509 [Codes, 1942, § 3203-201; Laws, 1972, ch. 490, § 204; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 219, eff from and after January 1, 1987.

§ 23-15-681. Absentee ballot envelopes.

All official absentee ballots shall be sent out and returned in envelopes on which there is printed across the face two (2) parallel horizontal bars, each one-fourth (1/4) of an inch wide, extending from one side of the envelope to the other side, with an intervening space of one-fourth (1/4) of an inch, the top bar to be one and one-fourth (1-1/4) inches from the top of the envelope, and with the words "OFFICIAL ELECTION BALLOTING MATERIAL-VIA AIR MAIL" between the bars. In the upper right corner of each such envelope there shall be printed in a box the words "FREE OF U.S. POSTAGE, INCLUDING AIR MAIL." All printing on the face of such envelopes shall be in black, and there shall be printed in black in the upper left corner of all such ballot envelopes an appropriate inscription for the return address of the sender.

Sources: Derived from 1972 Code § 23-9-511 [Codes, 1942, § 3203-204; Laws, 1972, ch. 490, § 204; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 220; Laws, 2000, ch. 592, § 11, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-683. Preparation and distribution of ballots for first and second elections; ascertainment by absent voters of candidates in second election.

In any elections, as soon as the deadline for the qualification of candidates has passed, or forty-five (45) days prior to the election, whichever is later, absentee ballots shall be prepared and printed for the elections, and both of said ballots shall have printed thereon the names of all candidates who originally qualify as candidates. However, such ballots shall be printed on paper of different tints or colors and shall be styled so as to show which ballot is to be used for the first election and which ballot is to be used for the second election.

When the proper application is made as is otherwise provided herein, the registrar shall send to the absent voter the proper absent voter ballots for the elections as is otherwise provided herein, and with such ballots there shall be sent also separate official envelopes for the return thereof. No additional ballot shall be thereafter sent to the absent voter for the second election but the absent voter shall ascertain which of the candidates who originally qualified are candidates in the second election and he or she may vote for his choice between them on the second election ballot previously sent him. If an absentee voter shall vote for any candidate on the second election ballot who is not a candidate in the second election, his vote for that office shall be disregarded.

Sources: Derived from 1972 Code § 23-9-513 [Codes, 1942, § 3203-204; Laws, 1972, ch. 490, § 204; Laws, 1984, ch. 401, § 1; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 221, eff from and after January 1, 1987.

§ 23-15-685. Distribution of absentee ballot materials upon application.

Within forty-five (45) days next prior to any election upon application first made to the registrar of the county by any absent voter as defined in this subarticle, such person shall be sent an absentee voter ballot of the county of which he is a citizen and resident. The registrar shall send to such absent voter a proper absentee voter ballot containing the names of all candidates who qualify or the proposition to be voted upon in such elections, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

Sources: Derived from 1972 Code § 23-9-515 [Codes, 1942, § 3203-205; Laws, 1972, ch. 490, § 205; Laws, 1984, ch. 401, § 2; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 222; Laws, 2000, ch. 519, § 3, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-687. Applications for absentee ballots; preservation of applications.

(1) The registrar shall keep all applications for absentee ballots and shall, within twenty-four (24) hours, if possible, send to the absent voter on whose behalf the application is made, the proper affidavit and the proper ballot or ballots applicable to the elections.

(2) One (1) application for an absentee ballot shall serve as a request by the applicant for an absentee ballot for:

(a) The next two (2) federal general elections, including all primary elections associated with the elections;

(b) All state and county primary and general elections that occur after the receipt of the application by the registrar through the date of the second federal general election that occurs after the receipt of the application by the registrar.

(3) The registrar shall preserve all applications for absentee ballots for one (1) year as a record to be furnished to any court or other duly constituted authority for inspection or evidence if properly requested.

(4) If the registrar rejects an application for an absentee ballot or denies a request to register to vote from a uniformed services applicant or an overseas voter, the registrar shall provide the person with the reasons for the rejection.

Sources: Derived from 1972 Code § 23-9-517 [Codes, 1942, § 3203-206; Laws, 1972, ch. 490, § 206; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 223; Laws, 2000, ch. 519, § 4; Laws, 2004, ch. 305, § 16, eff July 12, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-689. Registration of absent voters; oath and affidavit.

Repealed by Laws, 2000, ch. 519, § 8, effective from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the repeal of this section).

Sources: Derived from 1972 Code § 23-9-519 [Codes, 1942, § 3203-207; Laws, 1972, ch. 490, § 207; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 224, eff from and after January 1, 1987.]

§ 23-15-691. Prompt distribution of absentee ballot materials; separation of envelope and other materials; instructions as to notation on envelope and use of ink or indelible pencil.

As soon as possible after the printing of the official absentee ballot for any election, the registrar of the county shall send to any absent voter as defined in this subarticle, who shall, upon proper application, have requested same, the

official absentee voter ballot or ballots provided for in this subarticle, the instructions for voting and returning the ballot, and a self-addressed envelope or envelopes.

The gummed flap of the envelope provided for the return of the ballot must be separated by wax paper or other appropriate protective insert from the remaining balloting material. The voting instructions shall require a notation of the facts on the back of the envelope duly signed by the voter and witnessing officer in instances of adhesion of the balloting material.

The instructions shall indicate that the ballot shall be marked in ink or indelible pencil.

Sources: Derived from 1972 Code § 23-9-521 [Codes, 1942, § 3203-208; Laws, 1972, ch. 490, § 208; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 225, eff from and after January 1, 1987.

§ 23-15-692. Federal Write-In Absentee Ballot.

[Effective from and after the date Laws, 2000, ch. 519, § 7, is effectuated under Section 5 of the Voting Rights Act of 1965.]

An absent voter who resides outside the United States, who is a member of the United States Armed Forces or who is a family member of a member of the Armed Forces, and who is a registered voter of the State of Mississippi, may use the Federal Write-In-Absentee Ballot as provided for by 42 USCS 1973 ff-2 in general, special, primary and run-off elections for local, state and federal offices.

Sources: Laws, 2000, ch. 519, § 7, eff August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the addition of this section.)

§ 23-15-693. Completion of ballot in presence of person authorized to administer oath; voter's affidavit.

The absent voter, upon receipt of the absentee ballot, shall go before a commissioned officer of the armed services, or before some other constituted authority or officer authorized to administer oaths, and shall present his absentee ballot, before voting it, to said officer for inspection and shall then vote, without disclosing his vote to the officer or to any other person, and shall seal the ballot in the official envelope and shall fill out and sign with his proper signature the printed form of oath as shown on the envelope, and the officer administering the oath shall then sign and execute same in proper form as shown on the official envelope. The oath which shall be printed on said official envelope and which shall be taken before said officer shall be as follows:

<p style="text-align: center;">VOTER'S AFFIDAVIT</p> <p>"I, _____, do solemnly swear that I am at least eighteen (18) years old, or I will be before the next elections in the below-named county, and that I have registered as a voter in _____ Precinct in _____ County, in the State of Mississippi, that I am not disqualified in any respect to vote in the coming elections. _____ (Signature of voter)"</p> <p>"The above is sworn to and subscribed, in my authorized jurisdiction, before me, _____ (stating title of officer of United States Army or Navy, or constituted authority administering oath), this the _____ day of _____, 2_____. I certify that I administered the oath required by law to the person whose vote is enclosed in this envelope and sealed; that I have made no suggestion nor undertaken to exercise any control or authority over the person in making out this ballot; that the ballot was made out in my presence, but without my seeing the voter's choice marked on the ballot.</p> <p>_____ (Signature of official)</p> <p>_____ (Official title)"</p>
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Sources: Derived from 1972 Code § 23-9-523 [Codes, 1942, § 3203-209; Laws, 1972, ch. 490, § 209; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 226, eff from and after January 1, 1987

§ 23-15-695. Persons authorized to administer oaths.

Those persons authorized to administer and attest oaths shall be:

- (a) Any commissioned officer or noncommissioned officer (NCO) or petty officer in the active service of the Armed Forces;
- (b) Any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce;
- (c) The head of any department or agency of the United States;
- (d) Any civilian official empowered by state or federal law to administer oaths; or
- (e) Any civilian employee designated by the head of any department or agency of the United States.

Sources: Derived from 1972 Code § 23-9-525 [Codes, 1942, § 3203-210; Laws, 1972, ch. 490, § 210; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 227; Laws, 2000, ch. 519, § 5, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-697. Mailing of envelope to registrar.

When the absentee ballot has been voted and the envelope sealed, signed and certified to as provided above, the absentee voter shall mail the envelope containing the ballot to the registrar.

Sources: Derived from 1972 Code § 23-9-527 [Codes, 1942, § 3203-211; Laws, 1972, ch. 490, § 211; repealed by Laws, 1986, ch. 495, § 342]; en, Laws, 1986, ch. 495, § 228, eff from and after January 1, 1987.

§ 23-15-699. Transmission and receipt by facsimile of absentee ballot applications.

The registrar shall be authorized to use electronic facsimile (FAX) devices to transmit absentee ballots and receive voted absentee ballots, and to receive completed federal postcard applications as described in Section 23-15-677 which shall serve to request absentee ballots or to register to vote or to do both simultaneously.

Sources: Laws, 1993, ch. 528, § 13; Laws, 2000, ch. 519, § 6, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-701. Secretary of State granted emergency powers over conduct of elections during armed conflict.

[Effective from and after the date Laws, 2000, ch. 519, § 9, is effectuated under Section 5 of the Voting Rights Act of 1965].

The Secretary of State may exercise emergency powers concerning absentee voting and registration of military personnel over any election during an armed conflict or other military contingencies involving United States Armed Forces or mobilization of those forces, including state national guard or reserve components. The Secretary of State shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Sources: Laws, 2000, ch. 519, § 9, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the enactment of this section).

**SUBARTICLE C.
ABSENTEE VOTER LAW**

§ 23-15-711. Short title.

The title of Sections 23-15-711 through 23-15-721 shall be the Mississippi Absentee Voter Law.

Sources: Derived from 1972 Code § 23-9-601 [Codes, 1942, § 3203-301; Laws, 1972, ch. 490, § 301; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 229, eff from and after January 1, 1987.

§ 23-15-713. Electors qualified to vote as absentees.

For the purpose of this subarticle, any duly qualified elector may vote as provided in this subarticle if he be one who falls within the following categories:

(a) Any qualified elector who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his absence from the county of his voting residence on the date of any primary, general or special election, or the spouse and dependents of said student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the county of his voting residence, with such student, teacher or administrator.

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

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

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

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

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

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

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

Sources: Derived from 1972 Code § 23-9-603 [Codes, 1942, § 3203-302; Laws, 1972, ch. 490, § 302; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 230; Laws, 1986, ch. 495, § 230; Laws, 1993, ch. 528, § 7, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-715. Applications for absentee ballots.

Any elector desiring an absentee ballot as provided in this subarticle may secure same if:

(a) Not more than forty-five (45) days nor later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days, he shall appear in person before the registrar of the county in which he resides, or for municipal elections he shall appear in person before the city clerk of the municipality in which he resides and, when the elector so appears, he shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot, except that if the ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the circuit clerk to the elector as soon as the ballot has been printed.

(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this section by reason of temporarily residing outside the county, or any person who has a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence and such parent, spouse or dependent will be with such person on election day, may make application for an absentee ballot by mailing the appropriate application to the registrar. Only persons temporarily residing out of the county of their residence, persons having a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence, and such parent, spouse or dependent will be with such person on election day, may obtain absentee ballots by mail under the provisions of this subsection and as provided by Section 23-15-713 Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

Sources: Derived from 1972 Code § 23-9-605 [Codes, 1942, § 3203-303; Laws, 1972, ch. 490, § 303; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 231; Laws, 1986, ch. 495, § 231; Laws, 1993, ch. 528, § 8, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-717. Completion of application forms.

Any elector enumerated in Section 23-15-713 applying for an absentee ballot shall complete an application form as provided in Section 23-15-627 and said elector shall fill in the application as is appropriate for his particular situation.

Sources: Derived from 1972 Code § 23-9-607 [Codes, 1942, § 3203-304; Laws, 1972, ch. 490, § 304; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 232, eff from and after January 1, 1987.

§ 23-15-719. Delivery of ballots to applicant; completion of ballots; affidavit; delivery of ballots to registrar.

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

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

"STATE OF MISSISSIPPI

COUNTY OF _____

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

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

<p>_____ (Signature of voter)</p> <p>"SWORN TO AND SUBSCRIBED before me, _____, this the _____ day of _____, 2_____.</p> <p>_____ (Registrar)</p> <p>After the completion of the requirements of this section, the elector shall deliver the envelope containing the ballot to the registrar.</p> <p>(2) If the voter has received assistance in marking his ballot, the person providing the assistance shall complete the following form which shall be printed on the back of the envelope containing the applicant's ballot:</p> <p>"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE"</p> <p>(To be completed only if the voter has received assistance in marking the enclosed ballot.) I hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.</p> <p>Signature of person providing assistance Printed name of person providing assistance Address of person providing assistance Date and time assistance provided Family relationship to voter (if any)"</p>

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

Sources: Derived from 1972 Code § 23-9-611 [Codes, 1942, § 3203-306; Laws, 1972, ch. 490, § 306; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 233; Laws, 1999, ch. 420, § 5, eff from and after June 17, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-721. Procedures applicable to electors temporarily residing outside county and to electors who are physically disabled; mailing of ballots to registrar.

(1) Electors temporarily residing outside the county and obtaining an absentee ballot under the provisions of paragraph (b) of Section 23-15-715 shall appear before any official authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter. The elector shall exhibit to such official his absentee ballot unmarked and thereupon proceed in secret to fill in his ballot. After the elector has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him. After he has sealed the envelope he shall deliver it to the official before whom he is appearing and shall subscribe and swear to the elector's certificate provided for in Section 23-15-635 which affidavit shall be printed on the back of the envelope as provided for in Section 23-15-635.

(2) Electors who are temporarily or permanently physically disabled shall sign the elector's certificate and the certificate of attesting witness shall be signed by any person eighteen (18) years of age or older.

(3) After the completion of the requirements of this section, the elector shall mail the envelope containing the ballot to the registrar in the county wherein said elector is qualified to vote. Said ballots must be received by the registrar prior to 5:00 p.m. on the day preceding the election to be counted.

Sources: Derived from 1972 Code § 23-9-613 [Codes, 1942, § 3203-307; Laws, 1972, ch. 490, § 307; repealed by Laws, 1986, ch. 495, § 343]; en, Laws, 1986, ch. 495, § 234, eff from and after January 1, 1987.

SUBARTICLE D. PROVISION APPLICABLE TO PRESIDENTIAL ELECTION

§ 23-15-731. General provisions.

Any presidential absentee ballots received by the registrar subsequent to the delivery of ballot boxes to the election managers and prior to the time for the closing of the polls on election day shall be retained by the registrar and shall be delivered, together with the applications of the qualified absentee elector to an election official designated to receive them. The registrar shall receive a receipt from the designated election official for all such ballots and applications delivered. The designated election officials shall, upon the canvassing of the returns, count such ballots as if delivered to the proper precincts and such ballots shall be considered valid for all purposes as if they had been actually deposited in the proper precinct ballot boxes. The appropriate election officials shall examine the affidavit of each envelope. If the officials are satisfied that the affidavit is sufficient and that the absentee voter is otherwise qualified to vote, an official shall announce the name of the voter and shall give any person present an opportunity to challenge in like manner and for the same cause as the voter could have been challenged had he presented himself personally in such precinct to vote. The ineligibility of the voter to vote by absentee ballot shall be a ground for a challenge. The officials shall consider any absentee voter challenged when a person has previously filed a written challenge of such voter's right to vote. The election officials shall handle any such challenge in the same manner as other challenged ballots are handled, and if the challenge is not affirmed, the officials shall then open the envelope. The officials shall then open the envelope in such manner as not to destroy the affidavit printed thereon and shall deposit the ballot marked "OFFICIAL ABSENTEE BALLOT," in a ballot box reserved for absentee ballots. The commissioners shall endorse on their pollbooks a proper notation to indicate that the absentee voter has voted in such election by absentee ballot.

Sources: Derived from § 23-11-15 [Codes, 1942, § 3203-105; Laws, 1972, ch. 490, § 105; repealed by Laws, 1986, ch. 495, § 345]; en, Laws, 1986, ch. 495, § 235, eff from and after January 1, 1987.

§ 23-15-733. Disposition of ballots received after election.

