

By: Representative Fleming

To: Apportionment and  
Elections

HOUSE BILL NO. 3

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE REQUIREMENT THAT CANDIDATES FOR COUNTY COMMISSIONER  
3 OF ELECTION DECLARE IN WRITING THEIR PARTY AFFILIATION AND THAT  
4 THEIR PARTY AFFILIATION BE SHOWN ON THE BALLOT; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 23-15-213, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-213. At the general election in 1984 and every four  
10 (4) years thereafter there shall be elected five (5) commissioners  
11 of election for each county whose terms of office shall commence  
12 on the first Monday of January following their election and who  
13 shall serve for a term of four (4) years. Each of the  
14 commissioners, before acting, shall take and subscribe the oath of  
15 office prescribed by the Constitution and file the same in the  
16 office of the clerk of the chancery court, there to remain. While  
17 engaged in their duties, the commissioners shall be conservators  
18 of the peace in the county, with all the duties and powers of  
19 such.

20 The qualified electors of each supervisors district shall  
21 elect, at the general election in 1984 and every four (4) years  
22 thereafter, in their district one (1) commissioner of election.  
23 No more than one (1) commissioner shall be a resident of and  
24 reside in each supervisors district of the county; it being the  
25 purpose of this section that the county board of election  
26 commissioners shall consist of one (1) person from each  
27 supervisors district of the county and that each such commissioner  
28 be elected from the supervisors district in which he resides.

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

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

57 Upon taking office, the county board of election  
58 commissioners shall organize by electing a chairman and a  
59 secretary.

60           It shall be the duty of the chairman to have the official  
61 ballot printed and distributed at each general or special  
62 election.

63           **SECTION 2.** The Attorney General of the State of Mississippi  
64 shall submit this act, immediately upon approval by the Governor,  
65 or upon approval by the Legislature subsequent to a veto, to the  
66 Attorney General of the United States or to the United States  
67 District Court for the District of Columbia in accordance with the  
68 provisions of the Voting Rights Act of 1965, as amended and  
69 extended.

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