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By: Senator(s) England, Hill, Chism, To: Elections McDaniel

SENATE BILL NO. 2369

AN ACT ENTITLED THE "MISSISSIPPI RECALL ACT OF 2021" TO PROVIDE A PROCEDURE FOR THE RECALL OF LOCAL ELECTED OFFICIALS; TO DEFINE TERMS; TO PRESCRIBE THOSE OFFICIALS SUBJECT TO RECALL; TO PRESCRIBE THE NUMBER OF ELECTORS NEEDED TO DEMAND A RECALL; TO 5 PROVIDE FOR THE APPLICATION FOR AND TIME OF FILING A RECALL PETITION BY SPONSORS; TO PROVIDE A FORM FOR THE RECALL PETITION; 7 TO PRESCRIBE THOSE ELECTORS ELIGIBLE TO SIGN A RECALL PETITION AND A PROCEDURE FOR THE VERIFICATION OF SIGNATURES; TO PROHIBIT 8 9 CERTAIN PERSONS FROM CIRCULATING A PETITION OR APPLICATION; TO 10 PROVIDE FOR THE DETERMINATION OF LEGAL SUFFICIENCY OF A PETITION 11 BY THE LOCAL BOARD OF ELECTION COMMISSIONERS; TO PROVIDE FOR THE 12 MANNER OF CONDUCTING A RECALL ELECTION; TO PROVIDE FOR THE FILING 13 OF SUBSEQUENT RECALL PETITIONS FOLLOWING A RECALL ELECTION OR DENIAL OF RECALL PETITION; TO AUTHORIZE THE STATE BOARD OF 14 15 ELECTION COMMISSIONERS TO PROMULGATE REGULATIONS TO IMPLEMENT THIS 16 ACT; TO AUTHORIZE AN APPLICATION TO THE CIRCUIT COURT TO COMPEL 17 COMPLIANCE WITH RECALL PROCEDURES; TO PROHIBIT GIVING OR RECEIVING 18 MONEY TO SIGN PETITIONS OR AFFIDAVITS FOR RECALL AND OTHER RECALL 19 INFRACTIONS, AND TO PROVIDE CRIMINAL PENALTIES THEREFOR; TO REPEAL SECTIONS 25-5-3 THROUGH 25-5-37, MISSISSIPPI CODE OF 1972, WHICH 20 PROVIDE A RECALL PROCEDURE FOR LOCAL OFFICIALS PURSUANT TO 21 22 PETITION AND ELECTION; AND FOR RELATED PURPOSES. 2.3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: 24 SECTION 1. This act shall be known and may be cited as the "Mississippi Recall Act of 2021." 25 26 SECTION 2. As used in this act, the term: 27 (a) "Elective office" means an office filled by the 28 exercise of the franchise of vote by electors as defined in

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29	paragraph	(C)	of	this	section	in	а	general	or	special	election	as
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- 30 defined under the laws of this state.
- 31 (b) "Board of election commissioners" means:
- 32 (i) In the case of any elected county officials,
- 33 the county board of election commissioners; and
- 34 (ii) In the case of any elected municipal
- 35 officials, the municipal board of election commissioners. If
- 36 there is no municipal board of election commissioners, then the
- 37 county board of elected officials will serve as the board of
- 38 election commissioners.
- 39 (c) "Elector" means any person who possesses all of the
- 40 qualifications for voting now or hereafter prescribed by the laws
- 41 of this state and who has registered to vote.
- 42 (d) "Electoral district" means the area in which the
- 43 electors reside who are qualified to vote for any of the
- 44 candidates offering for a particular office.
- 45 (e) "Legal sufficiency" means, solely as applied to the
- 46 duties or functions of the board of election commissioners, a
- 47 determination of the completeness of an application for a recall
- 48 petition or a recall petition and a determination by the circuit
- 49 clerk that an application for a recall petition or a recall
- 50 position contains a sufficient number of valid signatures.
- (f) "Official sponsors" or "sponsors" means the
- 52 electors who circulate or file an application for a recall
- 53 petition who were registered and eligible to vote in the last

