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To: Apportionment and
Elections

HOUSE BILL NO. 1048
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR
3 GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF
4 STATE, STATE TREASURER, AUDITOR OF PUBLIC ACCOUNTS, COMMISSIONER
5 OF INSURANCE, COMMISSIONER OF AGRICULTURE AND COMMERCE, STATE
6 HIGHWAY COMMISSIONER, STATE PUBLIC SERVICE COMMISSIONER, DISTRICT
7 ATTORNEY, STATE SENATOR, STATE REPRESENTATIVE, SHERIFF, CHANCERY
8 CLERK, CIRCUIT CLERK, TAX ASSESSOR, TAX COLLECTOR, COUNTY
9 ATTORNEY, BOARD OF SUPERVISORS, COUNTY SURVEYOR, COUNTY CORONER,
10 JUSTICE COURT JUDGE AND CONSTABLE; TO AMEND SECTION 23-15-213,
11 MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FOR
12 ELECTION COMMISSIONERS FROM THE FIRST MONDAY IN JUNE TO FEBRUARY
13 1; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO REVISE
14 THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR SUPREME
15 COURT JUSTICE, COURT OF APPEALS JUDGE, CIRCUIT JUDGE, CHANCELLOR,
16 COUNTY JUDGE AND FAMILY COURT JUDGE; TO BRING FORWARD SECTIONS
17 23-15-309 AND 37-5-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
18 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
21 amended as follows:

22 23-15-299. (1) (a) Assessments made pursuant to paragraphs
23 (a), (b) and (c) of Section 23-15-297 shall be paid by each
24 candidate who seeks a nomination in the political party election
25 to the secretary of the state executive committee with which the
26 candidate is affiliated by 5:00 p.m. on * * * February 1 of the



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

(b) Assessments made pursuant to paragraphs (a), (b) and (c) of Section 23-15-297 shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on * * * February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If * * * February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(2) (a) Assessments made pursuant to paragraphs (d) and (e) of Section 23-15-297, shall be paid by each candidate who seeks a



52 nomination in the political party election to the circuit clerk of
53 that candidate's county of residence by 5:00 p.m. on * * *
54 February 1 of the year in which the primary election for the
55 office is held or on the date of the qualifying deadline provided
56 by statute for the office, whichever is earlier; however, no such
57 assessments may be paid before January 1 of the year in which the
58 election for the office is held. If * * * February 1 or the date
59 of the qualifying deadline provided by statute for the office
60 occurs on a Saturday, Sunday or legal holiday, then the
61 assessments required to be paid by this paragraph (a) shall be
62 paid by 5:00 p.m. on the business day immediately following the
63 Saturday, Sunday or legal holiday. The circuit clerk shall
64 forward the fee and all necessary information to the secretary of
65 the proper county executive committee within two (2) business
66 days. No candidate may attempt to qualify with any political
67 party that does not have a duly organized county executive
68 committee, and the circuit clerk shall not accept any assessments
69 paid for nonlegislative offices pursuant to paragraphs (d) and (e)
70 of Section 23-15-297 if the circuit clerk does not have contact
71 information for the secretary of the county executive committee
72 for that political party.

73 (b) Assessments made pursuant to paragraphs (d) and (e)
74 of Section 23-15-297 shall be paid by each independent candidate
75 or special election candidate to the circuit clerk of that
76 candidate's county of residence by 5:00 p.m. on * * * February 1



77 of the year in which the primary election for the office is held
78 or on the date of the qualifying deadline provided by statute for
79 the office, whichever is earlier; however, no such assessments may
80 be paid before January 1 of the year in which the primary election
81 for the office is held. If * * * February 1 or the date of the
82 qualifying deadline provided by statute for the office occurs on a
83 Saturday, Sunday or legal holiday, then the assessments required
84 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
85 business day immediately following the Saturday, Sunday or legal
86 holiday. The circuit clerk shall forward the fee and all
87 necessary information to the secretary of the proper county
88 election commission within two (2) business days.

