

By: Representative Wilson

To: Apportionment and
Elections

HOUSE BILL NO. 327

1 AN ACT TO AMEND SECTIONS 23-15-191, 23-15-193, 23-15-299,
2 23-15-881, 5-3-55, 7-5-1, 9-11-2, 19-3-1, 19-25-1, 65-1-5 AND
3 77-1-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE
4 OFFICERS ELECTED AT THE ELECTION HELD ON THE FIRST TUESDAY AFTER
5 THE FIRST MONDAY IN NOVEMBER 2023 SHALL HOLD OFFICE FOR ONLY THREE
6 YEARS IN ORDER TO MOVE STATE AND COUNTY GENERAL ELECTIONS TO THE
7 SAME TIME AS CONGRESSIONAL ELECTIONS, STARTING WITH THE 2026
8 ELECTION; TO BRING FORWARD SECTIONS 23-15-153, 23-15-213,
9 23-15-833, 23-15-963 AND 37-3-9, MISSISSIPPI CODE OF 1972, FOR THE
10 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-191, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-191. The first primary shall be held on the first
15 Tuesday * * * in June preceding any regular or general election;
16 and the second primary shall be held three (3) weeks thereafter.
17 The candidate that receives a majority of the votes cast in the
18 election shall be the party nominee. If no candidate receives a
19 majority vote at the election, then the two (2) candidates who
20 receive the highest number of votes shall have their names placed
21 on the ballot for the second primary election to be held three (3)
22 weeks later. The candidate who receives the most votes in the



23 second primary election shall be the party nominee. However, if
24 no candidate receives a majority vote at the first primary, and
25 there is a tie in the election of those receiving the next highest
26 vote, then those candidates receiving the next highest vote and
27 the candidate receiving the highest vote shall have their names
28 placed on the ballot for the second primary election to be held
29 three (3) weeks later, and whoever receives the most votes cast in
30 the second primary election shall be the party nominee.

31 **SECTION 2.** Section 23-15-193, Mississippi Code of 1972, is
32 amended as follows:

33 **[Until January 1, 2024, this section shall read as follows:]**

34 23-15-193. At the election * * * held on the first Tuesday
35 after the first Monday in November 2019, there shall be elected a
36 Governor, Lieutenant Governor, Secretary of State, Auditor of
37 Public Accounts, State Treasurer, Attorney General, three (3)
38 public service commissioners, three (3) Mississippi Transportation
39 Commissioners, Commissioner of Insurance, Commissioner of
40 Agriculture and Commerce, Senators and members of the House of
41 Representatives in the Legislature, district attorneys for the
42 several districts, clerks of the circuit and chancery courts of
43 the several counties, as well as sheriffs, coroners, assessors,
44 surveyors and members of the boards of supervisors, justice court
45 judges and constables, and all other officers to be elected by the
46 people at the general state election. All such officers shall
47 hold their offices for a term of four (4) years, and until their



48 successors are elected and qualified. The state officers shall be
49 elected in the manner prescribed in Section 140 of the
50 Constitution.

51 **[From January 1, 2024, until January 1, 2027, this section**
52 **shall read as follows:]**

53 23-15-193. At the election held on the first Tuesday after
54 the first Monday in November 2023, there shall be elected a
55 Governor, Lieutenant Governor, Secretary of State, Auditor of
56 Public Accounts, State Treasurer, Attorney General, three (3)
57 public service commissioners, three (3) Mississippi Transportation
58 Commissioners, Commissioner of Insurance, Commissioner of
59 Agriculture and Commerce, Senators and members of the House of
60 Representatives in the Legislature, district attorneys for the
61 several districts, clerks of the circuit and chancery courts of
62 the several counties, as well as sheriffs, coroners, assessors,
63 surveyors and members of the boards of supervisors, justice court
64 judges and constables, and all other officers to be elected by the
65 people at the general state election. All such officers shall
66 hold their offices for a term of three (3) years, and until their
67 successors are elected and qualified. The state officers shall be
68 elected in the manner prescribed in Section 140 of the
69 Constitution.

70 **[From and after January 1, 2027, this section shall read as**
71 **follows:]**



72 23-15-193. At the election held on the first Tuesday after
73 the first Monday in November 2026, and every four (4) years
74 thereafter, there shall be elected a Governor, Lieutenant
75 Governor, Secretary of State, Auditor of Public Accounts, State
76 Treasurer, Attorney General, three (3) public service
77 commissioners, three (3) Mississippi Transportation Commissioners,
78 Commissioner of Insurance, Commissioner of Agriculture and
79 Commerce, Senators and members of the House of Representatives in
80 the Legislature, district attorneys for the several districts,
81 clerks of the circuit and chancery courts of the several counties,
82 as well as sheriffs, coroners, assessors, surveyors and members of
83 the boards of supervisors, justice court judges and constables,
84 and all other officers to be elected by the people at the general
85 state election. All such officers shall hold their offices for a
86 term of four (4) years, and until their successors are elected and
87 qualified. The state officers shall be elected in the manner
88 prescribed in Section 140 of the Constitution.

89 **SECTION 3.** Section 23-15-299, Mississippi Code of 1972, is
90 amended as follows:

91 23-15-299. (1) (a) Assessments made pursuant to paragraphs
92 (a), (b) and (c) of Section 23-15-297 shall be paid by each
93 candidate who seeks a nomination in the political party election
94 to the secretary of the state executive committee with which the
95 candidate is affiliated by 5:00 p.m. on * * * January 1 of the
96 year in which the primary election for the office is held or on



97 the date of the qualifying deadline provided by statute for the
98 office, whichever is earlier; however, no such assessments may be
99 paid before January 1 of the year in which the primary election
100 for the office is held. If * * * January 1 or the date of the
101 qualifying deadline provided by statute for the office occurs on a
102 Saturday, Sunday or legal holiday, then the assessments required
103 to be paid by this paragraph (1) (a) shall be paid by 5:00 p.m. on
104 the business day immediately following the Saturday, Sunday or
105 legal holiday.

106 (b) Assessments made pursuant to paragraphs (a), (b)
107 and (c) of Section 23-15-297 shall be paid by each independent
108 candidate or special election candidate to the Secretary of State
109 by 5:00 p.m. on * * * January 1 of the year in which the primary
110 election for the office is held or on the date of the qualifying
111 deadline provided by statute for the office, whichever is earlier;
112 however, no such assessments may be paid before January 1 of the
113 year in which the primary election for the office is held.

114 If * * * January 1 or the date of the qualifying deadline provided
115 by statute for the office occurs on a Saturday, Sunday or legal
116 holiday, then the assessments required to be paid by this
117 paragraph (1) (b) shall be paid by 5:00 p.m. on the business day
118 immediately following the Saturday, Sunday or legal holiday.

119 (2) (a) Assessments made pursuant to paragraphs (d) and (e)
120 of Section 23-15-297, shall be paid by each candidate who seeks a
121 nomination in the political party election to the circuit clerk of



122 that candidate's county of residence by 5:00 p.m. on * * * January
123 1 of the year in which the primary election for the office is held
124 or on the date of the qualifying deadline provided by statute for
125 the office, whichever is earlier; however, no such assessments may
126 be paid before January 1 of the year in which the election for the
127 office is held. If * * * January 1 or the date of the qualifying
128 deadline provided by statute for the office occurs on a Saturday,
129 Sunday or legal holiday, then the assessments required to be paid
130 by this paragraph (2) (a) shall be paid by 5:00 p.m. on the
131 business day immediately following the Saturday, Sunday or legal
132 holiday. The circuit clerk shall forward the fee and all
133 necessary information to the secretary of the proper county
134 executive committee within two (2) business days. No candidate
135 may attempt to qualify with any political party that does not have
136 a duly organized county executive committee, and the circuit clerk
137 shall not accept any assessments paid for nonlegislative offices
138 pursuant to paragraphs (d) and (e) of Section 23-15-297 if the
139 circuit clerk does not have contact information for the secretary
140 of the county executive committee for that political party.