The registrar shall keep safely and unopened all official presidential absentee ballots which are received subsequent to the election. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots returned to the registrar shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

Sources: Derived from 1972 Code § 23-11-7 [Codes, 1942, § 3203-105 ; Laws, 1972, ch. 490, § 105; repealed by Laws, 1986, ch. 495, § 345]; en, Laws, 1986, ch. 495, § 236, eff from and after January 1, 1987.

§ 23-15-735. Delivery of absentee ballots to voters in person.

Absentee ballots shall not be delivered in person to an absentee voter or to any other person except when an absentee voter shall have properly received an absentee ballot pursuant to Section 23-15-719.

Sources: Laws, 1993, ch. 528, § 14, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the addition of this section).

SUBARTICLE E. GENERAL PROVISIONS

§ 23-15-751. Penalties for offenses by registrar or commissioner of elections or officers taking affidavits.

If any registrar or commissioner of elections shall refuse or neglect to perform any of the duties prescribed by Sections 23-15-621 through 23-15-735 or shall knowingly permit any person to sign a false affidavit or otherwise knowingly permit any person to violate Sections 23-15-621 through 23-15-735 or shall violate any of the provisions thereof, or if any officer taking the affidavits as provided in said acts shall make any false statement in his certificate thereto attached, he shall, upon conviction, be deemed guilty of a crime and shall be punished by a fine not

exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the Penitentiary not exceeding one (1) year, and shall be removed from office.

Sources: Derived from 1972 Code § 23-9-701 [Codes, 1942, § 3203-601; Laws, 1972, ch. 490, § 601; repealed by Laws, 1986, ch. 495, § 344]; en, Laws, 1986, ch. 495, § 237; Laws, 1993, ch. 528, § 15, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-753. Penalties for vote fraud.

(1) Any person who willfully, unlawfully and feloniously procures, seeks to procure, or seeks to influence the vote of any person voting by absentee ballot, by the payment of money, the promise of payment of money, or by the delivery of any other item of value or promise to give the voter any item of value, or by promising or giving the voter any favor or reward in an effort to influence his vote, or any person who aids, abets, assists, encourages, helps, or causes any person voting an absentee ballot to violate any provision of law pertaining to absentee voting, or any person who sells his vote for money, favor, or reward, has been paid or promised money, a reward, a favor or favors, or any other item of value, or any person who shall willfully swear falsely to any affidavit provided for in Section 23-15-621 through Section 23-15-735 shall be guilty of the crime of "vote fraud" and, upon conviction, shall be sentenced to pay a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for no more than one (1) year, or by both fine and imprisonment, or by being sentenced to the State Penitentiary for not less than one (1) year nor more than five (5) years.

(2) It shall be unlawful for any person who pays or compensates another person for assisting voters in marking their absentee ballots to base the pay or compensation on the number of absentee voters assisted or the number of absentee ballots cast by persons who have received the assistance. Any person who violates this section, upon conviction shall, be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned in the Penitentiary not less than one (1) year nor more than five (5) years, or both.

Sources: Derived from 1972 Code § 23-9-703 [Codes, 1942, § 3203-602; Laws, 1972, ch. 490, § 602; repealed by Laws, 1986, ch. 495, § 344]; en, Laws, 1986, ch. 495, § 238; Laws, 1993, ch. 528, § 16; Laws, 1999, ch. 420, § 6, eff from and after June 17, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-755. Applicability of Sections 23-15-621 through 23-15-735.

All of the provisions of Sections 23-15-621 through 23-15-735 shall be applicable, insofar as possible, to municipal, primary, preferential, general and special elections, and wherever herein any duty is imposed or any power or authority is conferred upon the county registrar, county election commissioners, or county executive committee with reference to a state and county election, such duty shall likewise be imposed and such power and authority shall likewise be conferred upon the municipal registrar, municipal election commission or municipal executive committee with reference to any municipal election. Any duty, obligation or responsibility imposed upon the registrar or upon the election commissioners, when applicable, shall likewise be conferred upon and devolved upon the appropriate party, executive committee or officials in any party primary.

Sources: Derived from 1972 Code § 23-9-705 [Codes, 1942, § 3203-603; Laws, 1972, ch. 490, § 603; repealed by Laws, 1986, ch. 495, § 344]; en, Laws, 1986, ch. 495, § 239; Laws, 1993, ch. 528, § 17, eff from and after August 16, 1993 (the date the United States Attorney General interposed no objection to the amendment of this section).

ARTICLE 21.

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTORS

SUBARTICLE A.

SELECTION OF PRESIDENTIAL ELECTORS BY POLITICAL PARTIES

§ 23-15-771. Selection of electors at state convention for place on primary election ballot.

At the state convention, a slate of electors composed of the number of electors allotted to this state, which said electors announce a clearly expressed design and purpose to support the candidates for President and Vice-President of the national political party with which the said party of this state has had an affiliation and identity of purpose heretofore, shall be designated and selected for a place upon the primary election ballot to be held as herein provided.

Sources: Laws, 1986, ch. 495, § 240, eff from and after January 1, 1987.

SUBARTICLE B.

SELECTION OF PRESIDENTIAL ELECTORS AT GENERAL ELECTION

§ 23-15-781. Selection of electors of President and Vice-President by qualified electors of state at large.

The number of electors of President and Vice-President of the United States to which this state may be entitled, shall be chosen by the qualified electors of the state at large, on the first Tuesday after the first Monday of November in the year in which an election of President and Vice-President shall occur.

Sources: Derived from 1972 Code § 23-5-207 [Codes, Hutchinson's 1848, ch. 7, art 4 (1); 1857, ch. 4, art 39; 1871, § 362; 1880, § 165; 1892, § 3699; Laws, 1906, § 4206; Hemingway's 1917, § 6842; Laws, 1930, § 6268; Laws, 1942, § 3297; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 241, eff from and after January 1, 1987.

§ 23-15-783. Applicability of laws regulating general elections.

The laws regulating the general elections shall in all respects apply to and govern elections of electors of President and Vice-President.

Sources: Derived from 1972 Code § 23-5-209 [Codes, Hutchinson's 1848, ch. 7, art 4 (2); 1857, ch. 4, art 40; 1871, § 380; 1880, § 166; 1892, § 3700; Laws, 1906, § 4207; Hemingway's 1917, § 6843; Laws, 1930, § 6269; Laws, 1942, § 3298; Laws, 1944, Ex ch. 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 242, eff from and after January 1, 1987.

§ 23-15-785. Certificates of nomination and nominating petitions; preparation of official ballots.

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

(2) The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the chairman of the state executive committee of the political party making the nomination. Any nominating petition, to be valid, must contain the signatures as well as the addresses of the petitioners. Such certificates and petitions must be filed with the State Board of Election Commissioners by filing the same in the office of the Secretary of State not less than sixty (60) days previous to the day of the election.

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

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

(4) The State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "PRESIDENTIAL ELECTORS FOR (here insert the name of the candidate for President, the word 'AND' and the name of the candidate for Vice-President)" in lieu of placing the names of such presidential electors on such official ballots, and a vote cast therefor shall be counted and shall be in all respects effective as a vote for each of the presidential electors representing such candidates for President and Vice-President of the United States. In the case of unpledged electors, the State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "UNPLEDGED ELECTOR(S) (here insert the name(s) of individual unpledged elector(s) if placed upon the ballot based upon a petition granted in the manner provided by law stating the individual name(s) of the elector(s) rather than a slate of electors)."

Sources: Derived from 1972 Code § 23-5-210 [Laws, 1982, ch. 478, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 243, eff from and after January 1, 1987.

§ 23-15-787. Notification of persons elected.

The Secretary of State shall, immediately after ascertaining the result, transmit by mail a notice, in writing, to the persons elected.

Sources: Derived from 1972 Code § 23-5-211 [Codes, Hutchinson's 1848, ch. 7, art 4 (6); 1857, ch. 4, art 41; 1871, § 381; 1880, § 167; 1892, § 3701; Laws, 1906, § 4208; Hemingway's 1917, § 6844; Laws, 1930, § 6270; Laws, 1942, § 3299; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 244, eff from and after January 1, 1987.

§ 23-15-789. Meeting of electors; voting; appointments to fill vacancies.

The electors chosen shall meet at the seat of government of the state on the first Monday after the second Wednesday in December next following their election, and shall there give their votes for President and Vice-President of the United States, and shall make return thereof agreeably to the laws of the United States; and should any elector so chosen fail to attend and give his vote, the other electors attending shall appoint some person or persons to fill the vacancy or vacancies, who shall attend and vote as electors; and such appointment shall be forthwith reported to the Secretary of State.

Sources: Derived from 1972 Code § 23-5-213 [Codes, Hutchinson's 1848, ch. 7, art 4 (4); 1857, ch. 4, art 42; 1871, § 382; 1880, § 168; 1892, § 3702; Laws, 1906, § 4209; Hemingway's 1917, § 6845; Laws, 1930, § 6271; Laws, 1942, § 3300; Laws, 1902, ch. 105; Laws, 1944, Ex ch. 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 245, eff from and after January 1, 1987.

§ 23-15-791. Allowance to electors for travel and for attendance.

Each elector shall be allowed the sum of Four Dollars (\$4.00) for every twenty (20) miles of travel, to be estimated by the usual land route, in going from his home to and returning from the seat of government to give his vote, and Four Dollars (\$4.00) for every day he shall attend there as an elector, to be paid by the State Treasurer, on the warrant of the auditor.

Sources: Derived from 1972 Code § 23-5-215 [Codes, Hutchinson's 1848, ch. 7, art 4 (5); 1857, ch. 4, art 43; 1880, § 169; 1892, § 3703; Laws, 1906, § 4210; Hemingway's 1917, § 6846; Laws, 1930, § 6272; Laws, 1942, § 3301; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 246, eff from and after January 1, 1987

ARTICLE 23.

DISCLOSURE OF CAMPAIGN FINANCES

§ 23-15-801. Definitions.

- (a) "Election" shall mean a general, special, primary or runoff election.
- (b) "Candidate" shall mean an individual who seeks nomination for election, or election, to any elective office other than a federal elective office and for purposes of this article, an individual shall be deemed to seek nomination for election, or election:
- (i) If such individual has received contributions aggregating in excess of Two Hundred Dollars (\$200.00) or has made expenditures aggregating in excess of Two Hundred Dollars (\$200.00) or for a candidate for the Legislature or any statewide or state district office, by the qualifying deadlines specified in Section 23-15-299 and Section 23-15-977 whichever occurs first; or
- (ii) If such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year, or has made such expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year.
- (c) "Political committee" shall mean any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations which receives contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year or which makes expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination for election, or election, of one or more candidates, or balloted measures and shall, in addition, include each political party registered with the Secretary of State.
- (d) "Affiliated organization" shall mean any organization which is not a political committee, but which directly or indirectly establishes, administers or financially supports a political committee.
- (e) (i) "Contribution" shall include any gift, subscription, loan, advance or deposit of money or anything of value made by any person or political committee for the purpose of influencing any election for elective office or balloted measure;
- (ii) "Contribution" shall not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee; or the cost of any food or beverage for use in any candidate's campaign or for use by or on behalf of any political committee of a political party;
- (iii) "Contribution to a political party" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person, political committee, or other organization to a political party and to any committee, subcommittee, campaign committee, political committee and other groups of persons and affiliated organizations of the political party.
- (iv) "Contribution to a political party" shall not include the value of services provided without compensation by any individual who volunteers on behalf of a political party or a candidate of a political party.
- (f) (i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person or political committee for the purpose of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;
- (ii) "Expenditure" shall not include any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or

controlled by any political party, political committee, or candidate; or nonpartisan activity designed to encourage individuals to vote or to register to vote;

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

(g) The term "identification" shall mean:

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

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

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

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

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

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

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

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

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

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(1); Laws, 1999, ch. 301, § 7, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-803. Registration of political committees.

(a) Statements of organization. Each political committee shall file a statement of organization no later than ten (10) days after receipt of contributions aggregating in excess of Two Hundred Dollars (\$200.00), or no later than ten (10) days after having made expenditures aggregating in excess of Two Hundred Dollars (\$200.00).

(b) Contents of statements. The statement of organization of a political committee shall include:

(i) The name and address of the committee and all officers;

(ii) Designation of a director of the committee and a custodian of books and accounts of the committee, who shall be designated treasurer; and

(iii) If the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate.

(c) Change of information in statements. Any change in information previously submitted in a statement of organization shall be reported and noted on the next regularly scheduled report.

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1] which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(2), eff from and after January 1, 1987.

§ 23-15-805. Filing of reports; public inspection and preservation of reports.

(a) Candidates for state, state district, and legislative district offices, and every political committee, which makes reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or makes reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required under this article with the Office of the Secretary of State.

(b) Candidates for county or county district office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office or makes reportable contributions to or expenditures in support of or in opposition to a countywide ballot measure or a ballot measure affecting part of a county, excepting a municipal ballot measure, shall file all reports required by this section in the office of the circuit clerk of the county in which the election occurs. The circuit clerk shall forward copies of all reports to the Office of the Secretary of State.

(c) Candidates for municipal office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office, or makes reportable contributions to or expenditures in support of or in opposition to a municipal ballot measure shall file all reports required by this article in the office of the municipal clerk of the municipality in which the election occurs. The municipal clerk shall forward copies of all reports to the Office of the Secretary of State.

(d) The Secretary of State, the circuit clerks and the municipal clerks shall make all reports received under this subsection available for public inspection and copying and shall preserve such reports for a period of five (5) years.

(e) The provisions of this section applicable to the reporting by a political committee of contributions and expenditures regarding statewide ballot measures shall apply to the statewide special election for the purpose of selecting the official state flag provided for in Section 1 of Laws, 2001, ch. 301.

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(3); Laws, 1999, ch. 301, § 8; Laws, 2001, ch. 301, § 5, eff from and after February 7, 2001 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-807. Reporting requirements; contributions and disbursements of candidates and political committees.

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

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

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

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

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

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

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

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

(ii) The identification of:

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

2. Each person or organization, candidate or political committee who receives an expenditure, payment or other transfer from the reporting candidate, political committee or its agent, employee, designee, contractor, consultant or other person or persons acting in its behalf during the reporting period when the expenditure, payment or other transfer to such person, organization, candidate or political committee within the calendar year have an aggregate value or amount in excess of Two Hundred Dollars (\$200.00) together with the date and amount of such expenditure.

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

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

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

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

(e) The appropriate office specified in Section 23-15-805 must be in actual receipt of the reports specified in this article by 5:00 p.m. on the dates specified in paragraph (b) of this section. If the date specified in paragraph (b) of this section shall fall on a weekend or legal holiday then the report shall be due in the appropriate office at 5:00 p.m. on the first working day before the date specified in paragraph (b) of this section. The reporting candidate or reporting political committee shall ensure that the reports are delivered to the appropriate office by the filing deadline. The Secretary of State may approve specific means of electronic transmission of completed campaign

finance disclosure reports, which may include, but not be limited to, transmission by electronic facsimile (FAX) devices.

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

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

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

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(u); Laws, 1999, ch. 301, § 9, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-809. Statements by persons other than political committees; filing; indices of expenditures.

(a) Every person who makes independent expenditures in an aggregate amount or value in excess of Two Hundred Dollars (\$200.00) during a calendar year shall file a statement containing the information required under Section 23-15-807. Such statement shall be filed with the appropriate offices as provided for in Section 23-15-805 and such person shall be considered a political committee for the purpose of determining place of filing.

(b) Statements required to be filed by this section shall include:

- (i) Information indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;
- (ii) Under penalty of perjury, a certification of whether or not such independent expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and
- (iii) The identification of each person who made a contribution in excess of Two Hundred Dollars (\$200.00) to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(5), eff from and after January 1, 1987.

§ 23-15-811. Penalties.

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

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

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

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

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

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(6); Laws, 1999, ch. 301, § 10, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-813. Civil penalty for failure to file campaign finance disclosure report; notice to candidate of failure to file; assessment of penalty by Secretary of State; hearing; appeal.

(a) In addition to any other penalty permitted by law, the Secretary of State shall require any candidate or political committee, as identified in Section 23-15-805(a), and any other political committee registered with the Secretary of State, who fails to file a campaign finance disclosure report as required under Sections 23-15-801 through 23-15-813 or Sections 23-17-47 through 23-17-53 or who shall file a report which fails to substantially comply with the requirements of Sections 23-15-801 through 23-15-813 or Sections 23-17-47 through 23-17-53 to be assessed a civil penalty as follows:

(i) Within five (5) calendar days after any deadline for filing a report pursuant to Sections 23-15-801 through 23-15-813 or Sections 23-17-47 through 23-17-53 the Secretary of State shall compile a list of those candidates and political committees who have failed to file a report. The Secretary of State shall provide each candidate or political committee, who has failed to file a report, notice of the failure by first-class mail.

