

By: Representative Carpenter

To: Apportionment and
Elections

HOUSE BILL NO. 185

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE QUALIFYING DEADLINE FOR ELECTION COMMISSIONERS FROM
3 THE FIRST MONDAY IN JUNE TO THE FIRST MONDAY IN FEBRUARY; AND FOR
4 RELATED PURPOSES.

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

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

8 **[Until December 31, 2022, this section shall read as**
9 **follows:]**

10 23-15-213. (1) At the general election in 2020, there shall
11 be elected five (5) election commissioners for each county whose
12 terms of office shall commence on the first Monday of January
13 following their election. Each of the commissioners shall be
14 required to attend a training seminar provided by the Secretary of
15 State and satisfactorily complete a skills assessment, and before
16 acting, shall take and subscribe the oath of office prescribed by
17 the Constitution. The oath shall be filed in the office of the
18 clerk of the chancery court. Upon filing the oath of office, the
19 election commissioner may be provided access to the Statewide



20 Elections Management System for the purpose of performing his or
21 her duties. While engaged in their duties, the commissioners
22 shall be conservators of the peace in the county, with all the
23 duties and powers of such.

24 (2) The qualified electors of each supervisors district
25 shall elect, at the general election in 2020, in their district
26 one (1) election commissioner. The election commissioners from
27 board of supervisors' Districts One, Three and Five shall serve
28 for a term of four (4) years. The election commissioners from
29 board of supervisors' Districts Two and Four shall serve for a
30 term of three (3) years. No more than one (1) commissioner shall
31 be a resident of and reside in each supervisors district of the
32 county; it being the purpose of this section that the county board
33 of election commissioners shall consist of one (1) person from
34 each supervisors district of the county and that each commissioner
35 be elected from the supervisors district in which he or she
36 resides.

37 (3) Candidates for county election commissioner shall
38 qualify by filing with the clerk of the board of supervisors of
39 their respective counties a petition personally signed by not less
40 than fifty (50) qualified electors of the supervisors district in
41 which they reside, requesting that they be a candidate, by 5:00
42 p.m. not later than the first Monday in June of the year in which
43 the election occurs and unless the petition is filed within the
44 required time, their names shall not be placed upon the ballot.



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

48 (4) The petition shall have attached thereto a certificate
49 of the county registrar showing the number of qualified electors
50 on each petition, which shall be furnished by the registrar on
51 request. The board shall determine the sufficiency of the
52 petition, and if the petition contains the required number of
53 signatures and is filed within the time required, the president of
54 the board shall verify that the candidate is a resident of the
55 supervisors district in which he or she seeks election and that
56 the candidate is otherwise qualified as provided by law, and shall
57 certify that the candidate is qualified to the chair or secretary
58 of the county election commission and the names of the candidates
59 shall be placed upon the ballot for the ensuing election. No
60 county election commissioner shall serve or be considered as
61 elected until he or she has received a majority of the votes cast
62 for the position or post for which he or she is a candidate. If a
63 majority vote is not received in the first election, then the two
64 (2) candidates receiving the most votes for each position or post
65 shall be placed upon the ballot for a second election to be held
66 three (3) weeks later in accordance with appropriate procedures
67 followed in other elections involving runoff candidates.

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



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

[From and after January 1, 2023, this section shall read as follows:]

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

(2) (a) At the general election in 2024 and every four (4) years thereafter, the qualified electors of the board of supervisors' Districts One, Three and Five shall elect in their district one (1) election commissioner.

(b) At the general election in 2023 and every four (4) years thereafter, the qualified electors of the board of



supervisors' Districts Two and Four shall elect in their district one (1) election commissioner.

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

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

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of



the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

(5) In the first meeting in January of each year, the county election commissioners shall organize by electing a chair and a secretary, who shall serve a one * * *-year term. The county election commissioners shall provide the names of the chair and secretary to the Secretary of State and provide notice of any change in officers which may occur during the year.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