141 (b) Assessments made pursuant to paragraphs (d) and (e)
142 of Section 23-15-297 shall be paid by each independent candidate
143 or special election candidate to the circuit clerk of that
144 candidate's county of residence by 5:00 p.m. on * * * January 1 of
145 the year in which the primary election for the office is held or
146 on the date of the qualifying deadline provided by statute for the



147 office, whichever is earlier; however, no such assessments may be
148 paid before January 1 of the year in which the primary election
149 for the office is held. If * * * January 1 or the date of the
150 qualifying deadline provided by statute for the office occurs on a
151 Saturday, Sunday or legal holiday, then the assessments required
152 to be paid by this paragraph (2) (b) shall be paid by 5:00 p.m. on
153 the business day immediately following the Saturday, Sunday or
154 legal holiday. The circuit clerk shall forward the fee and all
155 necessary information to the secretary of the proper county
156 election commission within two (2) business days.

157 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
158 of Section 23-15-297 must be paid by each candidate who seeks a
159 nomination in the political party election to the secretary of the
160 state executive committee with which the candidate is affiliated
161 by 5:00 p.m. sixty (60) days before the presidential preference
162 primary in years in which a presidential preference primary is
163 held; however, no such assessments may be paid before January 1 of
164 the year in which the primary election for the office is held.
165 Assessments made pursuant to paragraphs (f) and (g) of Section
166 23-15-297, in years when a presidential preference primary is not
167 being held, shall be paid by each candidate who seeks a nomination
168 in the political party election to the secretary of the state
169 executive committee with which the candidate is affiliated by 5:00
170 p.m. on March 1 of the year in which the primary election for the
171 office is held; however, no such assessments may be paid before



172 January 1 of the year in which the primary election for the office
173 is held. If sixty (60) days before the presidential preference
174 primary in years in which a presidential preference primary is
175 held, March 1, or the date of the qualifying deadline provided by
176 statute for the office occurs on a Saturday, Sunday or legal
177 holiday, then the assessments required to be paid by this
178 paragraph (3) (a) shall be paid by 5:00 p.m. on the business day
179 immediately following the Saturday, Sunday or legal holiday.

180 (b) Assessments made pursuant to paragraphs (f) and (g)
181 of Section 23-15-297 must be paid by each independent candidate or
182 special election candidate to the Secretary of State by 5:00 p.m.
183 sixty (60) days before the presidential preference primary in
184 years in which a presidential preference primary is held; however,
185 no such assessments may be paid before January 1 of the year in
186 which the primary election for the office is held. Assessments
187 made pursuant to paragraphs (f) and (g) of Section 23-15-297, in
188 years when a presidential preference primary is not being held,
189 shall be paid by each independent candidate or special election
190 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
191 year in which the primary election for the office is held;
192 however, no such assessments may be paid before January 1 of the
193 year in which the primary election for the office is held. If
194 sixty (60) days before the presidential preference primary in
195 years in which a presidential preference primary is held, March 1,
196 or the date of the qualifying deadline provided by statute for the



197 office occurs on a Saturday, Sunday or legal holiday, then the
198 assessments required to be paid by this paragraph (3)(b) shall be
199 paid by 5:00 p.m. on the business day immediately following the
200 Saturday, Sunday or legal holiday.

201 (4) (a) The fees paid pursuant to subsections (1), (2) and
202 (3) of this section shall be accompanied by a written statement
203 containing the name and address of the candidate, the party with
204 which he or she is affiliated, if applicable, the email address of
205 the candidate, if any, and the office for which he or she is a
206 candidate.

207 (b) The state executive committee shall transmit to the
208 Secretary of State a copy of the written statements accompanying
209 the fees paid pursuant to subsections (1) and (2) of this section.
210 All copies must be received by the Office of the Secretary of
211 State by not later than 6:00 p.m. on the date of the qualifying
212 deadline; provided, however, the failure of the Office of the
213 Secretary of State to receive such copies by 6:00 p.m. on the date
214 of the qualifying deadline shall not affect the qualification of a
215 person who pays the required fee and files the required statement
216 by 5:00 p.m. on the date of the qualifying deadline. The name of
217 any person who pays the required fee and files the required
218 statement after 5:00 p.m. on the date of the qualifying deadline
219 shall not be placed on the primary election ballot or the general
220 election ballot.



221 (5) The Secretary of State or the secretary or circuit clerk
222 to whom such payments are made shall promptly receipt for same
223 stating the office for which the candidate making payment is
224 running and the political party with which he or she is
225 affiliated, if applicable, and he or she shall keep an itemized
226 account in detail showing the exact time and date of the receipt
227 of each payment received by him or her and, where applicable, the
228 date of the postmark on the envelope containing the fee and from
229 whom, and for what office the party paying same is a candidate.

230 (6) The secretaries of the proper executive committee shall
231 hold the funds to be finally disposed of by order of their
232 respective executive committees. The funds may be used or
233 disbursed by the executive committee receiving same to pay all
234 necessary traveling or other necessary expenses of the members of
235 the executive committee incurred in discharging their duties as
236 committee members, and of their secretary and may pay the
237 secretary such salary as may be reasonable. The Secretary of
238 State shall deposit any qualifying fees received from candidates
239 into the Elections Support Fund established in Section 23-15-5.

240 (7) Upon receipt of the proper fee and all necessary
241 information, the proper executive committee or the Secretary of
242 State, whichever is applicable, shall then determine at the time
243 of the qualifying deadline, unless otherwise provided by law,
244 whether each candidate is a qualified elector of the state, state
245 district, county or county district which they seek to serve, and



246 whether each candidate meets all other qualifications to hold the
247 office he or she is seeking or presents absolute proof that he or
248 she will, subject to no contingencies, meet all qualifications on
249 or before the date of the general or special election at which he
250 or she could be elected to office. The proper executive committee
251 or the Secretary of State, whichever is applicable, shall
252 determine whether the candidate has taken the steps necessary to
253 qualify for more than one (1) office at the election. The
254 committee or the Secretary of State, whichever is applicable,
255 shall also determine whether any candidate has been convicted of
256 any felony in a court of this state, or has been convicted on or
257 after December 8, 1992, of any offense in another state which is a
258 felony under the laws of this state, or has been convicted of any
259 felony in a federal court on or after December 8, 1992. Excepted
260 from the above are convictions of manslaughter and violations of
261 the United States Internal Revenue Code or any violations of the
262 tax laws of this state unless the offense also involved misuse or
263 abuse of his or her office or money coming into his or her hands
264 by virtue of the office. If the proper executive committee or the
265 Secretary of State, whichever is applicable, finds that a
266 candidate either (a) is not a qualified elector, (b) does not meet
267 all qualifications to hold the office he or she seeks and fails to
268 provide absolute proof, subject to no contingencies, that he or
269 she will meet the qualifications on or before the date of the
270 general or special election at which he or she could be elected,



271 or (c) has been convicted of a felony as described in this
272 subsection, and not pardoned, then the executive committee shall
273 notify the candidate and give the candidate an opportunity to be
274 heard. The executive committee shall mail notice to the candidate
275 at least three (3) business days before the hearing to the address
276 provided by the candidate on the qualifying forms, and the
277 committee shall attempt to contact the candidate by telephone,
278 email and facsimile if the candidate provided this information on
279 the forms. If the candidate fails to appear at the hearing or to
280 prove that he or she meets all qualifications to hold the office
281 subject to no contingencies, then the name of that candidate shall
282 not be placed upon the ballot. If the proper executive committee
283 or the Secretary of State, whichever is applicable, determines
284 that the candidate has taken the steps necessary to qualify for
285 more than one (1) office at the election, the action required by
286 Section 23-15-905, shall be taken.