89 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
90 of Section 23-15-297 must be paid by each candidate who seeks a
91 nomination in the political party election to the secretary of the
92 state executive committee with which the candidate is affiliated
93 by 5:00 p.m. sixty (60) days before the presidential preference
94 primary in years in which a presidential preference primary is
95 held; however, no such assessments may be paid before January 1 of
96 the year in which the primary election for the office is held.
97 Assessments made pursuant to paragraphs (f) and (g) of Section
98 23-15-297, in years when a presidential preference primary is not
99 being held, shall be paid by each candidate who seeks a nomination
100 in the political party election to the secretary of the state
101 executive committee with which the candidate is affiliated by 5:00



p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(b) Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297 must be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in



127 years in which a presidential preference primary is held, March 1,
128 or the date of the qualifying deadline provided by statute for the
129 office occurs on a Saturday, Sunday or legal holiday, then the
130 assessments required to be paid by this paragraph (b) shall be
131 paid by 5:00 p.m. on the business day immediately following the
132 Saturday, Sunday or legal holiday.

133 (4) (a) The fees paid pursuant to subsections (1), (2) and
134 (3) of this section shall be accompanied by a written statement
135 containing the name and address of the candidate, the party with
136 which he or she is affiliated, if applicable, the email address of
137 the candidate, if any, and the office for which he or she is a
138 candidate.

139 (b) The state executive committee shall transmit to the
140 Secretary of State a copy of the written statements accompanying
141 the fees paid pursuant to subsections (1) and (2) of this section.
142 All copies must be received by the Office of the Secretary of
143 State by not later than 6:00 p.m. on the date of the qualifying
144 deadline; provided, however, the failure of the Office of the
145 Secretary of State to receive such copies by 6:00 p.m. on the date
146 of the qualifying deadline shall not affect the qualification of a
147 person who pays the required fee and files the required statement
148 by 5:00 p.m. on the date of the qualifying deadline. The name of
149 any person who pays the required fee and files the required
150 statement after 5:00 p.m. on the date of the qualifying deadline



shall not be placed on the primary election ballot or the general election ballot.

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

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

(7) (a) Upon receipt of the proper fee and all necessary information, the proper executive committee or the Secretary of State, whichever is applicable, shall then determine at the time of the qualifying deadline, unless otherwise provided by law,



176 whether each candidate is a qualified elector of the state, state
177 district, county or county district which they seek to serve, and
178 whether each candidate meets all other qualifications to hold the
179 office he or she is seeking or presents absolute proof that he or
180 she will, subject to no contingencies, meet all qualifications on
181 or before the date of the general or special election at which he
182 or she could be elected to office. The proper executive committee
183 or the Secretary of State, whichever is applicable, shall
184 determine whether the candidate has taken the steps necessary to
185 qualify for more than one (1) office at the election. The
186 committee or the Secretary of State, whichever is applicable,
187 shall also determine whether any candidate has been convicted (i)
188 of any felony in a court of this state, (ii) on or after December
189 8, 1992, of any offense in another state which is a felony under
190 the laws of this state, (iii) of any felony in a federal court on
191 or after December 8, 1992, or (iv) of any offense that involved
192 the misuse or abuse of his or her office or money coming into his
193 or her hands by virtue of the office. Excepted from the above are
194 convictions of manslaughter and violations of the United States
195 Internal Revenue Code or any violations of the tax laws of this
196 state.

197 (b) If the proper executive committee or the Secretary
198 of State, whichever is applicable, finds that a candidate either
199 (i) is not a qualified elector, (ii) does not meet all
200 qualifications to hold the office he or she seeks and fails to



201 provide absolute proof, subject to no contingencies, that he or
202 she will meet the qualifications on or before the date of the
203 general or special election at which he or she could be elected,
204 or (iii) has been convicted of a felony or other disqualifying
205 offense as described in paragraph (a) of this subsection, and not
206 pardoned, then the executive committee shall notify the candidate
207 and give the candidate an opportunity to be heard. The executive
208 committee shall mail notice to the candidate at least three (3)
209 business days before the hearing to the address provided by the
210 candidate on the qualifying forms, and the committee shall attempt
211 to contact the candidate by telephone, email and facsimile if the
212 candidate provided this information on the forms. If the
213 candidate fails to appear at the hearing or to prove that he or
214 she meets all qualifications to hold the office subject to no
215 contingencies, then the name of that candidate shall not be placed
216 upon the ballot.

217 (c) If the proper executive committee or the Secretary
218 of State, whichever is applicable, determines that the candidate
219 has taken the steps necessary to qualify for more than one (1)
220 office at the election, the action required by Section 23-15-905,
221 shall be taken.

222 (d) Where there is but one (1) candidate for each
223 office contested at the primary election, the proper executive
224 committee or the Secretary of State, whichever is applicable, when



the time has expired within which the names of candidates shall be furnished shall declare such candidates the nominees.

