SENATE BILL NO. 2798

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

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

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

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

All removal petitions with reference to only supervisors, justice court judges and constables must be signed by a sufficient number of the qualified electors of the beat or district from which they were originally elected to be calculated as follows: fifty percent (50%) plus one (1) of the number of votes cast in the most recent election in which the officer was elected to the term the petition seeks to vacate.
Upon the request of any qualified elector, it shall be the duty of the county and district prosecuting attorney to advise such person as to the provisions of Sections 25-5-3 through 25-5-37 and how to comply with the same.

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

25-5-33. (1) The election commissioners of the county, or a quorum thereof, shall meet at the office of the county registrar at 9:00 a.m. of the day following the special removal election, and shall then proceed to canvass, tabulate and certify the results of the election as now provided by the general election laws of the State of Mississippi. The certificate of said results, showing the total votes cast for the removal of the officer, the total votes cast against the removal of the officer, and the total number of votes previously cast in the county or supervisors district in which said election was held, in the most recent election in which the officer was elected to the term which is the subject of the removal election, shall be forwarded to the Governor. If a sufficient number of *** qualified electors of said county or supervisors district in which said election shall have been held shall not have voted in said election, either for or against the removal, or if a majority of the qualified electors voting in the election shall oppose removal, the officer shall not be removed and shall not thereafter during his term of office be subject to another removal election. If a sufficient number of the qualified electors of said county or supervisors district in which said election shall have been held have voted either for or against removal, and if a majority of the qualified electors voting in said election shall vote for the removal of the officer, then the Governor shall issue his proclamation declaring the office vacant, removing said officer, and appointing a suitable person to fill the vacancy until the same can be filled in a special election to be held not more than sixty (60) days after
the aforesaid proclamation of the Governor. No officer shall be
subject to a removal petition until he shall have served at least
one (1) year of his term.

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

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

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