287 Where there is but one (1) candidate for each office
288 contested at the primary election, the proper executive committee
289 or the Secretary of State, whichever is applicable, when the time
290 has expired within which the names of candidates shall be
291 furnished shall declare such candidates the nominees.

292 (8) No candidate may qualify by filing the information
293 required by this section by using the Internet.

294 **SECTION 4.** Section 23-15-881, Mississippi Code of 1972, is
295 amended as follows:



296 23-15-881. It shall be unlawful for the Mississippi
297 Transportation Commission or any member of the Mississippi
298 Transportation Commission, or the board of supervisors of any
299 county or any member of the board of supervisors of such county,
300 to employ, during the months of * * * March, * * * April, * * *
301 May and * * * June of any year in which a general primary election
302 is held for the nomination and election of members of the
303 Mississippi Transportation Commission and members of the boards of
304 supervisors, a greater number of persons to work and maintain the
305 state highways, in any highway district, or the public roads, in
306 any supervisors district of the county, as the case may be, than
307 the average number of persons employed for similar purposes in
308 such highway district or supervisors district, as the case may be,
309 during the months of * * * March, * * * April, * * * May and * * *
310 June of the three (3) years immediately preceding the year in
311 which such general primary election is held. It shall be unlawful
312 for the Mississippi Transportation Commission, or the board of
313 supervisors of any county, to expend out of the state highway
314 funds, or the road funds of the county or any supervisors district
315 thereof, as the case may be, in the payment of wages or other
316 compensation for labor performed in working and maintaining the
317 highways of any highway district, or the public roads of any
318 supervisors district of the county, as the case may be, during the
319 months of * * * March, * * * April, * * * May and * * * June of
320 such election year, a total amount in excess of the average total



321 amount expended for such labor, in such highway district or
322 supervisors district, as the case may be, during the corresponding
323 four-month period of the three (3) years immediately preceding.

324 It shall be the duty of the Mississippi Transportation
325 Commission and the board of supervisors of each county,
326 respectively, to keep sufficient records of the numbers of
327 employees and expenditures made for labor on the state highways of
328 each highway district, and the public roads of each supervisors
329 district, for the months of * * * March, * * * April, * * * May
330 and * * * June of each year, to show the number of persons
331 employed for such work in each highway district and each
332 supervisors district, as the case may be, during said four-month
333 period, and the total amount expended in the payment of salaries
334 and other compensation to such employees, so that it may be
335 ascertained, from an examination of such records, whether or not
336 the provisions of this chapter have been violated.

337 **SECTION 5.** Section 5-3-55, Mississippi Code of 1972, is
338 amended as follows:

339 5-3-55. The committee shall be composed of seven (7) members
340 from the Senate and seven (7) members from the House of
341 Representatives, one (1) from each of the congressional districts
342 of the State of Mississippi as they currently exist and three (3)
343 from the state at large, to be appointed by the Lieutenant
344 Governor and the Speaker of the House of Representatives for a
345 term concurrent with their term in their respective house. For



346 the remainder of the present term, the Lieutenant Governor and
347 Speaker shall make their respective appointments within fifteen
348 (15) days after sine die adjournment of the 2004 Regular Session;
349 and for each full four-year term thereafter and the three-year
350 term that will run from January 1, 2024, until January 1, 2027,
351 the Lieutenant Governor and Speaker shall make their appointments
352 within fifteen (15) days after the first calendar day of the
353 regular session in the first year of such * * * terms. The term
354 of each member shall be concurrent with his or her term of office.

355 The committee shall meet no later than ten (10) days after
356 the final day of the 2004 Regular Session, and annually
357 thereafter, for the purpose of organizing by electing from the
358 membership a * * * chair, vice * * * chair and secretary.

359 **SECTION 6.** Section 7-5-1, Mississippi Code of 1972, is
360 amended as follows:

361 **[Until January 1, 2024, this section shall read as follows:]**

362 7-5-1. The Attorney General provided for by Section 173 of
363 the Mississippi Constitution shall be elected at the * * *
364 election held on the first Tuesday after the first Monday in
365 November 2019, and in the same manner as the Governor is elected.
366 His term of office shall be four (4) years and his compensation
367 shall be fixed by the Legislature. He shall be the chief legal
368 officer and advisor for the state, both civil and criminal, and is
369 charged with managing all litigation on behalf of the state,
370 except as otherwise specifically provided by law. No arm or



371 agency of the state government shall bring or defend a suit
372 against another arm or agency without prior written approval of
373 the Attorney General. He shall have the powers of the Attorney
374 General at common law and, except as otherwise provided by law, is
375 given the sole power to bring or defend a lawsuit on behalf of a
376 state agency, the subject matter of which is of statewide
377 interest. He shall intervene and argue the constitutionality of
378 any statute when notified of a challenge thereto, pursuant to the
379 Mississippi Rules of Civil Procedure. His qualifications for
380 office shall be as provided for chancery and circuit judges in
381 Section 154 of the Mississippi Constitution.

382 **[From January 1, 2024, until January 1, 2027, this section**
383 **shall read as follows:]**

384 7-5-1. The Attorney General provided for by Section 173 of
385 the Mississippi Constitution shall be elected at the election held
386 on the first Tuesday after the first Monday in November 2023, and
387 in the same manner as the Governor is elected. His term of office
388 shall be three (3) years and his compensation shall be fixed by
389 the Legislature. He shall be the chief legal officer and advisor
390 for the state, both civil and criminal, and is charged with
391 managing all litigation on behalf of the state, except as
392 otherwise specifically provided by law. No arm or agency of the
393 state government shall bring or defend a suit against another arm
394 or agency without prior written approval of the Attorney General.
395 He shall have the powers of the Attorney General at common law



396 and, except as otherwise provided by law, is given the sole power
397 to bring or defend a lawsuit on behalf of a state agency, the
398 subject matter of which is of statewide interest. He shall
399 intervene and argue the constitutionality of any statute when
400 notified of a challenge thereto, pursuant to the Mississippi Rules
401 of Civil Procedure. His qualifications for office shall be as
402 provided for chancery and circuit judges in Section 154 of the
403 Mississippi Constitution.

404 **[From and after January 1, 2027, this section shall read as**
405 **follows:]**

406 7-5-1. The Attorney General provided for by Section 173 of
407 the Mississippi Constitution shall be elected at the election held
408 on the first Tuesday after the first Monday in November 2026, and
409 every four (4) years thereafter, and in the same manner as the
410 Governor is elected. His term of office shall be four (4) years
411 and his compensation shall be fixed by the Legislature. He shall
412 be the chief legal officer and advisor for the state, both civil
413 and criminal, and is charged with managing all litigation on
414 behalf of the state, except as otherwise specifically provided by
415 law. No arm or agency of the state government shall bring or
416 defend a suit against another arm or agency without prior written
417 approval of the Attorney General. He shall have the powers of the
418 Attorney General at common law and, except as otherwise provided
419 by law, is given the sole power to bring or defend a lawsuit on
420 behalf of a state agency, the subject matter of which is of



421 statewide interest. He shall intervene and argue the
422 constitutionality of any statute when notified of a challenge
423 thereto, pursuant to the Mississippi Rules of Civil Procedure.
424 His qualifications for office shall be as provided for chancery
425 and circuit judges in Section 154 of the Mississippi Constitution.

426 **SECTION 7.** Section 9-11-2, Mississippi Code of 1972, is
427 amended as follows:

428 9-11-2. (1) * * * There shall be a competent number of
429 justice court judges in each county of the state. The number of
430 justice court judges for each county shall be determined as
431 follows:

432 (a) In counties with a population, according to the
433 latest federal decennial census, of thirty-five thousand (35,000)
434 and less, there shall be two (2) justice court judges unless the
435 board of supervisors, by resolution duly spread upon its minutes,
436 finds that one (1) justice court judge is a competent number to
437 adequately handle the needs of the citizens of the county.