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

SECTION 2. Section 23-15-213, Mississippi Code of 1972, is amended as follows:

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

23-15-213. (1) At the general election in 2020, 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. 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) The qualified electors of each supervisors district shall elect, at the general election in 2020, in their district one (1) election commissioner. The election commissioners from



board of supervisors' Districts One, Three and Five shall serve for a term of four (4) years. The election commissioners from board of supervisors' Districts Two and Four shall serve for a term of three (3) years. 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 June 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) Upon taking office, the county election commissioners 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 * * * February 1 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



349 county election commissioner shall serve or be considered as
350 elected until he or she has received a majority of the votes cast
351 for the position or post for which he or she is a candidate. If a
352 majority vote is not received in the first election, then the two
353 (2) candidates receiving the most votes for each position or post
354 shall be placed upon the ballot for a second election to be held
355 three (3) weeks later in accordance with appropriate procedures
356 followed in other elections involving runoff candidates.

357 (5) In the first meeting in January of each year, the county
358 election commissioners shall organize by electing a chair and a
359 secretary, who shall serve a one (1) year term. The county
360 election commissioners shall provide the names of the chair and
361 secretary to the Secretary of State and provide notice of any
362 change in officers which may occur during the year.

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

366 **SECTION 3.** Section 23-15-309, Mississippi Code of 1972, is
367 brought forward as follows:

368 23-15-309. (1) Nominations for all municipal officers which
369 are elective shall be made at a primary election, or elections, to
370 be held in the manner prescribed by law. All persons desiring to
371 be candidates for the nomination in the primary elections shall
372 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
373 at least sixty (60) days before the first primary election, no



374 later than 5:00 p.m. on such deadline day. If the sixtieth day to
375 file the fee and written statement before an election falls on a
376 Sunday or legal holiday, the fees and written statements submitted
377 on the business day immediately following the Sunday or legal
378 holiday shall be accepted.

379 (2) The fee paid pursuant to subsection (1) of this section
380 shall be accompanied by a written statement containing the name
381 and address of the candidate, the party with which he or she is
382 affiliated, the email address of the candidate, if any, and the
383 office for which he or she is a candidate.

384 (3) The clerk shall promptly receipt the payment, stating
385 the office for which the person making the payment is running and
386 the political party with which such person is affiliated. The
387 clerk shall keep an itemized account in detail showing the time
388 and date of the receipt of such payment received by him or her,
389 from whom such payment was received, the party with which such
390 person is affiliated and for what office the person paying the fee
391 is a candidate. No candidate may attempt to qualify with any
392 political party that does not have a duly organized municipal
393 executive committee, and the municipal clerk shall not accept any
394 assessments made pursuant to subsection (1) if the municipal clerk
395 does not have contact information for the secretary of the
396 municipal executive committee for that political party. The clerk
397 shall promptly supply all necessary information and pay over all
398 fees so received to the secretary of the proper municipal



399 executive committee. The funds may be used and disbursed in the
400 same manner as is allowed in Section 23-15-299 in regard to other
401 executive committees.

402 (4) Upon receipt of the above information, the proper
403 municipal executive committee shall then determine, at the time of
404 the qualifying deadline, whether each candidate is a qualified
405 elector of the municipality, and of the ward if the office sought
406 is a ward office, shall determine whether each candidate either
407 meets all other qualifications to hold the office he or she is
408 seeking or presents absolute proof that he or she will, subject to
409 no contingencies, meet all qualifications on or before the date of
410 the general or special election at which he or she could be
411 elected to office. The executive committee shall determine
412 whether the candidate has taken the steps necessary to qualify for
413 more than one (1) office at the election. The committee also
414 shall determine whether any candidate has been convicted of any
415 felony in a court of this state, or has been convicted on or after
416 December 8, 1992, of any offense in another state which is a
417 felony under the laws of this state, or has been convicted of any
418 felony in a federal court on or after December 8, 1992. Excepted
419 from the above are convictions of manslaughter and violations of
420 the United States Internal Revenue Code or any violations of the
421 tax laws of this state unless such offense also involved misuse or
422 abuse of his or her office or money coming into his or her hands
423 by virtue of the office. If the proper municipal executive



