

By: Senator(s) Chaney

To: Elections

SENATE BILL NO. 2798

1 AN ACT TO AMEND SECTIONS 25-5-7 AND 25-5-33, MISSISSIPPI CODE
2 OF 1972, TO REVISE THE NUMBER OF QUALIFIED ELECTORS REQUIRED TO
3 VALIDATE A RECALL PETITION AND TO REVISE THE NUMBER OF VOTES
4 REQUIRED TO BE CAST IN A RECALL ELECTION TO VACATE THE OFFICE THAT
5 IS THE SUBJECT OF THE ELECTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-5-7, Mississippi Code of 1972, is
8 amended as follows:

9 25-5-7. Before the Governor shall consider the removal from
10 a county office of any elective county officer, there shall be
11 first filed with him a petition signed by a sufficient number of
12 the qualified electors of the county, to be calculated as follows:
13 fifty percent (50%) plus one (1) of the number of votes cast in
14 the most recent election in which the officer was elected to the
15 term the petition seeks to vacate. Such petition shall contain a
16 general statement, in not more than two hundred (200) words, of
17 the ground or grounds on which such removal is demanded, which
18 statement shall be for the information of the officer involved,
19 for the information of the council hereinafter provided, and for
20 the information of the qualified electors of the county.

21 All removal petitions with reference to only supervisors,
22 justice court judges and constables must be signed by a sufficient
23 number of the qualified electors of the beat or district from
24 which they were originally elected to be calculated as follows:
25 fifty percent (50%) plus one (1) of the number of votes cast in
26 the most recent election in which the officer was elected to the
27 term the petition seeks to vacate.



28 Upon the request of any qualified elector, it shall be the
29 duty of the county and district prosecuting attorney to advise
30 such person as to the provisions of Sections 25-5-3 through
31 25-5-37 and how to comply with the same.

32 **SECTION 2.** Section 25-5-33, Mississippi Code of 1972, is
33 amended as follows:

34 25-5-33. (1) The election commissioners of the county, or a
35 quorum thereof, shall meet at the office of the county registrar
36 at 9:00 a.m. of the day following the special removal election,
37 and shall then proceed to canvass, tabulate and certify the
38 results of the election as now provided by the general election
39 laws of the State of Mississippi. The certificate of said
40 results, showing the total votes cast for the removal of the
41 officer, the total votes cast against the removal of the officer,
42 and the total number of votes previously cast in the county or
43 supervisors district in which said election was held in the most
44 recent election in which the officer was elected to the term which
45 is the subject of the removal election, shall be forwarded to the
46 Governor. If a sufficient number of * * * qualified electors of
47 said county or supervisors district in which said election shall
48 have been held shall not have voted in said election, either for
49 or against the removal, or if a majority of the qualified electors
50 voting in the election shall oppose removal, the officer shall not
51 be removed and shall not thereafter during his term of office be
52 subject to another removal election. If a sufficient number of
53 the qualified electors of said county or supervisors district in
54 which said election shall have been held have voted either for or
55 against removal, and if a majority of the qualified electors
56 voting in said election shall vote for the removal of the officer,
57 then the Governor shall issue his proclamation declaring the
58 office vacant, removing said officer, and appointing a suitable
59 person to fill the vacancy until the same can be filled in a
60 special election to be held not more than sixty (60) days after



61 the aforesaid proclamation of the Governor. No officer shall be
62 subject to a removal petition until he shall have served at least
63 one (1) year of his term.

64 (2) For the purposes of this section, a "sufficient number"
65 of voters is calculated as follows: fifty percent (50%) plus two
66 (2) of the number of votes cast in the most recent election in
67 which the officer was elected to the term which is the subject of
68 the removal election.

69 **SECTION 3.** The Attorney General of the State of Mississippi
70 shall submit this act, immediately upon approval by the Governor,
71 or upon approval by the Legislature subsequent to a veto, to the
72 Attorney General of the United States or to the United States
73 District Court for the District of Columbia in accordance with the
74 provisions of the Voting Rights Act of 1965, as amended and
75 extended.

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