438 (b) In counties with a population, according to the
439 latest federal decennial census, of more than thirty-five thousand
440 (35,000) and less than seventy thousand (70,000), there shall be
441 three (3) justice court judges, unless the board of supervisors,
442 by resolution duly spread upon its minutes, finds that two (2) is
443 a competent number of justice court judges to adequately handle
444 the needs of the citizens of the county.



445 (c) In counties with a population, according to the
446 latest federal decennial census, of seventy thousand (70,000) and
447 less than one hundred fifty thousand (150,000), there shall be
448 four (4) justice court judges, unless the board of supervisors, by
449 resolution duly spread upon its minutes, finds that three (3) is a
450 competent number of justice court judges to adequately handle the
451 needs of the citizens of the county.

452 (d) In counties with a population, according to the
453 latest federal decennial census, of one hundred fifty thousand
454 (150,000) and more, there shall be five (5) justice court judges,
455 unless the board of supervisors, by resolution duly spread upon
456 its minutes, finds that four (4) is a competent number of justice
457 court judges to adequately handle the needs of the citizens of the
458 county.

459 (2) The board of supervisors shall establish single member
460 election districts in the county for the election of each of the
461 justice court judges authorized and required to be elected for the
462 county under the provisions of subsection (1) of this section, and
463 one (1) justice court judge shall be elected for each district by
464 the electors thereof. In any county authorized and required under
465 the provisions of subsection (1)(a) of this section to provide for
466 the election of two (2) justice court judges for the county in
467 which there are two (2) judicial districts, the smaller of such
468 judicial districts, according to population based upon the latest



469 federal decennial census, shall comprise or shall be wholly
470 encompassed within one (1) of such election districts.

471 (3) (a) Nothing in this section shall be construed to
472 authorize or require more than five (5) justice court judges in
473 any one (1) county from and after January 1, 1984, nor to
474 authorize or require an increase in the number of justice court
475 judges for any county during the term of office of any justice
476 court judge.

477 (b) Nothing in this section shall be construed to
478 authorize or require a county to decrease the number of justice
479 court judge positions in the county as of June 30, 2014.

480 **SECTION 8.** Section 19-3-1, Mississippi Code of 1972, is
481 amended as follows:

482 **[Until January 1, 2024, this section shall read as follows:]**

483 19-3-1. Each county shall be divided into five (5)
484 districts, with due regard to equality of population and
485 convenience of situation for the election of members of the boards
486 of supervisors, but the districts as now existing shall continue
487 until changed. The qualified electors of each district shall
488 elect, at the * * * election held on the first Tuesday after the
489 first Monday in November 2019, in their districts one (1) member
490 of the board of supervisors. Subject to the provisions of Section
491 23-15-285, the board, by a three-fifths (3/5) vote of all members
492 elected, may change the districts, the boundaries to be entered at
493 large in the minutes of the proceedings of the board. Provided,



494 however, that such changed boundaries shall in as far as possible
495 conform as to natural, visible artificial boundaries, such as
496 streets, highways, railroads, rivers, lakes, bayous or other
497 obvious lines of demarcation, except county lines and municipal
498 corporate limits.

499 If the boundaries of the districts are changed by order of
500 the board of supervisors as provided in this section, the order
501 shall be published in a newspaper having general circulation in
502 the county once each week for three (3) consecutive weeks.

503 **[From January 1, 2024, until January 1, 2027, this section**
504 **shall read as follows:]**

505 19-3-1. Each county shall be divided into five (5)
506 districts, with due regard to equality of population and
507 convenience of situation for the election of members of the boards
508 of supervisors, but the districts as now existing shall continue
509 until changed. The qualified electors of each district shall
510 elect, at the election held on the first Tuesday after the first
511 Monday in November 2023, in their districts one (1) member of the
512 board of supervisors, whose term of office shall be three (3)
513 years. Subject to the provisions of Section 23-15-285, the board,
514 by a three-fifths (3/5) vote of all members elected, may change
515 the districts, the boundaries to be entered at large in the
516 minutes of the proceedings of the board. Provided, however, that
517 such changed boundaries shall in as far as possible conform as to
518 natural, visible artificial boundaries, such as streets, highways,



519 railroads, rivers, lakes, bayous or other obvious lines of
520 demarcation, except county lines and municipal corporate limits.

521 If the boundaries of the districts are changed by order of
522 the board of supervisors as provided in this section, the order
523 shall be published in a newspaper having general circulation in
524 the county once each week for three (3) consecutive weeks.

525 **[From and after January 1, 2027, this section shall read as**
526 **follows:]**

527 19-3-1. Each county shall be divided into five (5)
528 districts, with due regard to equality of population and
529 convenience of situation for the election of members of the boards
530 of supervisors, but the districts as now existing shall continue
531 until changed. The qualified electors of each district shall
532 elect, at the election held on the first Tuesday after the first
533 Monday in November 2026, and every four (4) years thereafter, in
534 their districts one (1) member of the board of supervisors, whose
535 term of office shall be four (4) years. Subject to the provisions
536 of Section 23-15-285, the board, by a three-fifths (3/5) vote of
537 all members elected, may change the districts, the boundaries to
538 be entered at-large in the minutes of the proceedings of the
539 board. Provided, however, that such changed boundaries shall in
540 as far as possible conform as to natural, visible artificial
541 boundaries, such as streets, highways, railroads, rivers, lakes,
542 bayous or other obvious lines of demarcation, except county lines
543 and municipal corporate limits.



544 If the boundaries of the districts are changed by order of
545 the board of supervisors as provided in this section, the order
546 shall be published in a newspaper having general circulation in
547 the county once each week for three (3) consecutive weeks.

548 **SECTION 9.** Section 19-25-1, Mississippi Code of 1972, is
549 amended as follows:

550 **[Until January 1, 2024, this section shall read as follows:]**

551 19-25-1. At the election held on the first Tuesday after the
552 first Monday in November 2019, there shall be chosen one (1)
553 sheriff for each county, who shall be commissioned by the
554 Governor. The sheriff shall continue in office for the term of
555 four (4) years and until his successor shall be qualified, unless
556 sooner removed. Before he enters upon the duties of his office he
557 shall take the oath prescribed by the Constitution, and give bond
558 as prescribed by Section 19-25-5.

559 **[From January 1, 2024, until January 1, 2027, this section**
560 **shall read as follows:]**

561 19-25-1. At the election held on the first Tuesday after the
562 first Monday in November 2023, there shall be chosen one (1)
563 sheriff for each county, who shall be commissioned by the
564 Governor. The sheriff shall continue in office for the term of
565 three (3) years and until his successor shall be qualified, unless
566 sooner removed. Before he enters upon the duties of his office he
567 shall take the oath prescribed by the Constitution, and give bond
568 as prescribed by Section 19-25-5.



569 [From and after January 1, 2027, this section shall read as
570 follows:]

571 19-25-1. At the election held on the first Tuesday after the
572 first Monday in November 2026, and every four (4) years
573 thereafter, there shall be chosen one (1) sheriff for each county,
574 who shall be commissioned by the Governor. The sheriff shall
575 continue in office for the term of four (4) years and until his
576 successor shall be qualified, unless sooner removed. Before he
577 enters upon the duties of his office he shall take the oath
578 prescribed by the Constitution, and give bond as prescribed by
579 Section 19-25-5.