- 54 general or special election for the office held by the official
- 55 sought to be recalled and who reside in the electoral district of
- 56 the official sought to be recalled at the time the application is
- 57 made. If at any point a sponsor moves from the electoral
- 58 district, the sponsor shall be immediately removed from the
- 59 petition.
- 60 **SECTION 3.** (1) Every public official in a county or
- 61 municipality who holds elective office, either by election or by
- 62 appointment for an unexpired term, is subject to recall from
- office by electors who are registered and qualified to vote in the
- 64 recall election and who reside in the electoral district from
- 65 which candidates are elected to that office. The number of
- 66 electors necessary to petition the recall of the official shall be
- 67 equal to at least thirty-five percent (35%) of the number of
- 68 electors that legally voted at the last preceding election for any
- 69 candidate offering for the office held by the official.
- 70 (2) No recall petition shall demand the recall of more than
- 71 one (1) public official.
- 72 (3) Every public official in a county or municipality who
- 73 holds elective office, either by election or by appointment for an
- 74 unexpired term, is subject to recall on the grounds that such
- 75 public official has, while holding any public office, conducted
- 76 himself or herself in a manner which relates to and adversely
- 77 affects the administration of his or her current office and
- 78 adversely affects the interests of the public.

79	SECTION 4. (1) No application for a recall petition may be
80	filed during the first one hundred eighty (180) days of the term
81	of office of any public official subject to recall. No
82	application may be filed if it would potentially result in a
83	recall election being held within the final six (6) months of the
84	term of office of any public official subject to recall. No
85	person shall be authorized to circulate, sponsor or sign such
86	application unless such person is an elector or sponsor as defined
87	in Section 2 of this act.
88	(2) (a) The application shall include:
89	(i) The name and office of the person sought to be
90	recalled;
91	(ii) The printed names and signatures of the
92	official sponsors, the date signed, residence addresses and the
93	name of the county of residence;
94	(iii) The designation of one of the sponsors as
95	the petition chairperson who shall represent the sponsors on all
96	matters pertaining to the recall application and petition;
97	(iv) A statement that: (name and
98	office) has, while holding public office, conducted himself or
99	herself in a manner which relates to and adversely affects the
100	administration of his or her office and adversely affects the
101	interests of the public. The statement shall be typed, printed or
102	reproduced by the board of election commissioners on the face of
103	each application issued; and

104	(v) An affidavit by the petition chairperson and
105	the person circulating such recall application that each person
106	sponsoring or signing the recall application is an elector of the
107	electoral district of the official sought to be recalled. The
108	affidavit required by this subparagraph (v) shall be in the
109	following form:
110	AFFIDAVIT OF CIRCULATOR AND PETITION CHAIRPERSON
111	State of Mississippi
112	County of
113	Under the penalty of a violation of Section 97-9-59,
114	Mississippi Code of 1972, relating to perjury, we the undersigned
115	do depose and say that each person sponsoring or signing the
116	recall application of is an elector of the
117	electoral district of the official sought to be recalled and
118	further depose and say that the public official identified herein
119	is subject to recall on the grounds that such public official has,
120	while holding any public office, conducted himself or herself in a
121	manner which relates to and adversely affects the administration
122	of his or her current office and adversely affects the interests
123	of the public.
124	
125	(Signature of circulator)
126	
127	(Residence address)
128	Number and street or route)

129	
130	(City)
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132	(Signature of petition chairperson)
133	
134	(Residence address)
135	(Number and street or route)
136	
137	(City)
138	Subscribed and sworn to before me this day of
139	
140	
141	Notary public
142	, Mississippi
143	My commission expires on the day of,
144	·
145	No notary public may sign the application as an elector or
146	serve as a circulator of any application which he or she
147	notarized. Any and all sheets of an application for a recall
148	petition that have the circulator's affidavit notarized by a
149	notary public who also served as a circulator of one or more
150	sheets of the application for a recall petition or who signed one
151	of the sheets of the petition as an elector shall be disqualified
152	and rejected.

