

By: Senator(s) Tate

To: Elections

## SENATE BILL NO. 2589

1 AN ACT TO AMEND SECTION 23-15-171, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE COUNTY EXECUTIVE COMMITTEES TO APPOINT MEMBERS OF THE  
3 MUNICIPAL EXECUTIVE COMMITTEE AND INFORM THE MUNICIPAL CLERK AND  
4 STATE EXECUTIVE COMMITTEE OF THE APPOINTMENTS BY A DATE CERTAIN  
5 BEFORE THE MUNICIPAL PRIMARY ELECTION; TO REQUIRE THE STATE  
6 EXECUTIVE COMMITTEE, IF IT HAS RECEIVED NO NOTICE OF THE  
7 APPOINTMENTS BY THE DEADLINE, TO APPOINT MEMBERS OF THE MUNICIPAL  
8 EXECUTIVE COMMITTEE AND INFORM THE MUNICIPAL CLERK BY A DATE  
9 CERTAIN BEFORE THE MUNICIPAL PRIMARY ELECTION; TO REVISE THE  
10 NUMBER OF MEMBERS APPOINTED TO THE MUNICIPAL EXECUTIVE COMMITTEE;  
11 TO REPEAL SECTIONS 23-15-313 AND 23-15-315, MISSISSIPPI CODE OF  
12 1972, WHICH PROVIDE FOR TEMPORARY EXECUTIVE COMMITTEES, TO  
13 CONFORM; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-171, Mississippi Code of 1972, is  
16 amended as follows:

17 23-15-171. (1) Municipal primary elections shall be held on  
18 the first Tuesday in April preceding the general municipal  
19 election and, in the event a second primary shall be necessary,  
20 such second primary shall be held on the fourth Tuesday in April  
21 preceding such general municipal election. The candidate  
22 receiving a majority of the votes cast in the election shall be  
23 the party nominee. If no candidate shall receive a majority vote



24 at the election, the two (2) candidates receiving the highest  
25 number of votes shall have their names placed on the ballot for  
26 the second primary election. The candidate receiving the most  
27 votes cast in the second primary election shall be the party  
28 nominee. However, if no candidate shall receive a majority vote  
29 at the first primary, and there is a tie in the election of those  
30 receiving the next highest vote, those candidates receiving the  
31 next highest vote and the candidate receiving the highest vote  
32 shall have their names placed on the ballot for the second primary  
33 election, and whoever receives the most votes cast in the second  
34 primary election shall be the party nominee. At the primary  
35 election the municipal executive committee shall perform the same  
36 duties as are specified by law and performed by members of the  
37 county executive committee with regard to state and county primary  
38 elections. \* \* \*

39       (2)   (a) Members of the municipal executive committee shall  
40 be appointed by the respective county executive committee with  
41 appointments to be made no later than one hundred fifty (150) days  
42 prior to the municipal primary election. Notification must be  
43 provided by the county executive committee to the municipal clerk  
44 and to the state executive committee of the party of the  
45 individuals appointed to the municipal executive committee. If  
46 the municipal clerk and the state executive committee have not  
47 received notification of the appointments by one hundred twenty  
48 (120) days prior to the first primary election, the state



49 executive committee shall immediately appoint the members of the  
50 municipal executive committee and notify the municipal clerk.

51 (b) The number of members of the municipal executive  
52 committee shall be determined as follows:

53 (i) For the governing authorities of  
54 municipalities having a population of less than twenty thousand  
55 (20,000) inhabitants, three (3) members;

56 (ii) For the governing authorities of  
57 municipalities having a population of twenty thousand (20,000)  
58 inhabitants or more and less than one hundred thousand (100,000)  
59 inhabitants, five (5) members; and

60 (iii) For the governing authorities of  
61 municipalities having a population of more than one hundred  
62 thousand (100,000) inhabitants, seven (7) members.

63 The number of inhabitants under this paragraph shall be  
64 determined according to the last federal decennial census.

65 (3) The provisions of this section shall govern all  
66 municipal primary elections as far as applicable, but the officers  
67 to prepare the ballots and the poll managers and other officials  
68 of the primary election shall be appointed by the municipal  
69 executive committee of the party holding the primary, and the  
70 returns of such election shall be made to such municipal executive  
71 committee. Vacancies in \* \* \* an executive committee shall be  
72 filled by \* \* \* the county executive committee.



( \* \* \*4) \* \* \* Notwithstanding any provision of law in this section to the contrary except for subsection (6) of this section, in municipalities operating under a special or private charter which fixes a time for holding elections, other than the time fixed by Chapter 491, Laws of 1950, the first primary election shall be held on the first Tuesday, two (2) months before the time for holding the general election, as fixed by the charter, and the second primary election, where necessary, shall be held three (3) weeks after the first primary election, unless the charter of any such municipality provides otherwise, in which event the provisions of the special or private charter shall prevail as to the time of holding such primary elections.

( \* \* \*5) All primary elections in municipalities shall be held and conducted in the same manner as is provided by law for state and county primary elections.

(6) A person who has been convicted of a felony in a court of this state or any other state or a court of the United States, shall be barred from serving as a member of a municipal executive committee.

**SECTION 2.** Sections 23-15-313 and 23-15-315, Mississippi Code of 1972, which provide for temporary executive committees, are repealed to conform.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