(ii) Beginning with the tenth calendar day after which any report shall be due, the Secretary of State shall assess the delinquent candidate and political committee a civil penalty of Fifty Dollars (\$50.00) for each day or part of any day until a valid report is delivered to the Secretary of State, up to a maximum of ten (10) days. However, in the discretion of the Secretary of State, the assessing of the fine may be waived in whole or in part if the Secretary of State determines that unforeseeable mitigating circumstances, such as the health of the candidate, interfered with timely filing of a report. Failure of a candidate or political committee to receive notice of failure to file a report from

the Secretary of State is not an unforeseeable mitigating circumstance, and failure to receive the notice shall not result in removal or reduction of any assessed civil penalty.

(iii) Filing of the required report and payment of the fine within ten (10) calendar days of notice by the Secretary of State that a required statement has not been filed, constitutes compliance with Sections 23-15-801 through 23-15-813 or Sections 23-17-47 through 23-17-53.

(iv) Payment of the fine without filing the required report does not in any way excuse or exempt any person required to file from the filing requirements of Sections 23-15-801 through 23-15-813 or Sections 23-17-47 through 23-17-53.

(v) If any candidate or political committee is assessed a civil penalty, and the penalty is not subsequently waived by the Secretary of State, the candidate or political committee shall pay the fine to the Secretary of State within ninety (90) days of the date of the assessment of the fine. If, after one hundred twenty (120) days of the assessment of the fine the payment for the entire amount of the assessed fine has not been received by the Secretary of State, the Secretary of State shall notify the Attorney General of the delinquency, and the Attorney General shall file, where necessary, a suit to compel payment of the civil penalty.

(b)(i) Upon the sworn application, made within sixty (60) calendar days of the date upon which the required report is due, of a candidate or political committee against whom a civil penalty has been assessed pursuant to paragraph (a), the Secretary of State shall forward the application to the State Board of Election Commissioners. The State Board of Election Commissioners shall appoint one or more hearing officers who shall be former chancellors, circuit court judges, judges of the Court of Appeals or justices of the Supreme Court, and who shall conduct hearings held pursuant to this article. The hearing officer shall fix a time and place for a hearing and shall cause a written notice specifying the civil penalties that have been assessed against the candidate or political committee and notice of the time and place of the hearing to be served upon the candidate or political committee at least twenty (20) calendar days before the hearing date. The notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known business address of the candidate or political committee.

(ii) The hearing officer may issue subpoenas for the attendance of witnesses and the production of books and papers at the hearing. Process issued by the hearing officer shall extend to all parts of the state and shall be served by any person designated by the hearing officer for the service.

(iii) The candidate or political committee has the right to appear either personally, by counsel or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses and to have subpoenas issued by the hearing officer.

(iv) At the hearing, the hearing officer shall administer oaths as may be necessary for the proper conduct of the hearing. All hearings shall be conducted by the hearing officer, who shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be based upon sufficient evidence to sustain it. The scope of review at the hearing shall be limited to making a determination of whether failure to file a required report was due to an unforeseeable mitigating circumstance.

(v) Where, in any proceeding before the hearing officer, any witness fails or refuses to attend upon a subpoena issued by the commission, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of the witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(vi) Within fifteen (15) calendar days after conclusion of the hearing, the hearing officer shall reduce his or her decision to writing and forward an attested true copy of the decision to the last known business address of the candidate or political committee by way of United States first-class, certified mail, postage prepaid.

(c) (i) The right to appeal from the decision of the hearing officer in an administrative hearing concerning the assessment of civil penalties authorized pursuant to this section is granted. The appeal shall be to the Circuit Court of Hinds County and shall include a verbatim transcript of the testimony at the hearing. The appeal shall be taken

within thirty (30) calendar days after notice of the decision of the commission following an administrative hearing. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the hearing officer, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00), conditioned that if the decision of the hearing officer be affirmed by the court, the candidate or political committee will pay the costs of the appeal and the action in court. If the decision is reversed by the court, the Secretary of State will pay the costs of the appeal and the action in court.

(ii) If there is an appeal, the appeal shall act as a supersedeas. The court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may be tried in vacation, in the court's discretion. The scope of review of the court shall be limited to a review of the record made before the hearing officer to determine if the action of the hearing officer is unlawful for the reason that it was 1. not supported by substantial evidence, 2. arbitrary or capricious, 3. beyond the power of the hearing officer to make, or 4. in violation of some statutory or constitutional right of the appellant. The decision of the court may be appealed to the Supreme Court in the manner provided by law.

(d) If, after forty-five (45) calendar days of the date of the administrative hearing procedure set forth in paragraph (b), the candidate or political committee identified in paragraph (a) of this section fails to pay the monetary civil penalty imposed by the hearing officer, the Secretary of State shall notify the Attorney General of the delinquency. The Attorney General shall investigate the offense in accordance with the provisions of this chapter, and where necessary, file suit to compel payment of the unpaid civil penalty.

(e) If, after twenty (20) calendar days of the date upon which a campaign finance disclosure report is due, a candidate or political committee identified in paragraph (a) of this section shall not have filed a valid report with the Secretary of State, the Secretary of State shall notify the Attorney General of those candidates and political committees who have not filed a valid report, and the Attorney General shall thereupon prosecute the delinquent candidates and political committees.

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(7); Laws, 1993, ch. 518, § 26, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section); Laws, 1999, ch. 301, § 11, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-815. Administrative provisions; duties of Secretary of State.

(a) The Secretary of State shall prescribe and make available forms and promulgate rules and regulations necessary to implement this article.

(b) The Secretary of State, circuit clerks and municipal clerks shall, within forty-eight (48) hours after the time of the receipt by the appropriate office of reports and statements filed with it, make them available for public inspection, and copying at the expense of the person requesting such copying, and keep such designations, reports and statements for a period of three (3) years from the date of receipt.

Sources: Derived from 1972 Code § 23-3-41 [Codes, 1942, § 3179; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 1; Laws, 1978, ch. 479, § 1], § 23-3-43 [Codes, 1942, § 3181; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 2; Laws, 1978, ch. 479, § 1], and § 23-3-67 [Codes, 1942, § 3193; Laws, 1935, ch. 19; Laws, 1971, ch. 510, § 3; Laws, 1978, ch. 479, § 1], which were repealed by Laws, 1986, ch. 495, §§ 334, 335; en, Laws, 1986, ch. 495, § 247(8), eff from and after January 1, 1987.

§ 23-15-817. Compilation and dissemination of list of candidates failing to meet filing requirements.

The Secretary of State shall compile a list of all candidates for the Legislature or any statewide office who fail to file a campaign disclosure report by the dates specified in Section 23-15-807(b); the list shall be disseminated to the

members of the Mississippi Press Association within two (2) working days after such reports are due and made available to the public.

Sources: Laws, 1999, ch. 301, § 12, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 25.

VACANCIES IN OFFICE

§ 23-15-831. Appointments by Governor to fill vacancies in state or state district offices other than in Legislature.

When a vacancy other than in the Legislature shall occur, by death, resignation or otherwise, in any state or state district office, which is elective, and there is no special provision of law for the filling of said vacancy, the same shall be filled for the unexpired term by appointment by the Governor.

Sources: Derived from 1972 Code § 23-5-195 [Codes, Hutchinson's 1848, ch. 7, art 6 (2); 1857, ch. 4, art 26; 1871, § 394; 1880, § 154; 1892, § 3681; Laws, 1906, § 4188; Hemingway's 1917, § 6822; Laws, 1930, § 6262; Laws, 1942, § 3291; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 248, eff from and after January 1, 1987.

§ 23-15-833. Special elections to fill vacancies in county, county district, and district attorney offices.

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

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

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

At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot, but shall be clearly distinguished as special election candidates or primary election candidates.

Sources: Derived from 1972 Code § 23-5-203 [Codes, 1880, § 158; 1892, § 3685; Laws, 1906, § 4193; Hemingway's 1917, § 6827; Laws, 1930, § 6267; Laws, 1942, § 3296; Laws, 1954, ch. 356; Laws, 1984, ch. 465, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 249, eff from and after January 1, 1987.

§ 23-15-835. Notice of special election for county or county district office; election procedures.

The commissioners of election of the several counties to whom the writ of election may be directed shall, immediately on the receipt thereof, give notice of such special election to fill a vacancy in such county or county district office by posting notices at the courthouse and in each supervisor's district in the county for ninety (90) days prior to such election; and such election shall be prepared for and held as in case of a general election.

Sources: Derived from 1972 Code § 23-5-199 [Codes, 1880, § 155; 1892, § 3682; Laws, 1906, § 4191; Hemingway's 1917, § 6825; Laws, 1930, § 6265; Laws, 1942, § 3294; Laws, 1966, ch. 615, § 3; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 250, eff from and after January 1, 1987.

§ 23-15-837. Procedure where only one person has qualified for candidacy in special election for state district office.

(1) When a special election shall have been called to fill any state district office and where only one (1) person has duly qualified with the State Board of Election Commissioners to be a candidate in such special election within the time prescribed by law for qualifying as such candidate, the State Board of Election Commissioners shall make a finding and determination of such fact duly entered upon its official minutes.

(2) A finding and determination and certification to office by the State Board of Election Commissioners, as herein provided, shall dispense with the holding of the special election.

(3) A certified copy of the finding and determination of the State Board of Election Commissioners shall be forthwith filed with the Governor, and the Governor shall appoint the candidate so certified to fill the unexpired term.

Sources: Derived from 1972 Code § 23-5-196 [Laws, 1979, ch. 343, §§ 1, 3; Laws, 1981, ch. 303, § 1; repealed by Laws, 1986, ch. 495, § 335]; Laws, 1986, ch. 495, § 251, eff from and after January 1, 1987.

§ 23-15-839. Appointments to fill vacancies in county or county district offices; special election procedures; procedure where only one person has qualified for candidacy in special election.

(1) When a vacancy shall occur in any county or county district office, the same shall be filled by appointment by the board of supervisors of the county, by order entered upon its minutes, where the vacancy occurs, or by appointment of the president of the board of supervisors, by and with the consent of the majority of the board of supervisors, if such vacancy occurs when said board is not in session, and the clerk of the board shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor; and if the unexpired term be longer than six (6) months, such appointee shall serve until a successor is elected as hereinafter provided, unless the regular special election day on which the vacancy should be filled occurs in a year in which an election would normally be held for that office as provided by law, in which case the person so appointed shall serve the unexpired portion of the term. Such vacancies shall be filled for the unexpired term by the qualified electors at the next regular special election day occurring more than ninety (90) days after the occurrence of the vacancy. The board of supervisors of the county shall, within ten (10) days after the happening of the vacancy, make an order, in writing, directed to the commissioners of election, commanding an election to be held on the next regular special election day to fill the vacancy. The election commissioners shall require each candidate to qualify at least sixty (60) days before the date of the election, and shall give a certificate of election to the person elected, and shall return to the Secretary of State a copy of the order of holding the election, showing the results thereof, certified by the clerk of the board of supervisors. The person elected shall be commissioned by the Governor.

(2) In any election ordered pursuant to this section where only one (1) person shall have qualified with the commissioners of election to be a candidate within the time provided by law, the commissioners of election shall certify to the board of supervisors that there is but one (1) candidate. Thereupon, the board of supervisors shall dispense with the election and shall appoint the candidate so certified to fill the unexpired term. The clerk of the board shall certify to the Secretary of State the candidate so appointed to serve in said office and that candidate shall be commissioned by the Governor. In the event that no person shall have qualified by 5:00 p.m. sixty (60) days prior to the date of the election, the commissioners of election shall certify that fact to the board of supervisors which shall dispense with the election and fill the vacancy by appointment. The clerk of the board of supervisors shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor.

Sources: Derived from 1972 Code § 23-5-197 [Codes, 1906, § 4189; Hemingway's 1917, § 6823; Laws, 1930, § 6263; Laws, 1942, § 3292; Laws, 1900, ch. 79; Laws, 1948, ch. 259; Laws, 1958, ch. 542; Laws, 1966 ch. 615, § 1; Laws, 1984, ch. 465, § 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 252; Laws, 1987, ch. 499, § 17; Laws, 1993, ch. 303, § 1; Laws, 2000, ch. 592, § 12, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-841. Nominations for candidates to fill vacancies in county or county district offices; primary elections.

Nominations for candidates to fill vacancies in county or county district offices shall be made upon dates to be fixed by the county executive committee for county or county district offices. The first and second primaries shall be held on the dates to be fixed by such executive committees, which committees shall also fix the dates when the returns are to be made of the results of such primaries. If there is not sufficient time, after the election is ordered, for the holding of second primary to fill such vacancies, on account of the nearness of the election, from the date at which it is ordered, the executive committee having such nomination in charge, may submit the result to the first primary election, the nomination going to the candidate receiving the highest popular vote. Such special primary election shall be conducted, as far as applicable, under the laws governing other primary elections.

Sources: Derived from 1972 Code § 3157 [Codes, 1906, § 3713; Hemingway's 1917, § 6405; Laws, 1930, § 5910; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 253, eff from and after January 1, 1987.

§ 23-15-843. Special elections to fill vacancies in office of district attorney; emergency appointments.

In case of death, resignation or vacancy from any cause in the office of district attorney, the unexpired term of which shall exceed six (6) months, the Governor shall within ten (10) days after happening of such vacancy issue his proclamation calling an election to fill a vacancy in the office of district attorney to be held on the next regular special election day in the district wherein such vacancy shall have occurred unless the vacancy shall occur before ninety (90) days prior to the general election in a year in which an election would normally be held for that office as provided by law, in which case the person so appointed shall serve the unexpired portion of the term. Candidates in such a special election shall qualify in the same manner and shall be subject to the same time limitations as set forth in Section 23-15-839 Pending the holding of such special election, the Governor shall make an emergency appointment to fill the vacancy until the same shall be filled by election as aforesaid.

Sources: Derived from 1972 Code § 23-5-233 [Codes, Hemingway's 1917, § 6840; Laws, 1930, § 6283; Laws, 1942, § 3312; Laws, 1914, ch. 150; Laws, 1973, ch. 362, § 1; Laws, 1981, ch. 314, § 1; Laws, 1984, ch. 465, § 3; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 254, eff from and after January 1, 1987.

§ 23-15-845 and 23-15-847. Repealed.

Repealed by Laws, 1994, ch. 564, § 102, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the repeal of this section).

§ 23-15-849. Elections to fill vacancies in office of judge of Supreme Court, Court of Appeals, circuit judge, or chancellor; interim appointments.

(1) Vacancies in the office of circuit judge or chancellor shall be filled for the unexpired term by the qualified electors at the next regular election for state officers or for representatives in Congress occurring more than nine (9) months after the existence of the vacancy to be filled, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following his election. Upon the occurring of such a vacancy, the Governor shall appoint a qualified person from the district in which the vacancy exists to hold the office and discharge the duties thereof until the vacancy shall be filled by election as provided in this subsection.

(2) (a) If half or more than half of the term remains, vacancies in the office of judge of the Supreme Court or Court of Appeals shall be filled for the unexpired term by the qualified electors at the next regular election for state officers or for representatives in Congress occurring more than nine (9) months after the existence of the vacancy to be filled, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following his election. If less than half of the term remains, vacancies in the office of judge of the Supreme Court or Court of Appeals shall be filled for the remaining unexpired term solely by appointment as provided in this subsection.

(b) Upon occurrence of a vacancy, the Governor shall appoint a qualified person from the district in which the vacancy exists to hold the office and discharge the duties thereof as follows:

(i) If less than half of the term remains, the appointee shall serve until expiration of the term;

(ii) If half or more than half of the term remains, the appointee shall serve until the vacancy shall be filled by election as provided in subsection (1) of this section for judges of the circuit and chancery courts. Elections to fill vacancies in the office of judge of the Supreme Court or Court of Appeals shall be held, conducted, returned and the persons elected commissioned in accordance with the law governing regular elections for judges of the Supreme Court or Court of Appeals insofar as they may be applicable.

(c) This subsection (2) shall apply to all gubernatorial appointees to the Supreme Court or Court of Appeals who have not stood for special election as of July 2, 2002, as if Laws, 2002, ch. 586, were in full force and effect on the day of each of their appointments.