153	(b) Applications shall be issued by the board of
154	election commissioners who shall assign a number to each
155	application. Such number shall appear on the face of each
156	application. The board of election commissioners shall keep
157	records of applications issued, including the date of issuance and
158	number assigned. The board of election commissioners shall
159	immediately notify in writing the public official named for recall
160	in the application that an application for a recall petition has
161	been officially issued for circulation.

- 162 (c) The official application forms shall be printed by
 163 the Office of the Secretary of State in substantially the form
 164 prescribed in this subsection and distributed to boards of
 165 election commissioners.
- 166 The number of official sponsors necessary to file an 167 application for a recall petition must be equal in number to at 168 least one hundred (100) electors or equal in number to at least 169 ten percent (10%) of the number of electors who legally voted in 170 the last preceding election for any of the candidates offering for 171 the office held by the public official sought to be recalled, 172 whichever is smaller. If at any point a sponsor moves from the 173 electoral district, the sponsor shall be immediately removed from the petition. 174
- 175 (4) Sponsors of a recall petition, before causing the 176 petition to be circulated, shall submit the application for the

- 177 petition to the board of election commissioners designated in 178 Section 2 of this act and request official recall petition forms.
- 179 (5) At any time prior to the date the board of election commissioners receives the application for a recall petition, an 180 181 elector who has signed the application as an official sponsor may 182 request withdrawal of his or her signature from the application by 183 executing and filing an affidavit signed and sworn to before a 184 notary public which affirms the elector's intention to withdraw 185 his or her signature from the application. The official affidavit of signature withdrawal shall be printed by the Office of the 186 187 Secretary of State and distributed to boards of election 188 commissioners. The form of the affidavit shall be substantially 189 as prescribed in Section 7 of this act.
- (6) (a) No application for recall petition shall be
 accepted for verification if more than fifteen (15) days have
 elapsed since the application forms were issued to the sponsors.

 If an application for a recall petition contains more than one (1)
 sheet, the application, when offered for filing, shall be bound
 together and each sheet shall be numbered consecutively at the
 foot of each page beginning with page one.
- (b) On receipt of the application, the board of
 election commissioners shall file the application and proceed to
 determine the legal sufficiency of the application and determine
 if the signers are qualified electors eligible to sign the
 application. The board of election commissioners is granted

202 unrestricted authority to examine the voter registration records 203 maintained by the registrar, to receive evidence and testimony, 204 and to require the personal appearance of any person signing such 205 application for the purpose of making such determination. If the 206 board of election commissioners finds that any signer is not a 207 qualified elector eligible to sign the application, the signature 208 shall not be counted in determining whether the application 209 contains a sufficient number of signatures as required by law. 210 The nullification of a signature on an application shall not 211 affect the validity of other signatures contained in such The board of election commissioners shall certify 212 application. 213 the legal sufficiency or insufficiency of the application for a 214 recall petition within five (5) days after receiving the 215 application, excluding Saturdays, Sundays and legal holidays; however, a judge of the circuit court having jurisdiction in the 216 217 subject electoral district may, upon proper application and good 218 cause shown, grant an additional period of time not to exceed fifteen (15) days for the board of election commissioners to 219 220 verify the application.

221 (c) The board of election commissioners shall
222 immediately notify in writing the public official named for recall
223 in the application that a completed application for a recall
224 petition has been filed with the board of election commissioners
225 for verification.

