

By: Representative Rotenberry

To: Apportionment and  
Elections

## HOUSE BILL NO. 476

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,  
2 TO REVISE QUALIFICATION REQUIREMENTS FOR ELECTION COMMISSIONER  
3 CANDIDATES; 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.

27       Candidates for county election commissioner shall qualify by  
28       filing with the clerk of the board of supervisors of their  
29       respective counties a form designed by the Secretary of State,  
30       requesting that they be a candidate, by 5:00 p.m. not less than  
31       sixty (60) days before the election and unless such form is filed  
32       within said time, their names shall not be placed upon the ballot.  
33       All candidates shall declare in writing their party affiliation,  
34       if any, to the board of supervisors, and such party affiliation  
35       shall be shown on the official ballot.

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

52       Upon taking office, the county board of election  
53       commissioners shall organize by electing a chairman and a  
54       secretary.

55       It shall be the duty of the chairman to have the official  
56       ballot printed and distributed at each general or special  
57       election.

58       **SECTION 2.** The Attorney General of the State of Mississippi  
59       shall submit this act, immediately upon approval by the Governor,

60 or upon approval by the Legislature subsequent to a veto, to the  
61 Attorney General of the United States or to the United States  
62 District Court for the District of Columbia in accordance with the  
63 provisions of the Voting Rights Act of 1965, as amended and  
64 extended.

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