580 **SECTION 10.** Section 65-1-5, Mississippi Code of 1972, is
581 amended as follows:

582 65-1-5. When the transportation commissioners enter upon the
583 duties of their office, the Transportation Commission shall meet
584 and organize by the election of one (1) of its members to serve as
585 chairman of the commission for the * * * term for which the
586 commissioner shall have been elected. The commission, a majority
587 of which shall constitute a quorum, shall meet in regular session
588 on the second Tuesday of each month at the office of the
589 commission in Jackson, Mississippi; however, the commission may
590 meet in regular session not more than three (3) times each year at
591 such other location as may be set by the commission. At such
592 regular sessions the commission may hear, continue and determine
593 any and all matters coming before it. The commission may hold



594 special sessions at the call of the executive director or the
595 chairman at such times and places in this state as either of them
596 may deem necessary. At such special sessions it may hear,
597 continue, consider and determine any and all matters coming before
598 it, provided that at least five (5) days' notice of such meetings
599 shall be given to all the members of the commission beforehand. A
600 special session may be called at any time without the foregoing
601 notice, or any notice, if by and with the unanimous consent of all
602 the members of the commission, but such unanimous consent shall be
603 spread at large on the minutes of the commission. If any session
604 is held at a location other than at the commission's office in
605 Jackson, Mississippi, the commission shall make provisions to
606 allow public participation in the meeting by appearing at the
607 Jackson office.

608 The Mississippi Transportation Commission shall act as a
609 legal entity, and shall only speak through its minutes, and in all
610 matters shall act as a unit. Any action on the part of any member
611 of the commission separately shall not bind the commission as a
612 unit, but such individual member only shall be liable personally
613 on his official bond.

614 The Mississippi Transportation Commission shall be a body
615 corporate and as such may sue and be sued, plead and be impleaded,
616 in any court of justice having jurisdiction of the subject matter
617 of any such suit. In any suit against the Mississippi
618 Transportation Commission service of process shall be had by



619 serving the secretary of the commission with such process; and a
620 copy of the declaration, petition or bill of complaint, or other
621 initial pleading shall be handed the secretary along with the
622 process.

623 **SECTION 11.** Section 77-1-1, Mississippi Code of 1972, is
624 amended as follows:

625 **[Until January 1, 2024, this section shall read as follows:]**

626 77-1-1. A public service commission, hereinafter referred to
627 in this chapter as the commission, is hereby created, consisting
628 of three (3) members, one (1) to be elected from each of the three
629 (3) Supreme Court districts by the qualified electors of such
630 district. Elections for such officers shall be * * * at the
631 general election * * * held on the first Tuesday after the first
632 Monday in November 2019, and the terms of office of the three (3)
633 commissioners elected at the general election * * * shall be four
634 (4) years.

635 The commissioners shall each receive a yearly salary fixed by
636 the Legislature, payable monthly.

637 The commissioners shall each possess the qualifications
638 prescribed for the Secretary of State. The commissioners shall
639 not operate, own any stock in, or be in the employment of any
640 common or contract carrier by motor vehicle, telephone company,
641 gas or electric utility company, or any other public utility that
642 shall come under their jurisdiction or supervision.



643 [From January 1, 2024, until January 1, 2027, this section
644 shall read as follows:]

645 77-1-1. A public service commission, hereinafter referred to
646 in this chapter as the commission, is hereby created, consisting
647 of three (3) members, one (1) to be elected from each of the three
648 (3) Supreme Court districts by the qualified electors of such
649 district. Elections for such officers shall be at the general
650 election held on the first Tuesday after the first Monday in
651 November 2023, and the terms of office of the three (3)
652 commissioners elected at the general election shall be three (3)
653 years.

654 The commissioners shall each receive a yearly salary fixed by
655 the Legislature, payable monthly.

656 The commissioners shall each possess the qualifications
657 prescribed for the Secretary of State. The commissioners shall
658 not operate, own any stock in, or be in the employment of any
659 common or contract carrier by motor vehicle, telephone company,
660 gas or electric utility company, or any other public utility that
661 shall come under their jurisdiction or supervision.

662 [From and after January 1, 2027, this section shall read as
663 follows:]

664 77-1-1. A public service commission, hereinafter referred to
665 in this chapter as the commission, is hereby created, consisting
666 of three (3) members, one (1) to be elected from each of the three
667 (3) Supreme Court districts by the qualified electors of such



668 district. Elections for such officers shall be held in the
669 general election held on the first Tuesday after the first Monday
670 in November 2026, and every four (4) years thereafter, and the
671 terms of office of the three (3) commissioners elected at the
672 general election shall be four (4) years.

673 The commissioners shall each receive a yearly salary fixed by
674 the Legislature, payable monthly.

675 The commissioners shall each possess the qualifications
676 prescribed for the Secretary of State. The commissioners shall
677 not operate, own any stock in, or be in the employment of any
678 common or contract carrier by motor vehicle, telephone company,
679 gas or electric utility company, or any other public utility that
680 shall come under their jurisdiction or supervision.

681 **SECTION 12.** Section 23-15-153, Mississippi Code of 1972, is
682 brought forward as follows:

683 23-15-153. (1) At least during the following times, the
684 election commissioners shall meet at the office of the registrar
685 or the office of the election commissioners to carefully revise
686 the county voter roll as electronically maintained by the
687 Statewide Elections Management System and remove from the roll the
688 names of all voters who have requested to be purged from the voter
689 roll, died, received an adjudication of non compos mentis, been
690 convicted of a disenfranchising crime, or otherwise become
691 disqualified as electors for any cause, and shall register the



692 names of all persons who have duly applied to be registered but
693 have been illegally denied registration:

694 (a) On the Tuesday after the second Monday in January
695 1987 and every following year;

696 (b) On the first Tuesday in the month immediately
697 preceding the first primary election for members of Congress in
698 the years when members of Congress are elected;

699 (c) On the first Monday in the month immediately
700 preceding the first primary election for state, state district
701 legislative, county and county district offices in the years in
702 which those offices are elected; and

703 (d) On the second Monday of September preceding the
704 general election or regular special election day in years in which
705 a general election is not conducted.

706 Except for the names of those voters who are duly qualified
707 to vote in the election, no name shall be permitted to remain in
708 the Statewide Elections Management System; however, no name shall
709 be purged from the Statewide Elections Management System based on
710 a change in the residence of an elector except in accordance with
711 procedures provided for by the National Voter Registration Act of
712 1993. Except as otherwise provided by Section 23-15-573, no
713 person shall vote at any election whose name is not in the county
714 voter roll electronically maintained by the Statewide Elections
715 Management System.



716 (2) Except as provided in this section, and subject to the
717 following annual limitations, the election commissioners shall be
718 entitled to receive a per diem in the amount of Eighty-four
719 Dollars (\$84.00), to be paid from the county general fund, for
720 every day or period of no less than five (5) hours accumulated
721 over two (2) or more days actually employed in the performance of
722 their duties in the conduct of an election or actually employed in
723 the performance of their duties for the necessary time spent in
724 the revision of the county voter roll as electronically maintained
725 by the Statewide Elections Management System as required in
726 subsection (1) of this section:

727 (a) In counties having less than fifteen thousand
728 (15,000) residents according to the latest federal decennial
729 census, not more than fifty (50) days per year, with no more than
730 fifteen (15) additional days allowed for the conduct of each
731 election in excess of one (1) occurring in any calendar year;

732 (b) In counties having fifteen thousand (15,000)
733 residents according to the latest federal decennial census but
734 less than thirty thousand (30,000) residents according to the
735 latest federal decennial census, not more than seventy-five (75)
736 days per year, with no more than twenty-five (25) additional days
737 allowed for the conduct of each election in excess of one (1)
738 occurring in any calendar year;

739 (c) In counties having thirty thousand (30,000)
740 residents according to the latest federal decennial census but



741 less than seventy thousand (70,000) residents according to the
742 latest federal decennial census, not more than one hundred (100)
743 days per year, with no more than thirty-five (35) additional days
744 allowed for the conduct of each election in excess of one (1)
745 occurring in any calendar year;

746 (d) In counties having seventy thousand (70,000)
747 residents according to the latest federal decennial census but
748 less than ninety thousand (90,000) residents according to the
749 latest federal decennial census, not more than one hundred
750 twenty-five (125) days per year, with no more than forty-five (45)
751 additional days allowed for the conduct of each election in excess
752 of one (1) occurring in any calendar year;