226	(7) No application for a recall petition shall be amended,
227	supplemented or returned after it has been filed with the board of
228	election commissioners for verification.
229	(8) Upon certifying the legal sufficiency of the
230	application, the board of election commissioners shall immediately
231	officially file the certification of the application, issue
232	official recall petition forms, assign a number to the recall
233	petition, which number shall appear on the face of each petition
234	form, and issue the number to the sponsors. A record of each
235	application, including the date of its receipt and the number
236	assigned and issued to the sponsors, shall be maintained by the
237	board of election commissioners.
238	(9) The board of election commissioners shall immediately
239	notify in writing the public official named for recall in the
240	application that a recall petition has been officially issued for
241	circulation.
242	(10) The official recall petition forms shall be printed by
243	the Office of the Secretary of State and distributed to board of
244	election commissioners.
245	SECTION 5. (1) The form of the Recall Petition shall be
246	substantially as follows:
247	RECALL PETITION
248	
249	(Official application no.)
250	

251	(county or city)
252	To
253	(Name of board of election commissioners)
254 255	(Address)
256	
257	(City, state, zip code)
258	We, the electors registered to vote in the recall election
259	herein petitioned, demand the recall of (name
260	and office) on the grounds that said official has, while holding
261	public office, conducted himself or herself in a manner which
262	relates to and adversely affects the administration of his or her
263	office and adversely affects the interests of the public.
264	Date of Residence County of
265	Name Signing Address Residence
266	
267	(Signature) (Number and street or route)
268	
269	(Printed name of elector) (City)
270	(Ten (10) lines for signatures and printed names)
271	(2) The following statement shall be written or printed on
272	each petition and each signer must read, or be read, the following
273	statements:
274	"(a) Any person who gives or receives money or any
275	other thing of value for signing a recall petition or for signing
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- 276 an affidavit of signature withdrawal shall be quilty of a 277 misdemeanor;
- 278 If (insert appropriate number) electors sign this petition, there will be an election at which a majority of the 279 280 electors voting therein will determine whether the above-named official will be removed from office." 281
 - Each recall petition shall contain a statement specifically designating the name and office of the official sought to be recalled, a statement that the sponsors allege that the named official has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the interests of the public, and a statement confirming that the signers agree with the sponsor(s) and support the petition for recall of the above-named official. The statements shall be written or printed on each petition and each signer must read, or be read, the statements.
 - (1) All signers of a single recall petition SECTION 6. shall be electors who are registered and eligible to vote in the recall election and who reside in the electoral district of the official sought to be recalled. No recall petition shall be circulated or signed by any person in any location where alcoholic beverages are sold or served.
- 299 Every elector signing a recall petition shall do so in the presence of the person circulating the petition, who is to 300

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301 execute the affidavit of verification on the reverse side of the 302 petition form. At the time of signing, the elector shall sign his 303 name, and the elector or the person circulating the petition shall 304 print the name of the elector below the elector's signature and 305 shall print or write in the appropriate spaces following the 306 signature the elector's residence address, giving number and 307 street or route and city, the name of the county, and the date on 308 which the elector signed the petition. No notary public may sign 309 the petition as an elector or serve as a circulator of any 310 petition which he or she notarized. Any and all sheets of a 311 recall petition that have the circulator's affidavit notarized by 312 a notary public who also served as a circulator of one or more 313 sheets of the recall petition or who signed one (1) of the sheets of the petition as an elector shall be disqualified and rejected. 314

- (3) If an elector is incapable of signing his or name, he or she may specifically request the circulator of the petition to sign and print his or her name and complete the information required on the petition sheet to accompany the signature; however, the circulator shall also sign his or her full name beside the printed name of such elector.
- 321 (4) The person before whom the electors signed the recall 322 petition shall verify, in an affidavit subscribed and sworn to by 323 him or her before a notary public, that each of the names on the 324 petition form was signed in his or her presence on the date