Sources: Derived from 1972 Code § 23-5-247 [Codes, Hemingway's 1917, § 6855; Laws, 1930, § 6287; Laws, 1942, §§ 3190, 3316; Laws, 1916, ch. 161; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 257; Laws, 1993, ch. 518, § 29, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section); Laws, 2002, ch. 586, § 1, eff July 2, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-851. Elections to fill vacancies in offices in Legislature; notice.

When vacancies happen in either house of the Legislature, the Governor shall issue writs of election to fill such vacancies on a day therein to be specified; and at least twenty (20) days' notice shall be given of such election in each county or part of a county in which such election shall be held. Notice of the election shall be posted at the court house and in each supervisor's district in the county or part of county in which such election shall be held for as near twenty (20) days as may be practicable; and the election shall be prepared for and held as in the case of a general election.

Sources: Derived from 1972 Code § 23-5-201 [Codes, 1857, ch 4, art 29; 1871, § 395; 1880, § 157; 1892, § 3684; Laws, 1906, § 4192; Hemingway's 1917, § 6826; Laws, 1930, § 6266; Laws, 1942, § 3295; Laws, 1956, ch. 405, § 1; Repealed by Laws, 1986, ch. 495, § 335]; Laws, 1986, ch. 495, § 258, eff from and after January 1, 1987.

§ 23-15-853. Special elections to fill vacancies in representation in Congress; notice; qualification by candidates.

(1) If a vacancy happens in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within sixty (60) days after such vacancy occurs, and to be held at a time fixed by his order, and which time shall be not less than forty (40) days after the issuance of the order of the Governor, which shall be directed to the commissioners of election of the several counties of the district, who shall, immediately on the receipt of the order, give notice of the election by publishing the same in some newspaper having a general circulation in the county and by posting notice thereof at the front door of the courthouse. The order shall also be directed to the State Board of Election Commissioners. The election shall be prepared for and conducted, and returns shall be made, in all respects as provided for a special election to fill vacancies.

(2) Candidates for the office in such an election must qualify with the Secretary of State by 5:00 p.m. not less than twenty (20) days previous to the date of the election. The commissioners of election shall have printed on the ballot in such special election the name of any candidate who shall have been requested to be a candidate for the office by a petition filed with the Secretary of State and personally signed by not less than one thousand (1,000) qualified electors of the district. The petition shall be filed by 5:00 p.m. not less than twenty (20) days previous to the date of the election.

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

Sources: Derived from 1972 Code § 23-5-221 [Codes, 1857, ch. 4, art 35; 1871, § 361; 1880, § 162; 1892, § 3689; Laws, 1906, § 4196; Hemingway's 1917, § 6830; Laws, 1930, § 6275; Laws, 1942, § 3304; Laws, 1968 ch. 572, §§

1, 2; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 259; Laws, 2000, ch. 592, § 13, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-855. Elections to fill vacancies in office of U.S. Senator; interim appointments by Governor.

(1) If a vacancy shall occur in the office of United States Senator from Mississippi by death, resignation or otherwise, the Governor shall, within ten (10) days after receiving official notice of such vacancy, issue his proclamation for an election to be held in the state to elect a Senator to fill such unexpired term as may remain, provided the unexpired term is more than twelve (12) months and the election shall be held within ninety (90) days from the time the proclamation is issued and the returns of such election shall be certified to the Governor in the manner set out above for regular elections, unless the vacancy shall occur in a year that there shall be held a general state or congressional election, in which event the Governor's proclamation shall designate the general election day as the time for electing a Senator, and the vacancy shall be filled by appointment as hereinafter provided.

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

Sources: Derived from 1972 Code § 23-5-229 [Codes, Hemingway's 1917, § 6835; Laws, 1930, § 6279; Laws, 1942, § 3308; Laws, 1914, ch. 148] and § 23-5-231 [Codes, Hemingway's 1917, § 6836; Laws, 1930, § 6280; Laws, 1942, § 3309; Laws, 1914, ch. 148], both repealed by Laws, 1986, ch. 495, § 335; en, Laws, 1986, ch. 495, § 260, eff from and after January 1, 1987.

§ 23-15-857. Appointments to fill vacancies in city, town, or village offices; elections to fill such offices; procedure where no person or only one person has qualified as candidate

(1) When it shall happen that there is any vacancy in a city, town or village office which is elective, the unexpired term of which shall not exceed six (6) months, the same shall be filled by appointment by the governing authority or remainder of the governing authority of said city, town or village. The municipal clerk shall certify to the Secretary of State the fact of such appointment, and the person or persons so appointed shall be commissioned by the Governor.

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

Notice of such election shall be given by the municipal clerk by notice published in a newspaper published in the municipality. Such notice shall be published once each week for three (3) successive weeks preceding the date of such election. The first notice to be published at least thirty (30) days before the date of such election. Notice shall also be given by posting a copy of such notice at three (3) public places in such municipality not less than twenty-one (21) days prior to the date of such election. One (1) of such notices shall be posted at the city, town or village hall. In the event that there is no newspaper published in the municipality, then such notice shall be published as provided for above in a newspaper which has a general circulation within the municipality and by posting as provided for above. In addition, the governing authority may publish such notice in such newspaper for such additional times as may be deemed necessary by the governing authority.

Each candidate shall qualify by petition filed with the municipal clerk by 5:00 p.m. at least twenty (20) days before

the date of the election and such petition shall be signed by not less than the following number of qualified electors:

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

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

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

The candidate receiving a majority of the votes cast in a said election shall be elected. If no candidate shall receive a majority vote at the election, the two (2) candidates receiving the highest number of votes shall have their names placed on the ballot for the election to be held one (1) week thereafter. The candidate receiving a majority of the votes cast in said election shall be elected. However, if no candidate shall receive a majority and there is a tie in the election of those receiving the next highest vote, those receiving the next highest vote and the candidate receiving the highest vote shall have their names placed on the ballot for the election to be held one (1) week thereafter, and whoever receives the most votes cast in such election shall be elected.

Should the election to be held one (1) week thereafter result in a tie vote, the candidate to prevail shall be decided by lot, fairly and publicly drawn under the supervision by the election commission with the aid of two (2) or more qualified electors of the municipality.

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

However, if nineteen (19) days prior to the date of the election only one (1) person shall have qualified as a candidate, the governing authority, or remainder of the governing authority, shall dispense with the election and appoint that one (1) candidate in lieu of an election. In the event no person shall have qualified by 5:00 p.m. at least twenty (20) days prior to the date of the election, the governing authority or remainder of the governing authority shall dispense with the election and fill the vacancy by appointment. The clerk of the governing authority shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor.

SOURCES: Derived from 1972 Code § 21-11-9 [Codes 1892, § 3031; Laws, 1906, § 3436; Hemingway's 1917, § 5996; Laws, 1930, § 2598; Laws, 1942, § 3374-64; Laws, 1950, ch. 491, § 64; Laws, 1971, ch. 494, § 1; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 261; Laws, 2000, ch. 592, § 14; Laws, 2004, ch. 512, § 1, eff August 19, 2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-859. Date of special municipal election; notice.

Whenever under any statute a special election is required or authorized to be held in any municipality, and the statute authorizing or requiring such election does not specify the time within which such election shall be called, or the notice which shall be given thereof, the governing authorities of the municipality shall, by resolution, fix a date upon which such election shall be held. Such date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon which such resolution is adopted, and not less than three (3) weeks' notice of such election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next preceding the date of such election, and by posting a copy of such notice at three (3) public places in such municipality. Nothing herein, however, shall be applicable to elections on the question of the issuance of the bonds of a municipality or to general or primary elections for the election of municipal officers.

Sources: Derived from 1972 Code § 21-11-11 [Codes, 1942, § 3374-108; Laws, 1950, ch. 491, § 108; repealed by Laws, 1986, ch. 495, § 329]; en, Laws, 1986, ch. 495, § 262, eff from and after January 1, 1987.

ARTICLE 27.

REGULATION OF ELECTIONS

§ 23-15-871. General prohibitions with respect to employers, employees, and public officials.

It shall be unlawful for any corporation or any officer or employee thereof, or any member of a firm, or trustee or any member of any association, or any other employer, to direct or coerce, directly or indirectly, any employee to vote or not to vote for any particular person or group of persons in any election, or to discharge or to threaten to discharge any such employee, or to increase or decrease the salary or wages of an employee, or otherwise promote or demote him, because of his vote or failure to vote for any particular candidate or group of candidates; and likewise it shall be unlawful for any employer, or employee having the authority to employ or discharge other employees, to make any statement public or private, or to give out or circulate any report or statement, calculated to intimidate or coerce or otherwise influence any employee as to his vote, and when any such statement has obtained circulation, it shall be the duty of such employer to publicly repudiate it, in the absence of which repudiation the employer shall be deemed by way of ratification to have made it himself. Nor shall any employee be requested, directed or permitted to canvass for or against any candidate or render any other services for or against any candidate or group of candidates, during any of the hours within which the salary of said employee as an employee is being paid or agreed to be paid; nor shall any such employee be allowed any vacation or leave of absence at the expense of the employer to render any service or services for or against any candidate or group of candidates, or to take any active part in any election campaign whatsoever; nor shall any employee at the expense, in whole or in part, of any employer take any part whatever in any election campaign, except the necessary time to cast his vote. The prohibitions of this section shall apply to all state, state district, county and county district officers, and to any board or commission and the members thereof by whatever name designated and whether elective or appointive, and to each and every one of those employed by them or any of them. And no state, state district, county or county district officer, or any employee of any of them who directly or indirectly has the control, or in any way the power of control, or who asserts or pretends that he has such power, over the expenditure of any public funds in this state, whatever the purpose or object of said expenditure may be, shall state, suggest or intimate, publicly or privately, or in any manner or form, that any such expenditure shall in any wise depend upon or be influenced by the vote of any person, group of persons, or community or group of communities, whether for or against any candidate or group of candidates at any election. This section and every part of it shall apply also to all federal officers, agents, employees, boards and commissions by whatever name known and to each and every one of those employed by them or any of them, as to any interference by them or any of them, contrary to the provisions of this chapter, in the elections of this state.

Sources: Derived from 1972 Code § 23-3-29 [Codes, 1942, § 3172; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 263, eff from and after January 1, 1987.

§ 23-15-873. Prohibitions against promises of public positions or employment, public contracts, or public expenditures; exceptions.

No person, whether an officer or not, shall, in order to promote his own candidacy, or that of any other person, to be a candidate for public office in this state, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, nomination or election of another person to any public position or employment, or to secure or assist in securing any public contract or the employment of any person under any public contractor, or to secure or assist in securing the expenditure of any public funds in the personal behalf of any particular person or group of persons, except that the candidate may publicly announce what is his choice or purpose in relation to an election in which he may be called on to take part if elected. It shall be unlawful for any person to directly or indirectly solicit or receive any promise by this section prohibited. But this does not apply to a sheriff, chancery clerk, circuit clerk, or any other person, of the state or county when it comes to their office force.

Sources: Derived from 1972 Code § 23-3-31 [Codes, 1942, § 3173; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 264, eff from and after January 1, 1987.

§ 23-15-874. Prohibition against use of court personnel in judicial campaign.

A candidate for judicial office shall not use court administrators, deputy court administrators, court reporters, deputy court reporters, judges' secretaries or law clerks as workers in his campaign activities.

Sources: Laws, 1999, ch. 301, § 5, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-875. Prohibitions against charges with respect to integrity of candidate; proceedings against violators.

No person, including a candidate, shall publicly or privately make, in a campaign then in progress, any charge or charges reflecting upon the honesty, integrity or moral character of any candidate, so far as his private life is concerned, unless the charge be in fact true and actually capable of proof; and any person who makes any such charge shall have the burden of proof to show the truth thereof when called to account therefor under any affidavit or indictment against him for a violation of this section. Any language deliberately uttered or published which, when fairly and reasonably construed and as commonly understood, would clearly and unmistakably imply any such charge, shall be deemed and held to be the equivalent of a direct charge. And in no event shall any such charge, whether true or untrue, be made on the day of any election, or within the last five (5) days immediately preceding the date of any election.

Any person who shall willfully and knowingly violate this section shall be guilty of a misdemeanor, and upon the affidavit of any two (2) credible citizens of this state, before any judicial officer having jurisdiction of misdemeanors, said officer shall thereupon forthwith issue his warrant for the arrest of said alleged offender, and when arrested the officer shall forthwith examine into the matter, and if the proof of guilt be evident or the presumption great, the officer shall place the accused person under bond in the sum of Five Hundred Dollars (\$500.00), with two (2) or more good sureties, conditioned that the person bound will appear at the next term of the court where the offense is cognizable, and in addition that the person bound will not further violate this section; and additional affidavits may be filed and additional bonds may be required for each and every subsequent offense. When and if under a prosecution under this section, the alleged offender is finally acquitted, the persons who made the original affidavit shall pay all costs of the proceedings.

Sources: Derived from 1972 Code § 23-3-33 [Codes, 1942, § 3174; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 265, eff from and after January 1, 1987.

§ 23-15-877. Prohibitions against newspaper editorials and stories with respect to integrity of candidate; newspaper's obligation to print reply; liability for damages.

If during any election campaign in Mississippi any newspaper either domiciled in the state, or outside of the state circulating inside the State of Mississippi, shall print any editorial or news story reflecting upon the honesty or integrity or moral character of any candidate in such campaign or on the honesty and integrity or moral character of any candidate who was elected or defeated in such campaign, such newspaper shall, on the written or telegraphic request of such candidate or his agents, print in such newspaper not later than the second issue of such newspaper following the receipt of such request, a statement by the candidate or his duly accredited representative giving the candidate's reply. Such statement shall be printed in the exact language which the candidate or his representative presents and shall be printed as near as is practical on the same page, in the same position, and in the same size type and headlines as the original editorial or news story reflecting on the candidate had been printed.

This section shall be construed to include those news stories wherein the newspaper quotes from a candidate or individual statements attacking the honesty or integrity or moral character of a candidate or ex-candidate.

If such newspaper fails or refuses to publish such answer when requested, the owner of such newspaper shall be liable to a suit for damages by the candidate claiming to be injured by such publication. In event of a verdict in favor of the plaintiff, the measure of damages shall be the injury suffered or a penalty of Five Hundred Dollars (\$500.00), whichever is the larger amount. In all cases, the truth of the charge may be offered as defense to the suit. But nothing herein contained shall be construed to abolish any existing legal rights of action in such cases.

Sources: Derived from 1972 Code § 23-3-35 [Codes, 1942, § 3175; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 266, eff from and after January 1, 1987.

§ 23-15-879. Exemption of newspapers and other publications from requirements as to subscription of printed matter.

Section 23-15-897 shall not apply to editorials, original or copies, in any newspaper or other publication regularly published and issued to bona fide paid subscribers, and not published and issued solely or principally for political purposes, or to news matter prepared and written by the regularly employed staff of the paper, or to the printing in said paper of any letter together with the signature thereto, provided that any of the matter so printed and published is not prohibited by the provisions of Section 23-15-875 or Section 23-15-877 or by some other prohibition of law.

Sources: Derived from 1972 Code § 23-3-39 [Codes, 1942, § 177; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 267, eff from and after January 1, 1987.

§ 23-15-881. Prohibitions against excessive expenditures or hiring of workers for state highways or public roads; maintenance of records.

It shall be unlawful for the State Highway Commission or any member of the State Highway Commission, or the board of supervisors of any county or any member of the board of supervisors of such county, to employ, during the months of May, June, July and August of any year in which a general primary election is held for the nomination and election of members of the State Highway Commission and members of the boards of supervisors, a greater number of persons to work and maintain the state highways, in any highway district, or the public roads, in any supervisors district of the county, as the case may be, than the average number of persons employed for similar purposes in such highway district or supervisors district, as the case may be, during the months of May, June, July and August of the three (3) years immediately preceding the year in which such general primary election is held. It shall be unlawful for the State Highway Commission, or the board of supervisors of any county, to expend out of the state highway funds, or the road funds of the county or any supervisors district thereof, as the case may be, in the payment of wages or other compensation for labor performed in working and maintaining the highways of any highway district, or the public roads of any supervisors district of the county, as the case may be, during the months of May, June, July and August of such election year, a total amount in excess of the average total amount expended for such labor, in such highway district or supervisors district, as the case may be, during the corresponding four (4) months' period of the three (3) years immediately preceding.

It shall be the duty of the State Highway Commission and the board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the state highways of each highway district, and the public roads of each supervisors district, for the months of May, June, July and August of each year, to show the number of persons employed for such work in each highway district and each supervisors district, as the case may be, during said four (4) months' period, and the total amount expended in the payment of salaries and other compensation to such employees, so that it may be ascertained, from an examination of such records, whether or not the provisions of this chapter have been violated.