753 (e) In counties having ninety thousand (90,000)
754 residents according to the latest federal decennial census but
755 less than one hundred seventy thousand (170,000) residents
756 according to the latest federal decennial census, not more than
757 one hundred fifty (150) days per year, with no more than
758 fifty-five (55) additional days allowed for the conduct of each
759 election in excess of one (1) occurring in any calendar year;

760 (f) In counties having one hundred seventy thousand
761 (170,000) residents according to the latest federal decennial
762 census but less than two hundred thousand (200,000) residents
763 according to the latest federal decennial census, not more than
764 one hundred seventy-five (175) days per year, with no more than



765 sixty-five (65) additional days allowed for the conduct of each
766 election in excess of one (1) occurring in any calendar year;

767 (g) In counties having two hundred thousand (200,000)
768 residents according to the latest federal decennial census but
769 less than two hundred twenty-five thousand (225,000) residents
770 according to the latest federal decennial census, not more than
771 one hundred ninety (190) days per year, with no more than
772 seventy-five (75) additional days allowed for the conduct of each
773 election in excess of one (1) occurring in any calendar year;

774 (h) In counties having two hundred twenty-five thousand
775 (225,000) residents according to the latest federal decennial
776 census but less than two hundred fifty thousand (250,000)
777 residents according to the latest federal decennial census, not
778 more than two hundred fifteen (215) days per year, with no more
779 than eighty-five (85) additional days allowed for the conduct of
780 each election in excess of one (1) occurring in any calendar year;

781 (i) In counties having two hundred fifty thousand
782 (250,000) residents according to the latest federal decennial
783 census but less than two hundred seventy-five thousand (275,000)
784 residents according to the latest federal decennial census, not
785 more than two hundred thirty (230) days per year, with no more
786 than ninety-five (95) additional days allowed for the conduct of
787 each election in excess of one (1) occurring in any calendar year;

788 (j) In counties having two hundred seventy-five
789 thousand (275,000) residents according to the latest federal



790 decennial census or more, not more than two hundred forty (240)
791 days per year, with no more than one hundred five (105) additional
792 days allowed for the conduct of each election in excess of one (1)
793 occurring in any calendar year.

794 (3) In addition to the number of days authorized in
795 subsection (2) of this section, the board of supervisors of a
796 county may authorize, in its discretion, the election
797 commissioners to receive a per diem in the amount provided for in
798 subsection (2) of this section, to be paid from the county general
799 fund, for every day or period of no less than five (5) hours
800 accumulated over two (2) or more days actually employed in the
801 performance of their duties in the conduct of an election or
802 actually employed in the performance of their duties for the
803 necessary time spent in the revision of the county voter roll as
804 electronically maintained by the Statewide Elections Management
805 System as required in subsection (1) of this section, for not to
806 exceed five (5) days.

807 (4) (a) The election commissioners shall be entitled to
808 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
809 to be paid from the county general fund, not to exceed ten (10)
810 days for every day or period of no less than five (5) hours
811 accumulated over two (2) or more days actually employed in the
812 performance of their duties for the necessary time spent in the
813 revision of the county voter roll as electronically maintained by
814 the Statewide Elections Management System before any special



815 election. For purposes of this paragraph, the regular special
816 election day shall not be considered a special election. The
817 annual limitations set forth in subsection (2) of this section
818 shall not apply to this paragraph.

819 (b) The election commissioners shall be entitled to
820 receive a per diem in the amount of One Hundred Fifty Dollars
821 (\$150.00), to be paid from the county general fund, for the
822 performance of their duties on the day of any general or special
823 election. The annual limitations set forth in subsection (2) of
824 this section shall apply to this paragraph.

825 (5) The election commissioners shall be entitled to receive
826 a per diem in the amount of Eighty-four Dollars (\$84.00), to be
827 paid from the county general fund, not to exceed fourteen (14)
828 days for every day or period of no less than five (5) hours
829 accumulated over two (2) or more days actually employed in the
830 performance of their duties for the necessary time spent in the
831 revision of the county voter roll as electronically maintained by
832 the Statewide Elections Management System and in the conduct of a
833 runoff election following either a general or special election.

834 (6) The election commissioners shall be entitled to receive
835 only one (1) per diem payment for those days when the election
836 commissioners discharge more than one (1) duty or responsibility
837 on the same day.

838 (7) In preparation for a municipal primary, runoff, general
839 or special election, the county registrar shall generate and



840 distribute the master voter roll and pollbooks from the Statewide
841 Elections Management System for the municipality located within
842 the county. The municipality shall pay the county registrar for
843 the actual cost of preparing and printing the municipal master
844 voter roll pollbooks. A municipality may secure "read only"
845 access to the Statewide Elections Management System and print its
846 own pollbooks using this information.

847 (8) County election commissioners who perform the duties of
848 an executive committee with regard to the conduct of a primary
849 election under a written agreement authorized by law to be entered
850 into with an executive committee shall receive per diem as
851 provided for in subsection (2) of this section. The days that
852 county election commissioners are employed in the conduct of a
853 primary election shall be treated the same as days county election
854 commissioners are employed in the conduct of other elections.

855 (9) In addition to any per diem authorized by this section,
856 any election commissioner shall be entitled to the mileage
857 reimbursement rate allowable to federal employees for the use of a
858 privately owned vehicle while on official travel on election day.

859 (10) Every election commissioner shall sign personally a
860 certification setting forth the number of hours actually worked in
861 the performance of the commissioner's official duties and for
862 which the commissioner seeks compensation. The certification must
863 be on a form as prescribed in this subsection. The commissioner's



864 signature is, as a matter of law, made under the commissioner's
865 oath of office and under penalties of perjury.

866 The certification form shall be as follows:

867 **COUNTY ELECTION COMMISSIONER**

868 **PER DIEM CLAIM FORM**

869 NAME: _____ COUNTY: _____

870 ADDRESS: _____ DISTRICT: _____

871 CITY: _____ ZIP: _____

872		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
873	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
874	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

875 _____
876 _____
877 _____

878 TOTAL NUMBER OF PER DIEM DAYS EARNED

879 EXCLUDING ELECTION DAYS _____

880 PER DIEM RATE PER DAY EARNED X \$84.00

881 TOTAL NUMBER PER DIEM DAYS EARNED

882 FOR ELECTION DAYS _____

883 PER DIEM RATE PER DAY EARNED X \$150.00

884 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

885 I understand that I am signing this document under my oath as
886 an election commissioner and under penalties of perjury.



887 I understand that I am requesting payment from taxpayer funds
888 and that I have an obligation to be specific and truthful as to
889 the amount of hours worked and the compensation I am requesting.

890 Signed this the _____ day of _____, ____.

891 _____
892 Commissioner's Signature

893 When properly completed and signed, the certification must be
894 filed with the clerk of the county board of supervisors before any
895 payment may be made. The certification will be a public record
896 available for inspection and reproduction immediately upon the
897 oral or written request of any person.

898 Any person may contest the accuracy of the certification in
899 any respect by notifying the chair of the commission, any member
900 of the board of supervisors or the clerk of the board of
901 supervisors of the contest at any time before or after payment is
902 made. If the contest is made before payment is made, no payment
903 shall be made as to the contested certificate until the contest is
904 finally disposed of. The person filing the contest shall be
905 entitled to a full hearing, and the clerk of the board of
906 supervisors shall issue subpoenas upon request of the contestor
907 compelling the attendance of witnesses and production of documents
908 and things. The contestor shall have the right to appeal de novo
909 to the circuit court of the involved county, which appeal must be
910 perfected within thirty (30) days from a final decision of the



911 commission, the clerk of the board of supervisors or the board of
912 supervisors, as the case may be.

913 Any contestor who successfully contests any certification
914 will be awarded all expenses incident to his or her contest,
915 together with reasonable attorney's fees, which will be awarded
916 upon petition to the chancery court of the involved county upon
917 final disposition of the contest before the election commission,
918 board of supervisors, clerk of the board of supervisors, or, in
919 case of an appeal, final disposition by the court. The
920 commissioner against whom the contest is decided shall be liable
921 for the payment of the expenses and attorney's fees, and the
922 county shall be jointly and severally liable for same.