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325	indicated and that in his or her belief each signer was an elector
326	of the electoral district of the official sought to be recalled.
327	(5) The affidavit printed on the reverse side of each recall
328	petition form shall be in the following form:
329	AFFIDAVIT OF CIRCULATOR
330	State of Mississippi
331	County of
332	Under the penalty of Section 97-9-59, Mississippi Code of
333	1972, relating to perjury, I do depose and say that I am an
334	elector registered to vote in the recall election herein
335	petitioned for and that each petitioner signed or caused to be
336	signed the foregoing petition in my presence on the date
337	indicated; and I believe that each signer's name and residence
338	address are correctly stated, and that each signer is an elector
339	of the electoral district in which such recall election will be
340	conducted, and that each signer has read, or was read, the
341	required statements which are also set out on each petition.
342	(Signature of affiant)
343	(Residence address)
344	(Number and street or route)
345	
346	(City)
347	Subscribed and sworn to before me this day of
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350	Notary public
351	, Mississippi
352	My commission expires on the day of,,
353	(6) An elector may change the way his or her signature and
354	residence address appear on the recall petition at any time prior
355	to the filing of the petition for verification by striking through
356	his or her name and initialing the strike-through and re-signing
357	the petition with his or her printed name corrected accordingly.
358	SECTION 7. (1) At any time prior to the date an application
359	for recall petition or a recall petition is filed for
360	verification, an elector who has signed the application or the
361	recall petition form may request withdrawal of his or her
362	signature from the application or recall petition by executing and
363	filing an affidavit, in the form prescribed by this section, with
364	the board of election commissioners. Any signature so withdrawn
365	shall not be counted in determining the legal sufficiency of the
366	application or recall petition. The affidavit shall:
367	(a) Be signed and sworn to before a notary public;
368	(b) State the elector's residence address, giving
369	number and street or route and city, the name of the county of
370	residence, and, in the case of a recall application or petition,
371	the number of the recall application or petition which he or she
372	signed; and
373	(c) Affirm the elector's intention to withdraw his or
R 7 /I	her signature from the application or recall petition

(2) The affidavit shall be substantially in the following
form:
AFFIDAVIT OF SIGNATURE WITHDRAWAL
State of Mississippi
County of
I, (name as it appears on the application or
recall petition), being first duly sworn, say that I am an elector
of the (electoral district) in which the recall
election will be conducted.
That my residence address is
(Number and street or route) (City)
That I signed or caused to be signed the application or the
petition for the recall of (name and office of
person sought to be recalled) and that the recall application or
petition has been assigned number
That it is my intention by the signing and filing of this
affidavit to withdraw my signature therefrom.
(Signature of elector)
Subscribed and sworn to before me this day of
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Notary public
, Mississippi

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100	My commission expires on the $___$ day of $___$, $___$.
101	SECTION 8. No county registrar or other person authorized by
102	law to register electors and no person other than an elector of
103	the electoral district of the official sought to be recalled shall
104	circulate a recall application or petition. No employee of the
105	state shall circulate a recall application or petition. All
106	signatures obtained by any unqualified person shall be void and
107	shall not be counted in determining the legal sufficiency of the
108	petition.
109	SECTION 9. (1) Before a person may file a recall petition
110	with the appropriate board of election commissioners, the
111	signatures on the petition must be verified by the circuit clerk
112	of the county in which the petition was circulated. The circuit
113	clerk shall verify the name of each qualified elector signing on
114	each recall petition. The circuit clerk shall certify the
115	signatures of qualified electors of that county and shall state
116	the total number of qualified electors signing the petition in
117	that county. A circuit clerk may not receive any fee, salary or
118	compensation from any private person or private legal entity for
119	the clerk's duties in certifying a recall petition. When the
120	person proposing a recall petition has secured upon the petition a
121	number of signatures of qualified electors equal to or exceeding
122	the minimum number required by Section 3 of this act, and such
123	signatures have been certified by the circuit clerks of the
124	various counties, he may submit the recall petition to the board

425	of election commissioners for filing. The circuit clerk is
426	granted unrestricted authority to examine the registration records
427	maintained by the county registrar to receive evidence and
428	testimony, and to require the personal appearance of any person
429	signing the recall petition for the purpose of determining if the
430	signers are qualified electors eligible to sign the recall
431	petition. If the circuit clerk shall not be reasonably able to
432	ascertain that any signature is that of a qualified elector
433	eligible to sign the recall petition, the signature shall not be
434	counted in determining whether the petition contains a sufficient
435	number of signatures as required by law. The nullification of a
436	signature on any sheet of the recall petition shall not affect the
437	validity of other signatures contained on the sheet.

