

By: Senator(s) Johnson (19th)

To: Elections

SENATE BILL NO. 2612

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 supervisors 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 supervisors district of the county; it being  
 29 the purpose of this section that the county board of election

30 commissioners shall consist of one (1) person from each  
31 supervisors district of the county and that each such commissioner  
32 be elected from the supervisors district in which he resides.

33 (3) Candidates for county election commissioner shall  
34 qualify by filing with the clerk of the board of supervisors of  
35 their respective counties a petition personally signed by not less  
36 than fifty (50) qualified electors of the supervisors district in  
37 which they reside, requesting that they be a candidate, by 5:00  
38 p.m. not less than sixty (60) days before the election and unless  
39 such petition is filed within said time, their names shall not be  
40 placed upon the ballot. \* \* \*

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

61 (4) (a) The office of county election commissioner is a  
62 nonpartisan office and a candidate for election thereto is

63 prohibited from campaigning or qualifying for such an office based  
64 on party affiliation.

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

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

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

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

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

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

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

87 SECTION 3. The Attorney General of the State of Mississippi  
88 shall submit this act, immediately upon approval by the Governor,  
89 or upon approval by the Legislature subsequent to a veto, to the  
90 Attorney General of the United States or to the United States  
91 District Court for the District of Columbia in accordance with the  
92 provisions of the Voting Rights Act of 1965, as amended and  
93 extended.

94 SECTION 4. This act shall take effect and be in force from  
95 and after the date it is effectuated under Section 5 of the Voting  
96 Rights Act of 1965, as amended and extended.