923 (11) Any election commissioner who has not received a
924 certificate issued by the Secretary of State pursuant to Section
925 23-15-211 indicating that the election commissioner has received
926 the required elections seminar instruction and that the election
927 commissioner is fully qualified to conduct an election, shall not
928 receive any compensation authorized by this section or Section
929 23-15-239.

930 **SECTION 13.** Section 23-15-213, Mississippi Code of 1972, is
931 brought forward as follows:

932 **[Until January 1, 2028, this section shall read as follows:]**

933 23-15-213. (1) At the general election in 2020 and every
934 four (4) years thereafter, there shall be elected five (5)
935 election commissioners for each county whose terms of office shall



936 commence on the first Monday of January following their election
937 and who shall serve for a term of four (4) years. Each of the
938 commissioners shall be required to attend a training seminar
939 provided by the Secretary of State and satisfactorily complete a
940 skills assessment, and before acting, shall take and subscribe the
941 oath of office prescribed by the Constitution. The oath shall be
942 filed in the office of the clerk of the chancery court. Upon
943 filing the oath of office, the election commissioner may be
944 provided access to the Statewide Elections Management System for
945 the purpose of performing his or her duties. While engaged in
946 their duties, the commissioners shall be conservators of the peace
947 in the county, with all the duties and powers of such.

948 (2) The qualified electors of each supervisors district
949 shall elect, at the general election in 2020, in their district
950 one (1) election commissioner. The election commissioners from
951 board of supervisors' Districts One, Three and Five shall serve
952 for a term of four (4) years. The election commissioners from
953 board of supervisors' Districts Two and Four shall serve for a
954 term of six (6) years. No more than one (1) commissioner shall be
955 a resident of and reside in each supervisors district of the
956 county; it being the purpose of this section that the county board
957 of election commissioners shall consist of one (1) person from
958 each supervisors district of the county and that each commissioner
959 be elected from the supervisors district in which he or she
960 resides.



961 (3) Candidates for county election commissioner shall
962 qualify by filing with the clerk of the board of supervisors of
963 their respective counties a petition personally signed by not less
964 than fifty (50) qualified electors of the supervisors district in
965 which they reside, requesting that they be a candidate, by 5:00
966 p.m. not later than the first Monday in June of the year in which
967 the election occurs and unless the petition is filed within the
968 required time, their names shall not be placed upon the ballot.
969 All candidates shall declare in writing their party affiliation,
970 if any, to the board of supervisors, and such party affiliation
971 shall be shown on the official ballot.

972 (4) The petition shall have attached thereto a certificate
973 of the county registrar showing the number of qualified electors
974 on each petition, which shall be furnished by the registrar on
975 request. The board shall determine the sufficiency of the
976 petition, and if the petition contains the required number of
977 signatures and is filed within the time required, the president of
978 the board shall verify that the candidate is a resident of the
979 supervisors district in which he or she seeks election and that
980 the candidate is otherwise qualified as provided by law, and shall
981 certify that the candidate is qualified to the chair or secretary
982 of the county election commission and the names of the candidates
983 shall be placed upon the ballot for the ensuing election. No
984 county election commissioner shall serve or be considered as
985 elected until he or she has received a majority of the votes cast



986 for the position or post for which he or she is a candidate. If a
987 majority vote is not received in the first election, then the two
988 (2) candidates receiving the most votes for each position or post
989 shall be placed upon the ballot for a second election to be held
990 three (3) weeks later in accordance with appropriate procedures
991 followed in other elections involving runoff candidates.

992 (5) Upon taking office, the county election commissioners
993 shall organize by electing a chair and a secretary.

994 (6) It shall be the duty of the chair to have the official
995 ballot printed and distributed at each general or special
996 election.

997 **[From and after January 1, 2032, this section shall read as**
998 **follows:]**

999 23-15-213. (1) There shall be elected five (5) election
1000 commissioners for each county whose terms of office shall commence
1001 on the first Monday of January following their election and who
1002 shall serve for a term of four (4) years. Each of the
1003 commissioners shall be required to attend a training seminar
1004 provided by the Secretary of State and satisfactorily complete a
1005 skills assessment, and before acting, shall take and subscribe the
1006 oath of office prescribed by the Constitution. The oath shall be
1007 filed in the office of the clerk of the chancery court. Upon
1008 filing the oath of office, the election commissioner may be
1009 provided access to the Statewide Elections Management System for
1010 the purpose of performing his or her duties. While engaged in



1011 their duties, the commissioners shall be conservators of the peace
1012 in the county, with all the duties and powers of such.

1013 (2) (a) At the general election in 2032 and every four (4)
1014 years thereafter, the qualified electors of the board of
1015 supervisors' Districts One, Three and Five shall elect in their
1016 district one (1) election commissioner.

1017 (b) At the general election in 2034 and every four (4)
1018 years thereafter, the qualified electors of the board of
1019 supervisors' Districts Two and Four shall elect in their district
1020 one (1) election commissioner.

1021 (c) No more than one (1) commissioner shall be a
1022 resident of and reside in each supervisors district of the county;
1023 it being the purpose of this section that the county board of
1024 election commissioners shall consist of one (1) person from each
1025 supervisors district of the county and that each commissioner be
1026 elected from the supervisors district in which he or she resides.

1027 (3) Candidates for county election commissioner shall
1028 qualify by filing with the clerk of the board of supervisors of
1029 their respective counties a petition personally signed by not less
1030 than fifty (50) qualified electors of the supervisors district in
1031 which they reside, requesting that they be a candidate, by 5:00
1032 p.m. not later than the first Monday in June of the year in which
1033 the election occurs and unless the petition is filed within the
1034 required time, their names shall not be placed upon the ballot.
1035 All candidates shall declare in writing their party affiliation,



1036 if any, to the board of supervisors, and such party affiliation
1037 shall be shown on the official ballot.

1038 (4) The petition shall have attached thereto a certificate
1039 of the county registrar showing the number of qualified electors
1040 on each petition, which shall be furnished by the registrar on
1041 request. The board shall determine the sufficiency of the
1042 petition, and if the petition contains the required number of
1043 signatures and is filed within the time required, the president of
1044 the board shall verify that the candidate is a resident of the
1045 supervisors district in which he or she seeks election and that
1046 the candidate is otherwise qualified as provided by law, and shall
1047 certify that the candidate is qualified to the chair or secretary
1048 of the county election commission and the names of the candidates
1049 shall be placed upon the ballot for the ensuing election. No
1050 county election commissioner shall serve or be considered as
1051 elected until he or she has received a majority of the votes cast
1052 for the position or post for which he or she is a candidate. If a
1053 majority vote is not received in the first election, then the two
1054 (2) candidates receiving the most votes for each position or post
1055 shall be placed upon the ballot for a second election to be held
1056 three (3) weeks later in accordance with appropriate procedures
1057 followed in other elections involving runoff candidates.

1058 (5) In the first meeting in January of each year, the county
1059 election commissioners shall organize by electing a chair and a
1060 secretary, who shall serve a one (1) year term. The county



1061 election commissioners shall provide the names of the chair and
1062 secretary to the Secretary of State and provide notice of any
1063 change in officers which may occur during the year.

1064 (6) It shall be the duty of the chair to have the official
1065 ballot printed and distributed at each general or special
1066 election.

1067 **SECTION 14.** Section 23-15-833, Mississippi Code of 1972, is
1068 brought forward as follows:

1069 23-15-833. Except as otherwise provided by law, the first
1070 Tuesday after the first Monday in November of each year shall be
1071 designated the regular special election day, and on that day an
1072 election shall be held to fill any vacancy in county, county
1073 district, and district attorney elective offices, and any vacancy
1074 in the office of circuit judge or chancellor.