- The board of election commissioners shall be responsible for determining the legal sufficiency of the recall petition within fifteen (15) days after it has been filed with it; however, in cases where more than one (1) recall petition is subject to review for verification, the board of election commissioners shall be responsible for determining the legal sufficiency of any recall petition within thirty (30) days after it has been filed with it.
- 445 A recall petition shall not be submitted to the board of 446 election commissioners for verification for:
- 447 Any official holding an office for whom five 448 thousand (5,000) signatures or more are required for the recall petition under Section 3(1) of this act if more than forty-five 449

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- 450 (45) days have elapsed since the date the official recall petition
- 451 forms were issued to the sponsor; or
- 452 (b) Any official holding an office for whom less than
- 453 five thousand (5,000) signatures are required under Section 3(1)
- 454 of this act if more than thirty (30) days have elapsed since the
- 455 date the official recall petition forms were issued to the
- 456 sponsors.
- 457 (4) (a) No recall petition shall be amended, supplemented
- 458 or returned after it has been filed with the board of election
- 459 commissioners for verification.
- (b) If a recall petition contains more than one (1)
- 461 sheet, such recall petition shall, when offered for filing, be
- 462 bound together and each sheet shall be numbered consecutively at
- 463 the foot of each page beginning with page one.
- 464 (5) Within five (5) business days, after the board of
- 465 election commissioners has certified the legal sufficiency of a
- 466 petition, it shall immediately notify the appropriate official,
- 467 who shall call the recall election as provided in Section 11 of
- 468 this act.
- 469 (6) Upon certifying the legal sufficiency or insufficiency
- 470 of a recall petition, the board of election commissioners shall
- 471 immediately notify the petition chairman and the officeholder in
- 472 writing of the results and officially file the certification of
- 473 the petition.



- 474 **SECTION 10.** If an officeholder resigns prior to the holding
- 475 of a recall election, no recall election shall be conducted.
- 476 **SECTION 11.** (1) Within ten (10) days after having received
- 477 certification of the sufficiency of the recall petition by the
- 478 board of election commissioners, a recall election shall be called
- 479 and published, as provided in this section, and shall be conducted
- 480 not less than fifty (50) days nor more than sixty-five (65) days
- 481 after the call; however, if a primary or general election is to be
- 482 held not less than thirty (30) days nor more than forty-five (45)
- 483 days after such call is issued, the recall election shall be
- 484 conducted on that date.
- 485 (2) A recall election shall be called:
- 486 (a) By the board of election commissioners of the
- 487 county, if for a county official; or
- 488 (b) By the board of election commissioners of the
- 489 municipality, if for a municipal official.
- 490 (3) If a recall petition is against an official who is
- 491 directed by this section to call the election, it shall be called
- 492 by the circuit clerk, if for a member of the county board of
- 493 election commissioners or a member of the municipality board of
- 494 election commissioners.
- 495 (4) The official call for the election shall be published
- 496 one (1) time as follows:
- 497 (a) In a newspaper of general circulation in the
- 498 county, if the election is for a county official; or

500	municipality, if the election is for a municipal official.
501	(5) It shall be the duty of the appropriate officials
502	authorized by law to conduct elections to hold and conduct the
503	recall election and to declare and certify the results; however,
504	if the person sought to be recalled is the official authorized by
505	law to conduct elections, the clerk of the circuit court of the
506	county in which such recall election is to be held shall hold and
507	conduct the recall election and declare and certify the results.
508	The ballot for the recall election shall state the name and office
509	of the person whose recall has been petitioned, and the ballot
510	shall be in the form prescribed by law for county or municipal
511	officials. The ballot shall have written or printed thereon the
512	following:
513	"[] YES Shall (name of officeholder), (name of office),
514	be recalled and removed from public office on
515	the grounds that said official has, while
516	[] NO holding public office, conducted himself or
517	herself in a manner which relates to and
518	adversely affects the administration of his
519	or her office and adversely affects the

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If more than one (1) public official is subject to a recall election in the same precinct, the board of election commissioners may prepare a recall ballot so as to include on a single ballot

interests of the public?"