424 committee finds that a candidate either (a) does not meet all
425 qualifications to hold the office he or she seeks and fails to
426 provide absolute proof, subject to no contingencies, that he or
427 she will meet the qualifications on or before the date of the
428 general or special election at which he or she could be elected,
429 or (b) has been convicted of a felony as described in this
430 subsection and not pardoned, then the executive committee shall
431 notify the candidate and give the candidate an opportunity to be
432 heard. The executive committee shall mail notice to the candidate
433 at least three (3) business days before the hearing to the address
434 provided by the candidate on the qualifying forms, and the
435 committee shall attempt to contact the candidate by telephone,
436 email and facsimile if the candidate provided this information on
437 the forms. If the candidate fails to appear at the hearing or to
438 prove he or she meets all qualifications to hold the office
439 subject to no contingencies, then the name of such candidate shall
440 not be placed upon the ballot. If the executive committee
441 determines that the candidate has taken the steps necessary to
442 qualify for more than one (1) office at the election, the action
443 required by Section 23-15-905, shall be taken.

444 (5) Where there is but one (1) candidate, the proper
445 municipal executive committee when the time has expired within
446 which the names of candidates shall be furnished shall declare
447 such candidate the nominee.



448 **SECTION 4.** Section 23-15-977, Mississippi Code of 1972, is
449 amended as follows:

450 23-15-977. (1) Except as otherwise provided in this
451 section, all candidates for judicial office as defined in Section
452 23-15-975 of this subarticle shall file their intent to be a
453 candidate with the proper officials and pay the proper assessment
454 by not later than 5:00 p.m. on * * * February 1 of the year in
455 which the general election for the judicial office is held.

456 If * * * February 1 occurs on a Saturday, Sunday or legal holiday,
457 candidates shall file their intent to be a candidate and pay the
458 proper assessment by 5:00 p.m. on the business day immediately
459 following the Saturday, Sunday or legal holiday. Candidates shall
460 pay to the proper officials the following amounts:

461 (a) Candidates for Supreme Court * * * justice and
462 Court of Appeals judge, the sum of Two Hundred Dollars (\$200.00).

463 (b) Candidates for circuit judge and chancellor, the
464 sum of One Hundred Dollars (\$100.00).

465 (c) Candidates for county judge and family court judge,
466 the sum of Fifteen Dollars (\$15.00).

467 Candidates for judicial office may not file their intent to
468 be a candidate and pay the proper assessment before January 1 of
469 the year in which the election for the judicial office is held.

470 (2) Candidates for judicial offices listed in paragraphs (a)
471 and (b) of subsection (1) of this section shall file their intent
472 to be a candidate with, and pay the proper assessment made



pursuant to subsection (1) of this section to, the State Board of Election Commissioners.

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county election commissioners of all persons who have filed their intent to be a candidate with, and paid the proper assessment to, such clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(4) If only one (1) person files his or her intent to be a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office after the deadline provided for in subsection (1) of this section but more than seventy (70) days before the date of the general election, the Governor, upon notification of the death, resignation or disqualification of the person, shall issue a proclamation authorizing candidates to file their intent to be a candidate for that judicial office for a period of not less than seven (7) nor more than ten (10) days from the date of the proclamation.

(5) If only one (1) person qualifies as a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office within



seventy (70) days before the date of the general election, the judicial office shall be considered vacant for the new term and the vacancy shall be filled as provided in by law.

SECTION 5. Section 37-5-9, Mississippi Code of 1972, is brought forward as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such supervisors district. The candidate in each supervisors district who receives the majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.



522 When any member of the county board of education is to be
523 elected from the county at large under the provisions of this
524 chapter, then the petition required by the preceding paragraph
525 hereof shall be signed by the required number of qualified
526 electors residing in any part of the county outside of the
527 territory embraced within a municipal separate school district or
528 special municipal separate school district. The candidate who
529 receives the majority of votes cast in the election shall be
530 declared elected. If no candidate receives a majority of the
531 votes cast at the election, a runoff shall be held between the two
532 (2) candidates receiving the highest number of votes in the first
533 election. The runoff election, in the event that such is
534 necessary, shall be held three (3) weeks after the first election.

535 In no case shall any qualified elector residing within a
536 municipal separate school district or special municipal separate
537 school district be eligible to sign a petition of nomination for
538 any candidate for the county board of education under any of the
539 provisions of this section.

540 **SECTION 6.** This act shall take effect and be in force from
541 and after July 1, 2021.