1075 All special elections, or elections to fill vacancies, shall
1076 in all respects be held, conducted and returned in the same manner
1077 as general elections, except that where no candidate receives a
1078 majority of the votes cast in the election, a runoff election
1079 shall be held three (3) weeks after the election. The two (2)
1080 candidates who receive the highest popular votes for the office
1081 shall have their names submitted as the candidates to the runoff
1082 and the candidate who leads in the runoff election shall be
1083 elected to the office. When there is a tie in the first election
1084 of those receiving the next highest vote, these two (2) and the
1085 one receiving the highest vote, none having received a majority,



1086 shall go into the runoff election and whoever leads in the runoff
1087 election shall be entitled to the office.

1088 In those years when the regular special election day shall
1089 occur on the same day as the general election, the names of
1090 candidates in any special election and the general election shall
1091 be placed on the same ballot, but shall be clearly distinguished
1092 as general election candidates or special election candidates. At
1093 any time a special election is held on the same day as a party
1094 primary election, the names of the candidates in the special
1095 election may be placed on the same ballot, but shall be clearly
1096 distinguished as special election candidates or primary election
1097 candidates.

1098 **SECTION 15.** Section 23-15-963, Mississippi Code of 1972, is
1099 brought forward as follows:

1100 23-15-963. (1) Any person desiring to contest the
1101 qualifications of another person who has qualified pursuant to the
1102 provisions of Section 23-15-359, Mississippi Code of 1972, as a
1103 candidate for any office elected at a general election, shall file
1104 a petition specifically setting forth the grounds of the challenge
1105 not later than thirty-one (31) days after the date of the first
1106 primary election set forth in Section 23-15-191, Mississippi Code
1107 of 1972. Such petition shall be filed with the same body with
1108 whom the candidate in question qualified pursuant to Section
1109 23-15-359, Mississippi Code of 1972.



1110 (2) Any person desiring to contest the qualifications of
1111 another person who has qualified pursuant to the provisions of
1112 Section 23-15-213, Mississippi Code of 1972, as a candidate for
1113 county election commissioner elected at a general election, shall
1114 file a petition specifically setting forth the grounds of the
1115 challenge no later than sixty (60) days prior to the general
1116 election. Such petition shall be filed with the county board of
1117 supervisors, being the same body with whom the candidate in
1118 question qualified pursuant to Section 23-15-213, Mississippi Code
1119 of 1972.

1120 (3) Any person desiring to contest the qualifications of
1121 another person who has qualified pursuant to the provisions of
1122 Section 23-15-361, Mississippi Code of 1972, as a candidate for
1123 municipal office elected on the date designated by law for regular
1124 municipal elections, shall file a petition specifically setting
1125 forth the grounds of the challenge no later than thirty-one (31)
1126 days after the date of the first primary election set forth in
1127 Section 23-15-309, Mississippi Code of 1972. Such petition shall
1128 be filed with the municipal commissioners of election, being the
1129 same body with whom the candidate in question qualified pursuant
1130 to Section 23-15-361, Mississippi Code of 1972.

1131 (4) Within ten (10) days of receipt of the petition
1132 described in subsections (1), (2) and (3) of this section, the
1133 appropriate election officials shall meet and rule upon the
1134 petition. At least two (2) days before the hearing to consider



1135 the petition, the appropriate election officials shall give notice
1136 to both the petitioner and the contested candidate of the time and
1137 place of the hearing on the petition. Each party shall be given
1138 an opportunity to be heard at such meeting and present evidence in
1139 support of his position.

1140 (5) If the appropriate election officials fail to rule upon
1141 the petition within the time required above, such inaction shall
1142 be interpreted as a denial of the request for relief contained in
1143 the petition.

1144 (6) Any party aggrieved by the action or inaction of the
1145 appropriate election officials may file a petition for judicial
1146 review to the circuit court of the county in which the election
1147 officials whose decision is being reviewed sits. Such petition
1148 must be filed no later than fifteen (15) days after the date the
1149 petition was originally filed with the appropriate election
1150 officials. Such person filing for judicial review shall give a
1151 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1152 (2) or more sufficient sureties conditioned to pay all costs in
1153 case his petition be dismissed, and an additional bond may be
1154 required, by the court, if necessary, at any subsequent stage of
1155 the proceedings.

1156 (7) The circuit court with whom such a petition for judicial
1157 review has been filed shall at the earliest possible date set the
1158 matter for hearing. Notice shall be given the interested parties
1159 of the time set for hearing by the circuit clerk. The hearing



1160 before the circuit court shall be de novo. The matter shall be
1161 tried to the circuit judge, without a jury. After hearing the
1162 evidence, the circuit judge shall determine whether the candidate
1163 whose qualifications have been challenged is legally qualified to
1164 have his name placed upon the ballot in question. The circuit
1165 judge may, upon disqualification of any such candidate, order that
1166 such candidate shall bear the court costs of the proceedings.

1167 (8) Within three (3) days after judgment is rendered by the
1168 circuit court, the contestant or contestee, or both, may file an
1169 appeal in the Supreme Court upon giving a cost bond in the sum of
1170 Three Hundred Dollars (\$300.00), together with a bill of
1171 exceptions which shall state the point or points of law at issue
1172 with a sufficient synopsis of the facts to fully disclose the
1173 bearing and relevancy of such points of law. The bill of
1174 exceptions shall be signed by the trial judge, or in case of his
1175 absence, refusal or disability, by two (2) disinterested
1176 attorneys, as is provided by law in other cases of bills of
1177 exception. The filing of such appeals shall automatically suspend
1178 the decision of the circuit court and the appropriate election
1179 officials are entitled to proceed based upon their decision unless
1180 and until the Supreme Court, in its discretion, stays further
1181 proceedings in the matter. The appeal shall be immediately
1182 docketed in the Supreme Court and referred to the court en banc
1183 upon briefs without oral argument unless the court shall call for
1184 oral argument, and shall be decided at the earliest possible date,



1185 as a preference case over all others. The Supreme Court shall
1186 have the authority to grant such relief as is appropriate under
1187 the circumstances.

1188 (9) The procedure set forth above shall be the sole and only
1189 manner in which the qualifications of a candidate seeking public
1190 office who qualified pursuant to the provisions of Sections
1191 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
1192 be challenged prior to the time of his election. After any such
1193 person has been elected to public office, the election may be
1194 challenged as otherwise provided by law. After any person assumes
1195 an elective office, his qualifications to hold that office may be
1196 contested as otherwise provided by law.

1197 **SECTION 16.** Section 37-3-9, Mississippi Code of 1972, is
1198 brought forward as follows:

1199 37-3-9. (1) There shall be a State Superintendent of Public
1200 Education who shall be appointed by the State Board of Education,
1201 with the advice and consent of the Senate, and serve at the
1202 board's will and pleasure. He shall be the Chief Administrative
1203 Officer for the State Department of Education and shall administer
1204 the department in accordance with the policies established by the
1205 State Board of Education. The State Superintendent of Education,
1206 serving on July 1, 2011, shall continue to receive the salary that
1207 he was receiving on January 1, 2011. From and after the
1208 completion of the term of the said superintendent serving on July
1209 1, 2011, the salary of the State Superintendent of Education shall



1210 be established by the State Board of Education. The State
1211 Superintendent of Public Education shall have at least a master's
1212 degree in any field and a minimum of five (5) years' experience in
1213 administration in the educational field.

1214 (2) The State Superintendent shall give bond in the penalty
1215 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
1216 approved by the Governor, conditioned according to law. The bond,
1217 when approved, shall be filed and recorded in the Office of the
1218 Secretary of State.

1219 **SECTION 17.** This act shall take effect and be in force from
1220 and after July 1 in the year following the year in which the
1221 Secretary of State certifies the passage of the constitutional
1222 amendment proposed in H.C.R. 5, 2018 Regular Session.