- separate recall questions for each of the officials sought to be recalled.
- 526 (6) Those persons desiring to vote in favor of recall shall vote "Yes," and those persons desiring to vote against recall shall vote "No." If more than one-half (1/2) of the votes cast on such question are in favor of recall, the public office in question shall immediately become vacant. Otherwise, the public official named in the recall petition shall continue in office.
- 532 **SECTION 12.** (1) After a recall petition and election, no 533 further recall petition shall be filed against the same official 534 until at least six (6) months have elapsed from the date of the 535 previous recall election; and any other recall petitions against 536 that official outstanding on the date of the recall election shall 537 be void.
 - (2) If the board of election commissioners finds that a recall petition is insufficient and fails to verify the same, no further application for a recall petition shall be filed against the same official until at least six (6) months have elapsed from the date of the denial of such recall petition; however, the finding of insufficiency shall not bar the verification of any other recall petition against that official which is available for signature or pending verification at the time of such finding of insufficiency.
- 547 <u>SECTION 13.</u> All recall elections shall be conducted in the same manner as special elections.

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549	SECTION 14. The State Board of Election Commissioners is
550	authorized to promulgate such rules and regulations as are
551	necessary to carry out this act.

- 552 SECTION 15. (1) If the board of election commissioners
 553 fails to comply with this act, any elector may apply, within ten
 554 (10) days after such refusal, to the circuit court for a writ of
 555 mandamus to compel the board of election commissioners to perform
 556 its official duties. If the court finds that the board of
 557 election commissioners has not complied with this act, the court
 558 shall issue an order for the board to comply.
- 559 (2) An action against the board of election commissioners
 560 shall be filed in the circuit court of the county of the board of
 561 election commissioners, except that an action against the State
 562 Board of Election Commissioners shall be filed in the Circuit
 563 Court of Hinds County.
- SECTION 16. An elector's eligibility to sign an application for a recall petition or a petition for recall shall be determined as of the date immediately preceding the date the application or petition is signed by that elector.
- 568 **SECTION 17.** (1) Any person who gives or receives money or 569 any other thing of value for signing a recall application or 570 petition or for signing an affidavit of signature withdrawal shall 571 be guilty of a misdemeanor.
- 572 (2) A person who, by menace or threat either directly or 573 indirectly, induces or compels or attempts to induce or compel any

- other person to sign or subscribe or to refrain from signing or subscribing that person's name to a recall application or petition or, after signing or subscribing that person's name, to have that person's name taken therefrom shall be guilty of a misdemeanor.
- 578 (3) A person who signs any name other than his or her own to 579 a recall application or petition, except in a circumstance where 580 he or she signs for a person in the presence of and at the 581 specific request of such person who is incapable of signing that 582 person's own name, or who knowingly signs his or her name more than once for the same recall application or petition or who 583 584 knowingly is not at the time of signing a qualified elector of the 585 electoral district of the official sought to be recalled shall be 586 quilty of a misdemeanor.
- 587 SECTION 18. Sections 25-5-3, 25-5-5, 25-5-7, 25-5-9, 588 25-5-11, 25-5-13, 25-5-15, 25-5-17, 25-5-19, 25-5-21, 25-5-23, 25-5-25, 25-5-27, 25-5-29, 25-5-31, 25-5-33, 25-5-35 and 25-5-37, 589 590 Mississippi Code of 1972, which provide a recall procedure for 591 local officials pursuant to petition and election, provide for the 592 verification of the petition, provide for examination of a 593 petition for recall by the election commissioners, provide for 594 notice of a hearing, provide for the appointment of a removal 595 council, provide for the conduct of a removal election, provide 596 for the results of a removal election, and provide for appeals and 597 penalties, are hereby repealed.

598 **SECTION 19.** This act shall take effect and be in force from 599 and after July 1, 2021.