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

Sources: Derived from 1972 Code § 23-1-43 [Codes, 1942, § 3133-01; Laws, 1970, ch. 506, § 8; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 268, eff from and after January 1, 1987.

§ 23-15-883. Exceptions to prohibitions with respect to state highway or public road expenditures or employment.

The restriction imposed upon the State Highway Commission and the boards of supervisors of the several counties in the employment of labor to work and maintain the state highways and the public roads of the several supervisors' districts of the county, as provided in Section 23-15-881 shall not apply to road contractors or bridge contractors engaged in the construction or maintenance of state highways or county roads under contracts awarded by the State Highway Commission, or the board of supervisors, as the case may be, where such contracts shall have been awarded to the lowest responsible bidder, after legal advertisement, as provided by law; nor shall the restriction

imposed in Section 23-15-881 apply to the labor employed by such road contractors or bridge contractors in carrying out such contracts. Nor shall the provisions of this chapter apply to the employment by the State Highway Commission, or the board of supervisors, as the case may be, of extra labor employed to make repairs upon the state highways or highway bridges, or upon the county roads or bridges, in cases where such state highways or highway bridges, or such county roads or bridges, have been damaged or destroyed by severe storms, floods or other unforeseen disasters.

Sources: Derived from 1942 Code § 3134 [Laws, 1940, ch. 156; repealed by Laws, 1970, ch. 506]; en, Laws, 1986, ch. 495, § 269, eff from and after January 1, 1987

§ 23-15-885. Prohibitions against excessive expenditures or hiring of workers for streets of municipalities.

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

Sources: Derived from 1942 Code § 3135 [Laws, 1940, ch 156; repealed by Laws, 1970, ch. 506]; en, Laws, 1986, ch. 495, § 270, eff from and after January 1, 1987

§ 23-15-887. Penalties for violation of chapter by member of State Highway Commission, member of board of supervisors, or mayor or member of board of aldermen or other governing authority of municipality.

If any member of the State Highway Commission, and any member of the board of supervisors, or the mayor or any member of the board of aldermen or other governing authority of any municipality, shall violate the provisions of this article, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

Sources: Derived from 1942 Code § 3136 [Laws, 1940, ch 156; repealed by Laws, 1970, ch. 506]; en, Laws, 1986, ch. 495, § 271; Laws, 1987, ch. 499, § 8, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the amendment).

§ 23-15-889. Prohibitions against buying or selling vote or offering to do so; penalties.

It shall be unlawful for any person to sell or offer to sell his vote and it shall be likewise unlawful for any person to offer money or anything of substantial value to anyone for his vote. Anyone violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned not more than six (6) months, or both.

Sources: Derived from 1942 Code § 3137 [Codes, 1906, § 3719; Hemingway's 1917, § 6411; Laws, 1930, § 5890; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 272, eff from and after January 1, 1987.

§ 23-15-891. Prohibition against provision of free services or services at reduced rates by common carriers, telegraph companies, or telephone companies; requirement of sworn statement.

No common carrier, telegraph company or telephone company shall give to any candidate, or to any member of any political committee, or to any person to be used to aid or promote the success or defeat of any candidate for election for any public office, free transportation or telegraph or telephone service, as the case may be, or any reduction thereof that is not made alike to all other persons. All persons required by the provisions of this chapter to make and file statements shall make oath that they have not received or made use of, directly or indirectly, in connection with any candidacy for nomination to any public office, free transportation or telegraph or telephone service.

Sources: Derived from 1942 Code § 3138 [Codes, 1906, § 3727; Hemingway's 1917, § 6421; Laws, 1930, § 5891; repealed by Laws, 1970, ch. 506]; en, Laws, 1986, ch. 495, § 273, eff from and after January 1, 1987.

§ 23-15-893. Prohibitions with respect to intoxicating liquors and persons in an intoxicated condition; penalties.

If any person shall be found intoxicated in or about any polling place during any election he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or sentenced to imprisonment not more than ten (10) days. It shall be the duty of every conservator of the peace to arrest any person guilty of this or any other offense against the election laws, and to make affidavit or have the same made and sent to the proper justice court judge; and if any candidate for office who is to be voted for at such election, shall violate the provisions of this section, he shall, in addition to the above penalty, be disqualified from holding the office for which he is a candidate.

Sources: Derived from 1942 Code § 3132 [Codes, 1906, § 3720; Hemingway's 1917, § 6412; Laws, 1930, § 5889; repealed by Laws, 1970, ch 506]; en, Laws, 1986, ch. 495, § 274; Laws, 1989, ch. 384, § 1, eff from and after April 14, 1989 (the date the United States Attorney General interposed no objection to the amendment).

§ 23-15-895. Prohibition against distribution of campaign material within 150 feet of polling place; prohibition against appearance of certain persons at polling place while armed, uniformed, or displaying badge or credentials.

It shall be unlawful for any candidate for an elective office, or any representative of such candidate, or for any proponent or opponent of any constitutional amendment, local issue or other measure printed on the ballot to post or distribute cards, posters or other campaign literature within one hundred fifty (150) feet of any entrance of the building wherein any election is being held. It shall be unlawful for any candidate or a representative named by him in writing to appear at any polling place while armed or uniformed, nor shall he display any badge or credentials except as may be issued by the manager of the polling place. As used in this section, the term "local issue" shall have the meaning ascribed to such term in Section 23-15-375.

Sources: Derived from 1972 Code § 23-3-17 [Codes, 1942, § 3166; Laws, 1935, ch. 19; Laws, 1979, ch. 487 § 4; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 275, eff from and after January 1, 1987; Laws, 1994, ch. 494, § 1, eff from and after June 23, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-897. Requirement of candidate's subscription of printed campaign material; observance of federal provisions with respect to radio and television time; payment for printed matter and for broadcast time at usual rates.

No person shall write, print, post or distribute or cause to be distributed, a notice, placard, bill, poster, dodger, pamphlet, advertisement or any other form of publication (except notices, posters, and the like, which simply announce speaking date and invite attendance thereon) which is designed to influence voters for or against any candidate at any election, unless and until the same shall have been submitted to, and approved and subscribed by the candidate or by his campaign manager or assistant manager, which subscription shall in all cases be printed as so subscribed, and not otherwise. As, for instance, it shall be unlawful to write, print, post, distribute or cause to be written, printed, posted or distributed any such matter when the authority therefor is designated simply as "paid political advertisement," or "contributed by a friend," or "contributed by the friends and supporters," and the like. Nor shall any radio or television station allow any time or place on any of its programs for any address for or against any candidate at any election, except in accordance with the provisions of the federal statutes and the rules and regulations of the Federal Communications Commission as applied to the use of radio and television facilities by a candidate or candidates for office. But the aforesaid written or printed matter and the time for radio and television addresses shall be paid for at the usual and ordinary rates, and only by a person authorized to make expenditures in behalf of the candidate, as is provided in this chapter in regard to other expenditures.

For a violation or violations of this section, the offender may be proceeded against as provided in Section 23-15-875.

Sources: Derived from 1972 Code § 23-3-37 [Codes, 1942, §§ 3176, 3178; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 276, eff from and after January 1, 1987.

§ 23-15-899. Requirement that printed matter bear name of author, printer, and publisher; prohibition against mutilation or removal of placards, posters, or pictures.

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

Sources: Derived from 1942 Code § 3141 [Codes, 1906, § 3728; Hemingway's 1917, § 6422; Laws, 1930, § 5894; repealed by Laws, 1970, ch. 506]; en, Laws, 1986, ch. 495, § 277; Laws, 1987, ch. 499, § 9, eff from and after July 24, 1987 (the date on which the United States Attorney General interposed no objection to the amendment).

§ 23-15-901. Electors' privilege from arrest.

Electors shall in all cases other than those of treason, felony or breach of the peace be privileged from arrest during their attendance on elections and going to and returning from the same.

Sources: Derived from 1972 Code § 23-5-165 [Codes, 1857, ch. 4, art 18; 1871, § 368; 1880, § 144; 1892, § 3675; Laws, 1906, § 4182; Hemingway's 1917, § 6816; Laws, 1930, § 6248; Laws, 1942, § 3277; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 278, eff from and after January 1, 1987.

§ 23-15-903. Procedure for filing complaint of violation of election law.

In addition to any other procedure provided by law, any person who has reason to believe that any election law has been violated may file a written complaint with the commissioners of election of the county in which the alleged violation occurred. The commissioners of election shall conduct a hearing on any such complaint. The district attorney shall have notice of such hearing and the district attorney or his legal assistant may attend such hearing. If the election commissioners find that there is probable cause to believe that a violation has occurred, they shall refer the complaint to the district attorney and the district attorney shall present the matter to the grand jury at its next term.

Sources: Laws, 1993, ch. 528, § 2, eff from and after date said ch. 528, is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended (See Editor's note).

ARTICLE 29. **ELECTION CONTESTS**

SUBARTICLE A. **GENERAL PROVISIONS**

§ 23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives.

(1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission in the case of general elections or the county executive committee in the case of primary elections, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission or executive committee, as the case may be, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are

removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

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

Sources: Derived from 1972 Code § 23-3-23 [Codes, 1942, § 3169; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 279; Laws, 1987, ch. 499, § 10; Laws, 2000, ch. 450, § 4, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-913. Judges to be available to hear and resolve election day disputes.

The judges listed and selected to hear election disputes as provided in Section 23-15-951 Mississippi Code of 1972, shall be available on election day to immediately hear and resolve any election day disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties on election day. The Supreme Court shall send judges to the sites of disputes but no judge shall hear a dispute in the district, subdistrict or county in which he was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

Sources: Laws, 1999, ch. 301, § 15, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

SUBARTICLE B. CONTESTS OF PRIMARY ELECTIONS

§ 23-15-921. Nominations to county or county district offices, etc.; petition, notice of contest, investigation, and determination.

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 twenty (20) 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 said committee, notice of which contest shall be served five (5) days before said 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.

Sources: Derived from 1972 Code § 3143 [Codes, Hemingway's 1917, § 6425; Laws, 1930, § 5896; Laws, 1908, ch. 136; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 280; Laws, 1988, ch. 577, § 3, eff from and after December 9, 1988 (the date the United States Attorney General interposed no objection to the amendment).

§ 23-15-923. Nominations with respect to state, congressional, and judicial districts, etc.; investigation, findings, and declaration of nominee.

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 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 said 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.

Sources: Derived from 1942 Code § 3144 [Codes, Hemingway's 1917, § 6426; Laws, 1930, § 5897; Laws, 1908, ch. 136; repealed by Laws, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 281; Laws, 1988, ch. 577, § 4, eff from and after December 9, 1988 (the date the United States Attorney General interposed no objection to the amendment).

§ 23-15-925. Power of committee to subpoena and to attach witnesses.

For the proper enforcement of the preceding sections the committee has the power to subpoena and, if necessary, attach witnesses needed in said investigation.

Sources: Derived from 1942 Code § 3145 [Codes, Hemingway's 1917, § 6427; Laws, 1930, § 5898; Laws, 1908, ch. 136; repealed by Laws, 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 282, eff from and after January 1, 1987.

§ 23-15-927. Filing of protest and petition in circuit court in event of unreasonable delay by committee; requirement of certificate and cost bond; suspension of committee's order.

When and after any contest has been filed with the county executive committee, or complaint with the State Executive Committee, and the said executive committee having jurisdiction shall fail to promptly meet or having met shall fail or unreasonably delay to fully act upon the contest or complaint, or shall fail to give with reasonable promptness the full relief required by the facts and the law, the contestant shall have the right forthwith to file in the circuit court of the county wherein the irregularities are charged to have occurred, or if more than one county to be involved then in one (1) of said counties, a sworn copy of his said protest or complaint, together with a sworn petition, setting forth with particularity wherein the executive committee has wrongfully failed to act or to fully and promptly investigate or has wrongfully denied the relief prayed by said contest, with a prayer for a judicial review thereof. But such petition for a judicial review shall not be filed unless it bear the certificate of two (2) practicing attorneys that they and each of them have fully made an independent investigation into the matters of fact and of law upon which the protest and petition are based and that after such investigation they verily believe that the said protest and petition should be sustained and that the relief therein prayed should be granted, and the petitioner shall give a cost bond in the sum of Three Hundred Dollars (\$300.00), with two (2) or more sufficient sureties conditioned to pay all costs in case his petition be dismissed, and an additional bond may be required, by the judge or chancellor, if necessary, at any subsequent stage of the proceedings. The filing of such petition for judicial review in the manner set forth above shall automatically supersede and suspend the operation and effect of the order, ruling or judgment of the executive committee appealed from.

Sources: Derived from 1972 Code § 23-3-45 [Codes, 1942, § 3182; Laws, 1935, ch. 19; Laws, 1968, ch. 567, § 1; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 283, eff from and after January 1, 1987.

§ 23-15-929. Designation of circuit judge or chancellor to determine contest; notice; answer and cross-complaint.

Upon the filing of the petition certified as aforesaid, and bond, the circuit clerk shall immediately, by registered letter or by telegraph or telephone, or personally, notify the Chief Justice of the Supreme Court, or, in his absence, or disability, some other judge of the Supreme Court, who shall forthwith designate and notify a circuit judge or chancellor of a district other than that which embraces the county or any of the counties, involved in the contest or complaint, to proceed to said county wherein the contest or complaint has been filed there to hear and determine said contest or complaint, and it shall be the official duty of the said circuit judge or chancellor to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge or chancellor and of which the contestant and contestee shall have reasonable notice, to be served in such reasonable manner as the judge or chancellor may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if any he have to prefer.

Sources: Derived from 1972 Code § 23-3-47 [Codes, 1942, § 3183; Laws, 1935 ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 284, eff from and after January 1, 1987.

§ 23-15-931. Issuance of subpoenas and summonses by circuit clerk prior to hearing; assistance by, and findings of, election commissioners; entry of judgment by trial judge.

When the day for the hearing has been set, the circuit clerk shall issue subpoenas for witnesses as in other litigated cases, and he shall also issue a summons to each of the five (5) election commissioners of the county, unless they waive summons, requiring them to attend said hearing, throughout which hearing the said commissioners shall sit with the judge or chancellor as advisors or assistants in the trial and determination of the facts, and as assistants in counts, calculations and inspections, and in seeing to it that ballots, papers, documents, books and the like are diligently secured against misplacement, alteration, concealment or loss both in the sessions and during recesses or adjournments; the judge or chancellor being, however, the controlling judge both of the facts and the law, and to have all the power in every respect of a chancellor in term time; and the tribunal shall be attended by the sheriff, and clerk, each with sufficient deputies, and by a court reporter. The special tribunal so constituted shall fully hear the contest or complaint de novo, and the original contestant before the party executive committee shall have the burden of proof and the burden of going forward with the evidence in the hearing before the special tribunal. The special tribunal, after the contest or complaint shall have been fully heard anew, shall make a finding dictated to the reporter covering all controverted material issues of fact, together with any dissents of any commissioner, and thereupon, the trial judge shall enter the judgment which the county executive committee should have entered, of which the election commissioners shall take judicial notice, or if the matter be one within the jurisdiction of the State Executive Committee, the judgment shall be certified and promptly forwarded to the Secretary of the State Executive Committee, and in the absence of an appeal, it shall be the duty of the State Executive Committee forthwith to reassemble and revise any decision theretofore made by it so as to conform to the judicial judgment aforesaid; provided that when the contest is upon a complaint filed with the State Executive Committee and the petition to the court avers that the wrong or irregularity is one which occurred wholly within the proceedings of the state committee, the petition to the court shall be filed in the circuit or chancery court of Hinds County and, after notice served, shall be promptly heard by the circuit judge or chancellor of that county, without the attendance of commissioners.

Sources: Derived from 1972 Code § 23-3-49 [Codes, 1942, § 3184; Laws, 1935, ch. 19; Laws, 1968, ch. 567, § 2; repealed by Laws, 1986, ch. 495, § 333]; Laws, 1986, ch. 495, § 285, eff from and after January 1, 1987.

§ 23-15-933. Appeal from judgment; restrictions upon review of findings of fact.

The contestant or contestee, or both, may file an appeal in the Supreme Court within the time and under such conditions and procedures as are established by the Supreme Court for other appeals. If the findings of fact have been concurred in by all the commissioners in attendance, provided as many as three (3) commissioners are and have been in attendance, the facts shall not be subject to appellate review. But if not so many as three (3) of the commissioners are or have been in attendance, or if one or more commissioners dissent, upon review, the Supreme Court may make such findings as the evidence requires.

