

By: Senator(s) Jordan

To: Elections

SENATE BILL NO. 2464

1 AN ACT TO AMEND SECTION 23-15-857, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE QUALIFYING DEADLINE FOR CANDIDATES IN A MUNICIPAL  
3 SPECIAL ELECTION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-857, Mississippi Code of 1972, is  
6 amended as follows:

7 23-15-857. (1) When it shall happen that there is any  
8 vacancy in a city, town or village office which is elective, the  
9 unexpired term of which shall not exceed six (6) months, the same  
10 shall be filled by appointment by the governing authority or  
11 remainder of the governing authority of said city, town or  
12 village. The municipal clerk shall certify to the Secretary of  
13 State the fact of such appointment, and the person or persons so  
14 appointed shall be commissioned by the Governor.

15 (2) When it shall happen that there is any vacancy in an  
16 elective office in a city, town or village the unexpired term of  
17 which shall exceed six (6) months, the governing authority or  
18 remainder of the governing authority of said city, town or village  
19 shall make and enter on the minutes an order for an election to be  
20 held in such city, town or village to fill the vacancy and fix a  
21 date upon which such election shall be held. Such order shall be  
22 made and entered upon the minutes at the next regular meeting of  
23 the governing authority after such vacancy shall have occurred, or  
24 at a special meeting to be held not later than ten (10) days after  
25 such vacancy shall have occurred, Saturdays, Sundays and legal  
26 holidays excluded, whichever shall occur first. Such election  
27 shall be held on a date not less than thirty (30) days nor more



28 than forty-five (45) days after the date upon which the order is  
29 adopted.

30 Notice of such election shall be given by the municipal clerk  
31 by notice published in a newspaper published in the municipality.  
32 Such notice shall be published once each week for three (3)  
33 successive weeks preceding the date of such election. The first  
34 notice to be published at least thirty (30) days before the date  
35 of such election. Notice shall also be given by posting a copy of  
36 such notice at three (3) public places in such municipality not  
37 less than twenty-one (21) days prior to the date of such election.  
38 One (1) of such notices shall be posted at the city, town or  
39 village hall. In the event that there is no newspaper published  
40 in the municipality, then such notice shall be published as  
41 provided for above in a newspaper which has a general circulation  
42 within the municipality and by posting as provided for above. In  
43 addition, the governing authority may publish such notice in such  
44 newspaper for such additional times as may be deemed necessary by  
45 the governing authority.

46 Each candidate shall qualify by petition filed with the  
47 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
48 date of the election and such petition shall be signed by not less  
49 than the following number of qualified electors:

50 (a) For an office of a city, town or village having a  
51 population of one thousand (1,000) or more, not less than fifty  
52 (50) qualified electors.

53 (b) For an office of a city, town or village having a  
54 population of less than one thousand (1,000), not less than  
55 fifteen (15) qualified electors.

56 No qualifying fee shall be required of any candidate, and the  
57 election provided for herein shall be held as far as practicable  
58 in the same manner as municipal general elections.

59 The candidate receiving a majority of the votes cast in a  
60 said election shall be elected. If no candidate shall receive a



61 majority vote at the election, the two (2) candidates receiving  
62 the highest number of votes shall have their names placed on the  
63 ballot for the election to be held one (1) week thereafter. The  
64 candidate receiving a majority of the votes cast in said election  
65 shall be elected. However, if no candidate shall receive a  
66 majority and there is a tie in the election of those receiving the  
67 next highest vote, those receiving the next highest vote and the  
68 candidate receiving the highest vote shall have their names placed  
69 on the ballot for the election to be held one (1) week thereafter,  
70 and whoever receives the most votes cast in such election shall be  
71 elected.

72         Should the election to be held one (1) week thereafter result  
73 in a tie vote, the candidate to prevail shall be decided by lot,  
74 fairly and publicly drawn under the supervision by the election  
75 commission with the aid of two (2) or more qualified electors of  
76 the municipality.

77         The clerk of the election commission shall then give a  
78 certificate of election to the person elected, and shall return to  
79 the Secretary of State a copy of the order of holding the election  
80 and runoff election showing the results thereof, certified by the  
81 clerk of the governing authority. The person elected shall be  
82 commissioned by the Governor.

83         However, if nine (9) days prior to the date of the election  
84 only one (1) person shall have qualified as a candidate, the  
85 governing authority, or remainder of the governing authority,  
86 shall dispense with the election and appoint that one (1)  
87 candidate in lieu of an election. In the event no person shall  
88 have qualified by 5:00 p.m. at least ten (10) days prior to the  
89 date of the election, the governing authority or remainder of the  
90 governing authority shall dispense with the election and fill the  
91 vacancy by appointment. The clerk of the governing authority  
92 shall certify to the Secretary of State the fact of the



93 appointment, and the person so appointed shall be commissioned by  
94 the Governor.

95         **SECTION 2.** The Attorney General of the State of Mississippi  
96 shall submit this act, immediately upon approval by the Governor,  
97 or upon approval by the Legislature subsequent to a veto, to the  
98 Attorney General of the United States or to the United States  
99 District Court for the District of Columbia in accordance with the  
100 provisions of the Voting Rights Act of 1965, as amended and  
101 extended.

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

