

By: Representative Fleming

To: Apportionment and
Elections

HOUSE BILL NO. 23

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT AN ELECTION COMMISSIONER FROM BEING EMPLOYED BY A
3 POLITICAL PARTY WHILE IN OFFICE; AND FOR RELATED PURPOSES.

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

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

7 23-15-213. At the general election in 1984 and every four
8 (4) years thereafter there shall be elected five (5) commissioners
9 of election for each county whose terms of office shall commence
10 on the first Monday of January following their election and who
11 shall serve for a term of four (4) years. Each of the
12 commissioners, before acting, shall take and subscribe the oath of
13 office prescribed by the Constitution and file the same in the
14 office of the clerk of the chancery court, there to remain. While
15 engaged in their duties, the commissioners shall be conservators
16 of the peace in the county, with all the duties and powers of
17 such.

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

27 commissioner shall be employed or contracted by a political party
28 during the commissioner's term of office.

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. All candidates shall declare in writing
37 their party affiliation, if any, to the board of supervisors, and
38 such party affiliation shall be shown on the official ballot.

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

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

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

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

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