Sources: Derived from 1972 Code § 23-3-51 [Codes, 1942, § 3185; Laws, 1935, ch. 19; Laws, 1968, ch. 567, § 3; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 286, eff from and after January 1, 1987; Laws, 1991, ch. 573, § 108, eff from and after July 1, 1991.

§ 23-15-935. Attendance or absence of election commissioners at hearing.

The trial judge shall have the same power to compel the attendance of the election commissioners upon and throughout the hearings as is given to the judge of a circuit court to compel the attendance of jurors, and the commissioners must attend unless physically unable so to do. But if any one or more or all of the commissioners are absent so as to not be served with notice, or is or are physically unable to attend, the trial judge shall proceed without them or any of them, so that the hearing shall not be delayed on their account or on account of any one or more of them. When, under Section 23-15-937 the hearing is transferred in whole or in part to another county or counties, the election commissioners of the county or counties to which the hearing is transferred shall attend the hearings in their respective counties, subject to foregoing provisions in respect to absent or disabled commissioners.

Sources: Derived from 1972 Code § 23-3-53 [Codes, 1942, § 3186; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 287, eff from and after January 1, 1987.

§ 23-15-937. Transfer of hearing; requirement of prompt adjudication; circumstances requiring special election.

If more than one county be involved in a contest or complaint, the judge or chancellor shall have authority to transfer the hearing to a more convenient county within the district, if in relation to a district office, or within the state if a state office; or the judge or chancellor may proceed to any county or counties wherein the facts complained of are charged to have transpired, and there hear the evidence and make a finding of facts relating to that county and any convenient neighboring county or counties, but, in any event, if possible with due diligence to do so, the hearing must be completed and final judgment rendered in time to permit the printing and distribution of the official ballots at the election for which the contested nomination is made. When any judge or chancellor lawfully designated to hear a contest or complaint, in this section mentioned, shall not promptly and diligently proceed with the hearing and final determination of such a contest or complaint, he shall be guilty of a high misdemeanor in office unless excused by actual illness, or by an equivalent excuse. When no final decision has been made in time as hereinabove specified, the name of the nominee declared by the party executive committee shall be printed on the official ballots as the party nominee, but the contest or complaint shall not thereby be dismissed but the cause shall nevertheless proceed to final judgment and if the said judgment be in favor of the contestant, the election of the contestee shall thereby be vacated and the Governor, or the Lieutenant Governor in case the Governor be a party to the contest, shall call a special election for the office or offices involved, if the contestee has already entered upon the term he shall vacate the office upon the qualification of the person elected at said special election, and may be removed by quo warranto if he fail so to do.

Sources: Derived from 1972 Code § 23-3-55 [Codes, 1942, § 3187; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 288, eff from and after January 1, 1987.

§ 23-15-939. Payment of traveling expenses of judge or chancellor; compensation of election commissioners.

The reasonable traveling expenses of the judge or chancellor shall be paid by order of the board of supervisors of the county or counties wherein a contest or complaint under this section is heard, upon an itemized certificate thereof by the said judge or chancellor. The election commissioners shall be compensated for their services rendered under this section as is provided in Section 23-15-227.

Sources: Derived from 1972 Code § 23-3-57 [Codes, 1942, § 3188; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 289, eff from and after January 1, 1987.

§ 23-15-941. Willful violation of election statute constituting criminal offense; issuance of arrest warrant; delivery of papers to grand jury foreman.

If upon the hearing of a primary election contest or complaint, under Section 23-15-931 it shall distinctly appear to the trial judge that any person, including a candidate or election officer, has willfully and corruptly violated any primary election statute and such violation is by said statute made a criminal offense, whether a misdemeanor or a felony, it shall be the duty of the trial judge to issue immediately his warrant for the arrest of the guilty party, reciting in his order therefor, in brief, the grounds or causes for the arrest. Such warrant and a certified copy of the order shall be forthwith placed in the hands of the sheriff of the county wherein the offense occurred, and the sheriff shall at once, upon receipt of the warrant, arrest the party and commit him to prison, unless and until the party give bond in the sum of Five Hundred Dollars (\$500.00) with two (2) or more good and sufficient sureties conditioned for his appearance at the next term of the circuit court and from term to term until discharged by law. When the arrest has been made and the bond, if any, given, the sheriff shall deliver all the papers therein with his return thereon to the circuit clerk who shall file, and thereafter personally deliver, the same to the foreman of the next grand jury.

Sources: Derived from 1972 Code § 23-3-59 [Codes, 1942, § 3189; Laws, 1935, ch. 19; Laws, 1983, ch. 499, § 23; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 290, eff from and after January 1, 1987.

SUBARTICLE C. CONTESTS OF OTHER ELECTIONS

§ 23-15-951. Filing of petition; issuance of summons; trial by, and verdict of, jury; assumption of office.

Except as otherwise provided by Section 23-15-955 or Section 23-15-961 a person desiring to contest the election of another person returned as elected to any office within any county, may, within twenty (20) days after the election, file a petition in the office of the clerk of the circuit court of the county, setting forth the grounds upon which the election is contested; and the clerk shall thereupon issue a summons to the party whose election is contested, returnable to the next term of the court, which summons shall be served as in other cases; and the court shall, at the first term, cause an issue to be made up and tried by a jury, and the verdict of the jury shall find the person having the greatest number of legal votes at the election. If the jury shall find against the person returned elected, the clerk shall issue a certificate thereof; and the person in whose favor the jury shall find shall be commissioned by the Governor, and shall qualify and enter upon the duties of his office. Each party shall be allowed ten (10) peremptory challenges, and new trials shall be granted and costs awarded as in other cases. In case the election of district attorney or other state district election be contested, the petition may be filed in any county of the district or in any county of an adjoining district within twenty (20) days after the election, and like proceedings shall be had thereon as in the case of county officers, and the person found to be entitled to the office shall qualify as required by law and enter upon the duties of his office.

A person desiring to contest the election of another person returned as elected to any seat in the Mississippi Legislature shall comply with the provisions of Section 23-15-955. A person desiring to contest the qualifications of a candidate for nomination in a political party primary election shall comply with the provisions of Section 23-15-961.

Sources: Derived from 1972 Code § 23-5-187 [Codes, Hutchinson's 1848, ch. 7, art 7 (1); 1857, ch. 4, art 23; 1871, § 391; 1880, § 150; 1892, § 3679; Laws, 1906, § 4186; Hemingway's 1917, § 6820; Laws, 1930, § 6258; Laws, 1942, § 3287; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 291; Laws, 1988, ch. 577, § 5; Laws, 1999, ch. 301, § 13; Laws, 2000, ch. 450, § 1, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-953. Proceedings with respect to petition filed more than forty days before term of circuit court next after contested election.

If the petition shall be filed more than forty (40) days before the term of the circuit court next after the election which is contested, the summons may be made returnable, and a trial of the issue be had in vacation, in the manner prescribed for a trial in vacation of an information in the nature of a quo warranto; and all of the provisions in reference to a trial in vacation of such proceedings shall apply to the trial of issues as to contested elections in the state of case herein mentioned; but this section shall not be held to include a contest of the election of a justice court judge, constable, coroner, surveyor, or member of a board of supervisors.

Sources: Derived from 1972 Code § 23-5-189 [Codes, 1880, § 151; 1892, § 3680; Laws, 1906, § 4187; Hemingway's 1917, § 6821; Laws, 1930, § 6259; Laws, 1942, § 3288; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 292, eff from and after January 1, 1987

§ 23-15-955. Proceedings with respect to election of member of Senate or House of Representatives.

Except as otherwise provided by Section 23-15-961, the person contesting the seat of any member of the Senate or House of Representatives shall comply with the provisions of this section. Section 38, Mississippi Constitution of 1890, provides that each house of the Mississippi State Legislature shall judge the qualifications, return and election of its membership. Pursuant to that authority, the House of Representatives shall have exclusive jurisdiction over an election contest regarding the seat of any member of the House of Representatives, and the Senate shall have exclusive jurisdiction over an election contest regarding the seat of any member of the Senate. An election contest regarding the seat of a member of the House of Representatives or the Senate shall be filed with the Clerk of the House or the Secretary of the Senate, as the case may be, within thirty (30) days after a regular general election or

ten (10) days after a special election to fill a vacancy. The legislative resolution of the election contest shall be conducted in accordance with procedures and precedents established by the House of Representatives or the Senate, as the case may be. Such procedures and precedents may be found in the Journals of the House of Representatives and of the State Senate and/or in the published Rules of the House of Representatives and of the State Senate.

Sources: Derived from 1972 Code § 23-5-191 [Codes, 1857, ch. 4, art 21; 1871, § 389; 1880, § 148; 1892, § 3677; Laws, 1906, § 4184; Hemingway's 1917, § 6818; Laws, 1930, § 6260; Laws, 1942, § 3289; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 293; Laws, 1988, ch. 577, § 6; Laws, 2000, ch. 450, § 2, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-957. Power to compel attendance of witnesses and production of documents.

Each house of the Legislature, the Clerk of the House of Representatives, the Secretary of the Senate, or any committee appointed to investigate the facts concerning the election or qualifications of any member or persons claimed to be such, shall have power to issue subpoenas and compel the attendance of witnesses and the production of such documents or papers as may be required. In addition, the clerk or the secretary, as the case may be, shall have the authority to enforce any subpoena issued by him or her and to enforce compliance with the time limitations set forth in Section 23-15-955 or in any internal procedure or precedent of the respective house of the State Legislature.

Sources: Derived from 1972 Code § 23-5-193 [Codes, Hutchinson's 1848, ch. 7, art 5 (20); 1857, ch. 4, art 20; 1871, § 388; 1880, § 147; 1892, § 3678; Laws, 1906, § 4185; Hemingway's 1917, § 6819; Laws, 1930, § 6261; Laws, 1942, § 3290; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 294; Laws, 2000, ch. 450, § 3, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

SUBARTICLE D. CONTESTS OF QUALIFICATIONS OF CANDIDATES

§ 23-15-961. Exclusive procedures for contesting qualifications of candidate for primary election; exceptions.

(1) Any person desiring to contest the qualifications of another person as a candidate for nomination in a political party primary election shall file a petition specifically setting forth the grounds of the challenge within ten (10) days after the qualifying deadline for the office in question. Such petition shall be filed with the executive committee with whom the candidate in question qualified.

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

(3) If the appropriate executive committee fails to rule upon the petition within the time required above, such inaction shall be interpreted as a denial of the request for relief contained in the petition.

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

(5) Upon the filing of the petition and bond, the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his absence, or disability, some

other judge of the Supreme Court, who shall forthwith designate and notify from the list provided in Section 23-15-951 a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. It shall be the official duty of the circuit judge or chancellor to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge or chancellor and of which the contestant and contestee shall have reasonable notice. The contestant and contestee are to be served in a reasonable manner as the judge or chancellor may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if he has a cross-complaint. The hearing before the circuit court shall be de novo. The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings.

(6) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions which shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of such appeals shall automatically suspend the decision of the circuit court and the appropriate executive committee is entitled to proceed based upon their decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

(7) The procedure set forth above shall be the sole and only manner in which the qualifications of a candidate seeking public office as a party nominee may be challenged prior to the time of his nomination or election. After a party nominee has been elected to public office, the election may be challenged as otherwise provided by law. After a party nominee assumes an elective office, his qualifications to hold that office may be contested as otherwise provided by law.

Sources: Derived from 1942 Code § 3151 [Codes, Hemingway's 1917, § 6431; Laws, 1930, § 5904; Laws, 1916, ch. 161; repealed by Laws, 1970, ch. 506, § 33 and 1986, ch. 495, § 346]; en, Laws, 1988, ch. 577, § 1; Laws, 1990, ch. 307, § 1; Laws, 1999, ch. 301, § 14, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-963. Exclusive procedures for contesting qualifications of candidate for general election; exceptions.

(1) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-359 Mississippi Code of 1972, as a candidate for any office elected at a general election, shall file a petition specifically setting forth the grounds of the challenge not later than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-191 Mississippi Code of 1972. Such petition shall be filed with the same body with whom the candidate in question qualified pursuant to Section 23-15-359 Mississippi Code of 1972.

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

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

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

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

(6) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions which shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of such appeals shall automatically suspend the decision of the circuit court and the appropriate election officials are entitled to proceed based upon their decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

(7) The procedure set forth above shall be the sole and only manner in which the qualifications of a candidate seeking public office who qualified pursuant to the provisions of Section 23-15-359 Mississippi Code of 1972, may be challenged prior to the time of his election. After any such person has been elected to public office, the election may be challenged as otherwise provided by law. After any person assumes an elective office, his qualifications to hold that office may be contested as otherwise provided by law.

Sources: Derived from 1972 Code § 23-3-63 [Codes, 1942, § 3191; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1988, ch. 577, § 2; Laws, 1990, ch. 307, § 2, eff from and after May 4, 1990 (the date the United States Attorney General interposed no objection to the amendment of this section).

ARTICLE 31. **JUDICIAL OFFICES**

SUBARTICLE A. **GENERAL PROVISIONS**

§ 23-15-971. Repealed.

Repealed by Laws, 1994, ch. 564, § 102, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the repeal of this section).

§ 23-15-973. Opportunities for candidates to address people during court terms; restrictions with respect to political affiliations; penalties for violations.

It shall be the duty of the judges of the circuit court to give a reasonable time and opportunity to the candidates for the office of judge of the Supreme Court, judges of the Court of Appeals, circuit judge and chancellor to address the people during court terms. In order to give further and every possible emphasis to the fact that the said judicial

offices are not political but are to be held without favor and with absolute impartiality as to all persons, and because of the jurisdiction conferred upon the courts by this chapter, the judges thereof should be as far removed as possible from any political affiliations or obligations. It shall be unlawful for any candidate for any of the offices mentioned in this section to align himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any primary or general election campaign. Likewise it shall be unlawful for any candidate for any other office nominated or to be nominated at any primary election, wherein any candidate for any of the judicial offices in this section mentioned, is or are to be nominated, to align himself with any one or more of the candidates for said offices or to take any part whatever in any nomination for any one or more of said judicial offices, except to cast his individual vote. Any candidate for any office, whether nominated with or without opposition, at any primary wherein a candidate for any one of the judicial offices herein mentioned is to be nominated who shall deliberately, knowingly and willfully violate the provisions of this section shall forfeit his nomination, or if elected at the following general election by virtue of said nomination, his election shall be void.

Sources: Derived from § 23-3-63 Codes, 1942, § 3191; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333; en, Laws, 1986, ch. 495, § 296; Laws, 1994, ch 564, § 93, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-974. Nonpartisan Judicial Election Act; short title.

Sections 23-15-974 through 23-15-985 of this subarticle shall be known as the "Nonpartisan Judicial Election Act."

Sources: Laws, 1994, ch 564, § 76, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-975. "Judicial office" defined; positions deemed positions as full-time positions; prohibition against practice of law.

As used in Sections 23-15-974 through 23-15-985 of this subarticle, the term "judicial office" includes the office of justice of the Supreme Court, judge of the Court of Appeals, circuit judge, chancellor, county court judge and family court judge. All such justices and judges shall be full-time positions and such justices and judges shall not engage in the practice of law before any court, administrative agency or other judicial or quasi-judicial forum except as provided by law for finalizing pending cases after election to judicial office.

Sources: Laws, 1994, ch 564, § 77, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-976. Judicial office deemed nonpartisan office; candidate for judicial office prohibited from campaigning or qualifying for office based on party affiliation; prohibition on political party fund-raising, campaigning, or contributions on behalf of candidate for judicial office.

A judicial office is a nonpartisan office and a candidate for election thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. The Legislature finds that in order to ensure that campaigns for nonpartisan judicial office remain nonpartisan and without any connection to a political party, political parties and any committee or political committee affiliated with a political party shall not engage in fund-raising on behalf of a candidate or officeholder of a nonpartisan judicial office, nor shall a political party or any committee or political committee affiliated with a political party make any contribution to a candidate for nonpartisan judicial office or the political committee of a candidate for nonpartisan judicial office, nor shall a political party or any committee or political committee affiliated with a political party publicly endorse any candidate for nonpartisan judicial office. No candidate or candidate's political committee for nonpartisan judicial office shall accept a contribution from a political party or any committee or political committee affiliated with a political party.

Sources: Laws, 1994, ch 564, § 78; Laws, 1999, ch. 301, § 16, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

§ 23-15-977. Filing of intent to be candidate and fees by candidates for judicial office; notification of county commissioners of filings.

