

By: Johnson (19th)

To: Elections

SENATE BILL NO. 2451

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT ELECTIONS FOR THE OFFICE OF COUNTY ELECTION  
 3 COMMISSIONER SHALL BE NONPARTISAN; TO PROHIBIT POLITICAL PARTIES  
 4 FROM FUND RAISING ON BEHALF OF A CANDIDATE FOR COUNTY ELECTION  
 5 COMMISSIONER; TO PROHIBIT POLITICAL PARTIES FROM MAKING  
 6 CONTRIBUTIONS TO AND PUBLICLY ENDORSING CANDIDATES FOR COUNTY  
 7 ELECTION COMMISSIONER; TO PROHIBIT CANDIDATES FOR COUNTY ELECTION  
 8 COMMISSIONER FROM ACCEPTING A CONTRIBUTION FROM A POLITICAL PARTY;  
 9 AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 23-15-213, Mississippi Code of 1972, is  
 12 amended as follows:

13 23-15-213. (1) At the general election in 1984 and every  
 14 four (4) years thereafter there shall be elected five (5)  
 15 commissioners of election for each county whose terms of office  
 16 shall commence on the first Monday of January following their  
 17 election and who shall serve for a term of four (4) years. Each  
 18 of the commissioners, before acting, shall take and subscribe the  
 19 oath of office prescribed by the Constitution and file the same in  
 20 the office of the clerk of the chancery court, there to remain.  
 21 While engaged in their duties, the commissioners shall be  
 22 conservators of the peace in the county, with all the duties and  
 23 powers of such.

24 (2) The qualified electors of each supervisor's district

25 shall elect, at the general election in 1984 and every four (4)  
26 years thereafter, in their district one (1) commissioner of  
27 election. No more than one (1) commissioner shall be a resident  
28 of and reside in each supervisor's district of the county; it  
29 being the purpose of this section that the county board of  
30 election commissioners shall consist of one (1) person from each  
31 supervisor's district of the county and that each such  
32 commissioner be elected from the supervisor's district in which he  
33 resides.

34 (3) Candidates for county election commissioner shall  
35 qualify by filing with the clerk of the board of supervisors of  
36 their respective counties a petition personally signed by not less  
37 than fifty (50) qualified electors of the supervisor's district in  
38 which they reside, requesting that they be a candidate, not less  
39 than sixty (60) days before the election and unless such petition  
40 is filed within said time, their names shall not be placed upon  
41 the ballot. \* \* \*

42 The petition shall have attached thereto a certificate of the  
43 registrar showing the number of qualified electors on each  
44 petition, which shall be furnished by the registrar on request.  
45 The board shall determine the sufficiency of the petition, and if  
46 the same shall contain the required number of signatures and be  
47 filed within the time required, the president of the board shall  
48 verify that such candidate is a resident of the supervisor's  
49 district in which he seeks election and that such candidate is  
50 otherwise qualified as provided by law, and shall certify the same  
51 to the chairman or secretary of the county election commission and  
52 the names of the candidates shall be placed upon the ballot for  
53 the ensuing election. No county election commissioner shall serve  
54 or be considered as elected unless and until he has received a  
55 majority of the votes cast for the position or post for which he

56 is a candidate. If such majority vote is not received in the  
57 first election, then the two (2) candidates receiving the most  
58 votes for each position or post shall be placed upon the ballot  
59 for a second election to be held two (2) weeks later in accordance  
60 with appropriate procedures followed in other elections involving  
61 runoff candidates.

62 (4) (a) The office of county election commissioner is a  
63 nonpartisan office and a candidate for election thereto is  
64 prohibited from campaigning or qualifying for such an office based  
65 on party affiliation.

66 (b) In order to ensure that campaigns for county  
67 election commissioner remain nonpartisan and without any  
68 connection to a political party, political parties and any  
69 committee or political committee affiliated with a political party  
70 shall not:

71 (i) Engage in fund-raising on behalf of a  
72 candidate for the office of county election commissioner;

73 (ii) Make any contribution to a candidate or  
74 county election commissioner or the political committee of a  
75 candidate for county election commissioner;

76 (iii) Publicly endorse any candidate for county  
77 election commissioner.

78 (c) No candidate or political committee for a candidate  
79 for county election commissioner shall accept a contribution from  
80 a political party or any committee or political committee  
81 affiliated with a political party.

82 (5) Upon taking office, the county board of election  
83 commissioners shall organize by electing a chairman and a

84 secretary.

85 (6) It shall be the duty of the chairman to have the  
86 official ballot printed and distributed at each general or special  
87 election.

88 SECTION 2. The Attorney General of the State of Mississippi  
89 is hereby directed to submit this act, immediately upon approval  
90 by the Governor, or upon approval by the Legislature subsequent to  
91 a veto, to the Attorney General of the United States or to the  
92 United States District Court for the District of Columbia in  
93 accordance with the provisions of the Voting Rights Act of 1965,  
94 as amended and extended.

95 SECTION 3. This act shall take effect and be in force from  
96 and after the date it is effectuated under Section 5 of the Voting  
97 Rights Act of 1965, as amended and extended.