(1) All candidates for judicial office as defined in Section 23-15-975 of this subarticle shall file their intent to be a candidate with the proper officials not later than 5:00 p.m. on the first Friday after the first Monday in May prior to the general election for judicial office and shall pay to the proper officials the following amounts:

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

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

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

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

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county commissioners of election of all persons who have filed their intent to be a candidate filed with, and paid the proper assessment to, such clerk. Such notification shall occur within two (2) business days and shall contain all necessary information.

Sources: Laws, 1994, ch 564, § 79; Laws, 2000, ch. 592, § 15, eff from and after July 28, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

§ 23-15-977.1. Signing oath to abide by election laws.

Simultaneously with filing the required documents to seek election for a judicial office, the candidate shall sign the following pledge under oath and under penalty of perjury:

"State of Mississippi County of _____ I, (name of candidate) , do solemnly swear or affirm under penalty of perjury that I will faithfully abide by all laws, canons and regulations applicable to elections for judicial office, understanding that a campaign for a judicial office should reflect the dignity, responsibility and professional character that a person chosen for a judicial office should possess. (signature of candidate) (name of candidate) Sworn to and subscribed before me, this the day _____ of _____, _____. _____ Notary Public or other official authorized to administer oaths"

Sources: Laws, 1999, ch. 301, § 3, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-978. Placement of names of candidates for judicial office should appear on ballot.

The names of candidates for judicial office which appear on the ballot at the general election shall be grouped together on a separate portion of the ballot, clearly identified as nonpartisan judicial elections.

Sources: Laws, 1994, ch 564, § 80, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-979. Order for listing on ballot of names of candidates for judicial office; references to political party affiliation.

The names of all candidates for judicial office shall be listed in alphabetical order on any ballot and no reference to political party affiliation shall appear on any ballot with respect to any nonpartisan judicial office or candidate.

Sources: Laws, 1994, ch 564, § 81, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-980. Listing of unopposed candidates for judicial office on general election ballot.

The name of an unopposed candidate for judicial office shall be placed on the general election ballot.

Sources: Laws, 1994, ch 564, § 82, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-981. Two or more candidates qualify for judicial office; majority vote wins; runoff election.

If two (2) or more candidates qualify for judicial office, the names of those candidates shall be placed on the general election ballot. If any candidate for such an office receives a majority of the votes cast for such office in the general election, he shall be declared elected. If no candidate for such office receives a majority of the votes cast for such office in the general election, the names of the two (2) candidates receiving the highest number of votes for such office shall be placed on the ballot for a second election to be held two (2) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

Sources: Laws, 1994, ch 564, § 83, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-982. Majority of vote defined; conduct of runoff election; determine of tie votes for purposes of runoff elections; determination of candidates elected in runoff election; application of section.

(1) Majority of vote equals any excess of the total vote for all candidates divided by the number of judgeships to be filled divided by two (2).

If some or all candidates in a multijudge election do not receive a majority of the vote, then candidates equal in number to twice the number of remaining positions to be filled and having the highest votes shall run in a runoff election. In such event, if there is not a sufficient number of remaining candidates equal to twice the number of remaining positions to be filled, then all remaining candidates shall run in the runoff election.

(2) Any tie votes which require resolution to determine who shall enter a runoff election shall be determined by the commissioners of election in the manner prescribed by Section 23-15-601 and Section 23-15-605.

Candidates equal to the remaining number of positions to be filled who have the highest votes in the runoff election are elected.

Any tie votes which must be determined in order to decide who is elected as a result of a runoff election shall be determined by the State Election Commission in the manner prescribed by Section 23-15-601 and Section 23-15-605.

(3) The provisions of this section shall apply only to districts and subdistricts which are multijudge districts except for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts and the Second, Eighth and Nineteenth Circuit Court Districts.

Sources: Laws, 1994, ch 564, § 84; Laws, 1997, ch. 378, § 2, eff from and after October 21, 1997 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section)

§ 23-15-983. Determination of candidates elected in general election; resolution of tie votes; application of section.

At the general election, the candidates equal to the number of positions to be filled and having the highest votes shall be elected.

Any tie votes in the general election which must be resolved in order to determine who is elected shall be resolved in the manner prescribed by Section 23-15-601 and Section 23-15-605.

The provisions of this section shall apply only to districts and subdistricts which are multijudge districts except for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts and the Second, Eighth and Nineteenth Circuit Court Districts.

Sources: Laws, 1994, ch 564, § 85; Laws, 1997, ch. 378, § 3, eff from and after October 21, 1997 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section)

§ 23-15-984. Number of votes to which electors entitled; effect of excessive number of votes.

The qualified electors may vote for one or more candidates, but not to exceed the number of positions to be filled in the particular judicial election. In the event that a qualified elector votes for a number of candidates exceeding the number of positions to be filled, then his or her ballot shall not be counted.

Sources: Laws, 1994, ch 564, § 86, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

§ 23-15-985. Electors qualified to vote for candidates for nomination for judicial office.

In any election for judicial office, all qualified electors, regardless of party affiliation or lack thereof, shall be qualified to vote for candidates for nomination for judicial office.

Sources: Laws, 1994, ch 564, § 87, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the addition of this section).

SUBARTICLE B. SUPREME COURT JUDGESHIPS

§ 23-15-991. Term of office; elections.

The term of office of judges of the Supreme Court shall be eight (8) years. Concurrently with the regular election for representatives in Congress, held next preceding the expiration of the term of an incumbent, and likewise each eighth year thereafter, an election shall be held in the Supreme Court district from which such incumbent was elected at which there shall be elected a successor to the incumbent, whose term of office shall thereafter begin on the first Monday of January of the year in which the term of the incumbent he succeeds expires.

Sources: Derived from 1972 Code § 23-5-239 [Codes, Hemingway's 1917, § 6850; Laws, 1930, § 6284; Laws, 1942, § 3313; Laws, 1916, ch. 161; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 297, eff from and after January 1, 1987.

§ 23-15-993. Each of judgeships deemed separate office; designation of positions for offices.

For the purpose of all elections, each of the nine (9) judgeships of the Supreme Court shall be considered a separate office. The three (3) offices in each of the three (3) Supreme Court districts shall be designated Position Number 1, Position Number 2 and Position Number 3, and in qualifying for office as a candidate for any office of judge of the

Supreme Court each candidate shall state the position number of the office to which he aspires and the regular election ballots shall so indicate. In Supreme Court District Number 1: Position Number 1 shall be that office for which the term ends in January, 1966; Position Number 2 shall be that office for which the term ends in January, 1965; and Position Number 3 shall be that office for which the term ends in January, 1969. In District Number 2: Position Number 1 shall be that office for which the term ends in January, 1972; Position Number 2 shall be that office for which the term ends in January, 1969; and Position Number 3 shall be for that office for which the term ends in January, 1973. In District Number 3: Position Number 1 shall be that office for which the term ends in January, 1969; Position Number 2 shall be that office for which the term ends in January, 1969; and Position Number 3 shall be that office for which the term ends in January, 1965.

Sources: Derived from 1972 Code § 23-5-241 [Codes, 1942, § 3313.5; Laws, 1952, ch. 244, §§ 1-3; Laws, 1964, ch. 361; Laws, 1970, ch. 506, § 31; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 298; Laws, 1994, ch 564, § 94, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-995. Applicability to election of general laws for election of state officers.

Except as may be otherwise provided by the provisions of Section 23-15-974 through 23-15-985 the general laws for the election of state officers shall apply to and govern the election of judges of the Supreme Court.

Sources: Derived from 1972 Code § 23-5-213 [Codes, Hutchinson's 1848, ch. 7, art 4 (4); 1857, ch. 4, art 42; 1871, § 382; 1880, § 168; 1892, § 3702; Laws, 1906, § 4209; Hemingway's 1917, § 6845; Laws, 1930, § 6271; Laws, 1942, § 3300; Laws, 1902, ch. 105; Laws, 1944, Ex ch. 4; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 229; Laws, 1994, ch 564, § 95, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-997. Repealed.

Repealed by Laws, 1994, ch 564, § 102, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the repeal of this section).

SUBARTICLE C. CIRCUIT COURT JUDGES AND CHANCELLORS

§ 23-15-1011. Time of taking office; term of office.

Circuit court judges and chancery court judges so elected shall take office at the time, and hold office for the term, provided in Section 9-5-1 and Section 9-7-1 Mississippi Code of 1972.

Sources: Derived from 1972 Code § 23-5-237 [Codes, Hemingway's 1917, § 6838; Laws, 1930, § 6282; Laws, 1942, § 3311; Laws, 1914, ch. 150; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 301, eff from and after January 1, 1987.

§ 23-15-1013. Repealed.

Repealed by Laws, 1994, ch 564, § 102, eff from and after September 6, 1994 (the date the United States Attorney General interposed no objection to the repeal of this section).

§ 23-15-1015. Dates of elections; applicability to elections of laws regulating general elections

On Tuesday after the first Monday in November 1986, and every four (4) years thereafter and concurrently with the election for representatives in Congress, there shall be held an election in every county for judges of the several circuit and chancery court districts. The laws regulating the general elections shall, except as otherwise provided for in Sections 23-15-974 through 23-15-985, apply to and govern elections of judges of the circuit and chancery courts.

SOURCES: Derived from 1972 Code § 23-5-235 [Codes, Hemingway's 1917, § 6837; Laws, 1930, § 6281; Laws, 1942, § 3310; Laws, 1914, ch. 150; repealed by Laws, 1986, ch. 495, § 335]; Laws, 1986, ch. 495, § 303; Laws,

1994, ch 564, § 96; Laws, 2002, ch. 356, § 4, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

SUBARTICLE D. CAMPAIGN FINANCING

§ 23-15-1021. Limitations on contributions.

It shall be unlawful for any individual or political action committee not affiliated with a political party to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property in excess of Two Thousand Five Hundred Dollars (\$2,500.00) for the purpose of aiding any candidate or candidate's political committee for judge of a county, circuit or chancery court or in excess of Five Thousand Dollars (\$5,000.00) for the purpose of aiding any candidate or candidate's political committee for judge of the Court of Appeals or justice of the Supreme Court, or to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property in excess of Two Thousand Five Hundred Dollars (\$2,500.00) to any candidate or the candidate's political committee for judge of a county, circuit or chancery court or in excess of Five Thousand Dollars (\$5,000.00) for the purpose of aiding any candidate or candidate's political committee for judge of the Court of Appeals or justice of the Supreme Court, as a contribution to the expense of a candidate for judicial office.

Sources: Laws, 1999, ch. 301, § 1, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-1023. Disclosure of campaign finances.

Judicial candidates shall disclose the identity of any individual or entity from which the candidate or the candidate's committee receives a loan or other extension of credit for use in his campaign and any cosigners for a loan or extension of credit. The candidate or the candidate's committee shall disclose how the loan or other extension of credit was used, and how and when the loan or other extension of credit is to be repaid and the method of repayment. The candidate or the candidate's committee shall disclose all loan documents related to such loans or extensions of credit.

Sources: Laws, 1999, ch. 301, § 2, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

§ 23-15-1025. Distribution of campaign materials.

If any material is distributed by a judicial candidate or his campaign committee or any other person or entity, or at the request of the candidate, his campaign committee or any other person or entity distributing the material shall state that it is distributed by the candidate or that it is being distributed with the candidate's approval. All such material shall conspicuously identify who has prepared the material and who is distributing the material. The identifying language shall state whether or not the material has been submitted to and approved by the candidate. If the candidate has not approved the material, the material shall so state. The identity of organizations or committees shall state the names of all officers of the organizations or committees. Any person, who violates the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment for six (6) months or both fine and imprisonment.

Sources: Laws, 1999, ch. 301, § 4, eff from and after January 15, 1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 33.

MEMBERS OF CONGRESS

§ 23-15-1031. Dates of primary elections for congressmen; nomination of candidates for U.S. Senator; certification of vote for U.S. Senator.

Except as may be otherwise provided by Section 23-15-1081, the first primary election for Congressmen shall be held on the first Tuesday in June of the years in which congressmen are elected, and the second primary, when one is necessary, shall be held three (3) weeks thereafter. Each year in which a presidential election is held, the congressional primary shall be held as provided in Section 23-15-1081. The election shall be held in all districts of the state on the same day. Candidates for United States Senator shall be nominated at the congressional primary next preceding the general election at which a Senator is to be elected and in the same manner that Congressmen are nominated, and the chairman and secretary of the State Executive Committee shall certify the vote for United States Senator to the Secretary of State in the same manner that county executive committees certify the returns of counties in general state and county primary elections.

Sources: Derived from 1942 Code § 3111 [Codes, Hemingway's 1917, § 6392; Laws, 1930, § 5870; Laws, 1914, ch. 149; Laws, 1944, ch. 173; Laws, 1947, 1st Ex ch. 15, § 2; Laws, 1960, ch. 444, §§ 1-3; Laws, 1982, ch. 477, § 2; Laws, 1986, ch. 484, § 13; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; en, Laws, 1986, ch. 495, § 304, eff from and after January 1, 1987.

§ 23-15-1033. Election of representatives in Congress by districts; issuance of commissions by Governor.

Representatives in the Congress of the United States shall be chosen by districts on the first Tuesday after the first Monday of November in the year 1986, and every two (2) years thereafter; and the laws regulating general elections shall in all respects apply to and govern elections for representatives in Congress; and the Governor shall issue a commission to the person elected in each of said districts.

Sources: Derived from 1972 Code § 23-5-217 [Codes, Hutchinson's 1848, ch. 7, art 5 (10); 1857, ch. 4, art 32; 1871, § 360; 1880, § 160; 1892, § 3687; Laws, 1906, § 4194; Hemingway's 1917, § 6828; Laws, 1930, § 6273; Laws, 1942, § 3302; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 305, eff from and after January 1, 1987.

§ 23-15-1035. Qualifications of representatives in Congress.

Each congressional district shall be entitled to one (1) representative, who shall have attained the age of twenty-five (25) years, and been seven (7) years a citizen of the United States, and who shall, when elected, be an inhabitant of this state.

Sources: Derived from 1972 Code § 23-5-219 [Codes, 1857, ch. 4, art 33; 1880, § 161; 1892, § 3688; Laws, 1906, § 4195; Hemingway's 1917, § 6829; Laws, 1930, § 6274; Laws, 1942, § 3303; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 306, eff from and after January 1, 1987.

§ 23-15-1037. Division of state into five congressional districts.

1) The State of Mississippi is hereby divided into five (5) congressional districts as follows:

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

SECOND DISTRICT. The Second Congressional District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington, Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Congressional District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora, Virilia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Congressional District; that portion of Panola County not included in the First Congressional District; and that portion of Tallahatchie County not included in the First Congressional District.

THIRD DISTRICT. The Third Congressional District shall be composed of the following counties and portions of counties: Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Rankin, Scott, Smith, Winston; that portion of Attala County not included in the Second Congressional District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School, Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Congressional District; that portion of Madison County not included in the Second Congressional District; that portion of Oktibbeha County not included in the First Congressional District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

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

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

(2) The boundaries of the congressional districts described in subsection (1) of this section shall be the boundaries of the counties and precincts listed in subsection (1) as such boundaries existed on October 1, 1990.

Sources: Derived from 1972 Code § 23-5-223 [Codes, 1892, § 3691; Laws, 1906, § 4198; Hemingway's 1917, § 6832; Laws, 1930, § 6276; Laws, 1942, § 3305; Laws, 1902, ch. 61; Laws, 1932, ch. 136; Laws, 1952, ch. 401, § 1; Laws, 1956, ch. 407; Laws, 1962, ch. 576, § 1; Laws, 1966, ch. 616, § 1; Laws, 1972, ch. 305, § 1; Laws, 1981, 1st Ex Sess, ch. 8, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 307; Laws, 1991 Extra Session, ch. 2, § 1, eff from and after February 21, 1992 (the date the United States Attorney General interposed no objection to this amendment).

§ 23-15-1039. Election of representatives in Congress in event of change in number of representatives to which state is entitled.

Should an election of representatives in Congress occur after the number of representatives to which the state is entitled shall be changed, in consequence of a new apportionment being made by Congress, and before the districts shall have been changed to conform to the new apportionment, representatives shall be chosen as follows: In case the number of representatives to which the state is entitled be increased, then one (1) member shall be chosen in each district as organized, and the additional member or members shall be chosen by the electors of the state at large; and if the number of representatives shall be diminished, then the whole number shall be chosen by the electors of the state at large.

Sources: Derived from 1972 Code § 23-5-225 [Codes, Hutchinson's 1848, ch. 7, art 11; 1857, ch. 4, art 36; 1880, § 163; 1892, § 3690; Laws, 1906, § 4197; Hemingway's 1917, § 6831; Laws, 1930, § 6277; Laws, 1942, § 3306; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 308, eff from and after January 1, 1987.

§ 23-15-1041. Election of U.S. Senators by electors of Mississippi; issuance of commissions by Governor.

There shall be elected, by the electors of Mississippi, qualified under the law to vote for Representatives in the lower house of Congress, one (1) United States Senator at the same time and in the same manner that members of the lower house of Congress are elected in 1988, and every six (6) years thereafter; and in the same manner there shall be one (1) United States Senator elected at the congressional election in 1990, and every six (6) years thereafter; and the person elected shall be commissioned by the Governor.

Sources: Derived from 1972 Code § 23-5-227 [Codes, Hemingway's 1917, § 6834; Laws, 1930, § 6278; Laws, 1942, § 3307; Laws, 1914, ch. 148; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 309, eff from and after January 1, 1987.

ARTICLE 35. **POLITICAL PARTIES**

§ 23-15-1051. Performance of duties by State Executive Committee; qualification of candidates with State Executive Committee.

All duties in regard to senatorial or other districts of more than one county shall be performed by the State Executive Committee; and candidates for any office from such district shall qualify with the State Executive Committee as the law provides.

Sources: Derived from 1972 Code § 23-1-1 [Codes, 1892, §§ 3256, 3257; Laws, 1906, § 3698; Hemingway's 1917, § 6389; Laws, 1930, § 5865; Laws, 1942, § 3106; Laws, 1960, ch. 442; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 310, eff from and after January 1, 1987

§ 23-15-1053. Methods and procedures for selection of county and state executive committees.

Subject to federal law and national party rules, the state executive committee of each political party shall determine the method and procedures by which county executive committees and the state executive committee are selected. The state executive committee of the political party shall establish, at least ninety (90) days prior to the implementation thereof, procedures to be followed in the selection of county executive committees and the state executive committees. A copy of any rule or regulation adopted by the state executive committee shall be sent to the Secretary of State within seven (7) days after its adoption to become a public record.

Sources: Derived from 1972 Code § 23-1-3 [Codes, 1892, §§ 3256, 3257; Laws, 1906, § 3699; Hemingway's 1917, § 6390; Laws, 1930, § 5866; Laws, 1942, § 3107; Laws, 1948, ch. 308; Laws, 1952, ch. 391; Laws, 1963, 1st Ex Sess, ch. 32, § 2; Laws, 1968, ch. 566, § 1; Laws, 1972, ch. 301, § 1; Laws, 1976, ch. 412, § 1; Laws, 1979, ch. 363, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 311, eff from and after January 1, 1987.

§ 23-15-1055. Methods and procedures for selection of delegates and delegate alternates to national nominating conventions.

The state executive committee of each political party shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are to be selected as well as adopt any other rule not inconsistent with this chapter. The state executive committee of the political party shall establish, at least ninety (90) days prior to the second Tuesday in March in years in which a presidential election is held, procedures to be followed in the nomination of candidates for delegates and delegate alternates to the nominating convention of the political party. A copy of any rule or regulation adopted by the state executive committee shall be sent to the Secretary of State within seven (7) days after its adoption to become a public record.

Sources: Derived from 1972 Code § 23-1-3 [Codes, 1892, §§ 3256, 3257; Laws, 1906, § 3699; Hemingway's 1917, § 6390; Laws, 1930, § 5866; Laws, 1942, § 3107; Laws, 1948, ch. 308; Laws, 1952, ch. 391; Laws, 1963, 1st Ex Sess, ch. 32, § 2; Laws, 1968, ch. 566, § 1; Laws, 1972, ch. 301, § 1; Laws, 1976, ch. 412, § 1; Laws, 1979, ch. 363, § 1; repealed by Laws, 1986, ch. 495, § 331]; and [Laws, 1975, ch. 513; repealed by Laws, 1986, ch. 484, § 15]; en, Laws, 1986, ch. 495, § 312, eff from and after January 1, 1987.

§ 23-15-1057. Reconvening of state convention; delegates, notice, and power and authority.

The State Executive Committee of a political party selected in the manner provided by Sections 23-15-1053, in the event sufficient cause should arise, and a majority of the membership of the State Executive Committee deems such to be necessary for the best interest of their political party and the state, are authorized and empowered to reconvene the state convention that selected them as members of the State Executive Committee at any time after the adjournment of said convention, but not later than the last day of the year in which said convention was held.

The delegates chosen from the respective counties to a state convention in accordance with Section 23-15-1055 shall continue to be delegates from such county to said convention for a period not later than the last day of the year in which said convention was held.

Said convention may be reconvened upon the call of the Chairman of the State Executive Committee, the chairman to issue said call for a reconvening of a state convention only by and with the approval of a majority of the State Executive Committee. At least ten (10) days notice shall be given by the Chairman of the State Executive Committee of the reconvening of the state convention, such notice to be given by publication of the call of the chairman in any newspaper or newspapers having general circulation throughout the state.

In the event a state convention is reconvened as herein provided, said state convention may exercise all the power and authority conferred upon said convention by Section 23-15-1055 and in addition thereto may revise or rescind any action taken at its previous regular session.

Sources: Derived from 1972 Code § 23-1-25 [Codes, 1942, § 3107.7; Laws, 1960, ch. 443; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 313, eff from and after January 1, 1987.

§ 23-15-1059. Registration on behalf of state executive committees.

The chairman or secretary of the state executive committee of each political party chosen as provided in Section 23-15-1053 shall register the name of the political party it represents, and the names of all organizations officially sanctioned by the political party, with the Secretary of State within thirty (30) days after the effective date of this section. Thereafter, no political party shall use or register any name which is the same as or deceptively similar to the name of a political party or officially sanctioned organization which has already been registered with the Secretary of State by any other political party. No political party or officially sanctioned organization shall use any name in any campaign literature listing or describing its candidates which does not correspond with the name of said political party or officially sanctioned organization registered with the Secretary of State.

Any political party hereafter organized under the laws of this state shall register with the Secretary of State in the manner as herein provided and within thirty (30) days after such organization.

Sources: Derived from 1972 Code § 23-1-5 [Codes, 1942, § 3107-01; Laws, 1950, ch. 458, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 314, eff from and after January 1, 1987.

§ 23-15-1061. Affidavit to accompany applications for registration; registration on behalf of district and county executive committees; proof of compliance with laws.

The application for registration of the political party and any officially sanctioned organizations named to be presented to the Secretary of State shall be accompanied by an affidavit of the chairman or secretary of the political party seeking such registration listing the names of the members of the state executive committee, showing the chairman and secretary, together with the names of the national committeeman and committeewoman, and all the officers of said party, and setting forth that said executive committee and other officers of such party have been elected in accordance with the provisions of Section 23-15-1053, or any laws supplementary or amendatory thereof, and the Secretary of State is authorized to require further proof as to the compliance with the provisions of said Section 23-15-1053 when in his opinion such party has not complied with same.

The chairman or secretary of the district and county executive committees of each political party, chosen as hereinabove provided in Section 23-15-1053, shall register the name of the political party it represents with the chairman or secretary of the state executive committee of such political party within thirty (30) days after the

effective date of this section, and the application for registration shall be accompanied by an affidavit of the chairman or secretary of the party seeking such registration listing the names of the members of the district executive committee and of the state executive committee, as the case may be, showing the chairman and secretary and other officers of said party, and setting forth that said executive committee of such party has been elected in accordance with the provisions of Section 23-15-1053, or any laws supplementary or amendatory thereof, and the chairman or the secretary of the state executive committee is authorized to require further proof as to the compliance with the provisions of said Section 23-15-1053 when in his opinion such party has not complied with same.

Thereafter, no political party shall use or register any name which is the same as or deceptively similar to the name of a political party or officially sanctioned organization which has already been registered with the chairman or secretary of the state executive committee by any other political party. No political party or officially sanctioned organization shall use any name in any campaign literature listing or describing its candidates which does not correspond with the name of said political party or officially sanctioned organization registered with the secretary or chairman of the state executive committee.

Sources: Derived from 1972 Code § 23-1-7 [Codes, 1942, § 3107-02; Laws, 1950, ch. 458, § 2; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 315, eff from and after January 1, 1987.

§ 23-15-1063. Prohibition against participation in elections or primaries by political parties not duly organized and registered.

No political party in the State of Mississippi shall conduct primaries or enter candidates in any election unless such party shall have been duly organized under the provisions of this chapter, and the name of such party shall have been registered as provided in this chapter.

Sources: Derived from § 3107-03 [Laws, 1950, ch. 458, § 3; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 345]; en, Laws, 1986, ch. 495, § 316, eff from and after January 1, 1987.

§ 23-15-1065. Misrepresentation as to office in, or nomination by, political party; penalties.

If any person shall claim, or represent himself in any manner to be a member of any state, district or county executive committee of any political party in this state, or claim to be the national committeeman or national committeewoman or any other officer or representative of such political party without having been lawfully elected or chosen as such in the manner provided by the laws of this state, or by such political party in the manner provided by the laws of this state, or shall in like manner claim to be the nominee of any political party authorized by the laws of this state to hold primary elections and choose party nominees, when in fact such person has not been declared the nominee of such political party for such office by such political party operating under the laws of this state, such person shall be barred from participating in any primary election held by such party, and shall not be a candidate, and the name of such person shall not be placed on the ticket as the candidate of such party in any election held in this state. Any person who violates the provisions of this section, in addition to other measures or penalties provided by law, may be enjoined therefrom upon application to the courts by any person or persons, or any political party, official or representative of such political party aggrieved thereby.

Sources: Derived from 1972 Code § 23-1-9 [Codes, 1942, § 3107-04; Laws, 1950, ch. 458, § 4; Laws, 1970, ch. 506, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 317, eff from and after January 1, 1987.

§ 23-15-1067. General prohibitions; injunctions.

It shall be unlawful for any person or group of persons to set up or establish any political party in this state except in the manner provided by the laws of this state, and it shall be unlawful for any person or group of persons not lawful members thereof to use or attempt to use or to operate under the name of any other political party theretofore and at the time lawfully existing and operating under the laws of this state, and each and every person participating in such unlawful act, in addition to such other measures or penalties provided by law, may be enjoined therefrom upon application to the courts by any person, or persons, or any political party, official or representative of such political party aggrieved thereby.

Sources: Derived from 1972 Code § 23-1-11 [Codes, 1942, § 3107-06; Laws, 1950, ch. 458, § 6; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 318, eff from and after January 1, 1987.

§ 23-15-1069. Provisions applicable to all registered political parties.

The provisions of Sections 23-15-771 and 23-15-1053 shall be applicable to all political parties registered pursuant to Sections 23-15-1059 and 23-15-1061.

Sources: Derived from 1972 Code § 23-1-15 [Codes, 1942, § 3107-11; Laws, 1963, 1st Ex Sess ch. 32, § 1; repealed by Laws, 1986, ch. 495, § 331]; en, Laws, 1986, ch. 495, § 319, eff from and after January 1, 1987.

ARTICLE 37.
MISSISSIPPI PRESIDENTIAL PREFERENCE PRIMARY AND
DELEGATE SELECTION

§ 23-15-1081. Presidential preference primaries; electors to vote in primary of only one party.

A presidential preference primary may be held on the second Tuesday in March of each year in which a President of the United States is to be elected. Each political party which has cast for its candidates for President and Vice President in the previous presidential election more than twenty percent (20%) of the total vote cast for President and Vice President in the state, may conduct a presidential preference primary. No elector shall vote in the primary of more than one (1) political party in the same presidential preference primary.

Sources: Derived from 1972 Code § 23-13-3 [Laws, 1986, ch. 484, § 2; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 320, eff from and after January 1, 1987

§ 23-15-1083. Presidential preference primaries and first congressional primaries to be held on same day; second congressional primaries to be held three weeks thereafter.

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

Sources: Derived from 1972 Code § 23-13-5 [Laws, 1986, ch. 484, § 3; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 321, eff from and after January 1, 1987.

§ 23-15-1085. Notice of party's intention to hold presidential preference primary; issuance of proclamation by Secretary of State.

The chairman of a party's State Executive Committee shall notify the Secretary of State if the party intends to hold a presidential preference primary. The Secretary of State shall be notified prior to December 1 of the year preceding the year in which a presidential preference primary may be held pursuant to Section 23-15-1081. Upon such notification, the Secretary of State shall issue a proclamation setting every party's congressional and senatorial primary elections that are to be held in the year in which the presidential preference primary is to be held on the date provided for in Section 23-15-1083. Once the Secretary of State has issued a proclamation pursuant to this section, the date of the congressional and senatorial primary elections shall not be changed.

Sources: Derived from 1972 Code § 23-13-7 [Laws, 1986, ch. 484, § 4; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 322, eff from and after January 1, 1987.

§ 23-15-1087. Applicability of law regulating primary and general elections.

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

Sources: Derived from 1972 Code § 23-13-9 [Laws, 1986, ch. 484, § 5; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 323, eff from and after January 1, 1987.

§ 23-15-1089. Candidates whose names shall be placed on ballot; announcement of names by Secretary of State.

The Secretary of State shall place the name of a candidate upon the presidential preference primary ballot when the Secretary of State shall have determined that such a candidate is generally recognized throughout the United States or Mississippi as a candidate for the nomination of President of the United States.

On or before December 15 immediately preceding a presidential preference primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential preference primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list, unless the candidate dies or has withdrawn as a candidate as provided in this chapter.

Sources: Derived from 1972 [Code § 23-13-11 [Laws, 1986, ch. 484, § 6; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 324, eff from and after January 1, 1987.

§ 23-15-1091. Notification of candidates by Secretary of State.

When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 23-15-1089 he shall notify the candidate that his name will appear on the ballot of this state in the presidential preference primary election.

The secretary shall also notify the candidate that he may withdraw his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 23-15-1095 no later than the sixtieth (60th) day before that election.

Sources: Derived from 1972 Code § 23-13-13 [Laws, 1986, ch. 484, § 7; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 325, eff from and after January 1, 1987.

§ 23-15-1093. Petition in support of candidacy.

Any person desiring to have his name placed on the presidential preference primary ballot shall file a petition or petitions in support of his candidacy with the state executive committee of the appropriate political party after January 1 of the year in which the presidential preference primary is to be held and before January 15 of that same year. To comply with this section, a candidate may file a petition or petitions signed by a total of not less than five hundred (500) qualified electors of the state, or petitions signed by not less than one hundred (100) qualified electors of each congressional district of the state, in which case there shall be a separate petition for each congressional district. The petitions shall be in such form as the State Executive Committee may prescribe; provided, that there shall be a space for the county of residence of each signer next to the space provided for his signature. No signature may be counted as valid unless the county of residence of the signer is provided. Each petition shall contain an affirmation under the penalties of perjury that each signer is a qualified elector in his congressional district or in the state, as appropriate.

Sources: Derived from 1972 Code § 23-13-15 [Laws, 1986, ch. 484, § 8; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 326, eff from and after January 1, 1987.

§ 23-15-1095. Withdrawal of candidate.

A candidate's name shall be printed on the appropriate primary ballot unless he or she submits to the Secretary of State before the printing of the official sample ballot, an affidavit stating without qualification that he or she is not now and does not presently intend to become a candidate for the Office of President of the United States at the upcoming nominating convention of his or her political party. If a candidate withdraws pursuant to this section, the Secretary of State shall notify the state executive committee of the political party of such candidate that the candidate's name will not be placed on the ballot.

Sources: Derived from 1972 Code § 23-13-17 [Laws, 1986, ch. 484, § 9; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 327, eff from and after January 1, 1987; Laws, 1996, ch. 301, § 3, eff from and after

January 25, 1996 (the date the United States Attorney General interposed no objection to the amendment of this section).

§ 23-15-1097. Payment of expenses; compensation of election officials.

All expenses of the presidential preference primary election, which are authorized expenses, as provided by statute relating to primary or general elections, shall be paid in the same manner as provided by law. Compensation of election officials shall be limited to that which is authorized by statute.

Sources: Derived from 1972 [Code § 23-13-21 [Laws, 1986, ch. 484, § 11; repealed by Laws, 1986, ch. 495, § 348]; en, Laws, 1986, ch. 495, § 328, eff from and after January 1, 1987.

ARTICLE 39.
REPEAL OF PRIOR ELECTION LAWS

§ 23-15-1111. Repeal of laws in conflict with Chapter 15.

All election laws in conflict with the provisions of this chapter are hereby repealed.

Sources: Laws, 1986, ch. 495, § 348, eff from and after January 1, 1987.