

By: Representative Newman

To: Constitution

HOUSE BILL NO. 36

1 AN ACT TO AMEND SECTION 23-15-905, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT NO PERSON SHALL, AT THE SAME TIME, BE A MEMBER OF  
 3 THE LEGISLATURE AND BE AN ELECTED OFFICER OF ANY COUNTY OR  
 4 MUNICIPALITY; TO PROVIDE THAT AN ELECTED OFFICER OF A COUNTY OR  
 5 MUNICIPALITY MUST RESIGN FROM THAT POSITION IF HE OR SHE IS  
 6 DECLARED THE WINNER OF THE LEGISLATIVE OFFICE BEFORE HE OR SHE  
 7 TAKES THE OATH OF OFFICE FOR THAT POSITION; TO PROVIDE THAT A  
 8 MEMBER OF THE LEGISLATURE MUST RESIGN FROM THAT POSITION IF HE OR  
 9 SHE IS DECLARED THE WINNER OF AN ELECTED OFFICE FOR A COUNTY OR  
 10 MUNICIPALITY BEFORE HE OR SHE TAKES THE OATH OF OFFICE FOR THAT  
 11 POSITION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 23-15-905, Mississippi Code of 1972, is  
 14 amended as follows:

15 23-15-905. (1) No person may qualify as a candidate for  
 16 more than one (1) office if the election for those offices occurs  
 17 on the same day. If a person takes the steps necessary to qualify  
 18 for more than one (1) office, the appropriate executive committee  
 19 or election commissioner shall determine the last office for which  
 20 the person qualified and the person shall be considered to be  
 21 qualified as a candidate for that office only and the person shall



22 be notified of this determination. The provisions of this  
23 subsection shall not apply to elections for municipal office.

24 (2) No person may qualify as a candidate for more than one  
25 (1) municipal office if the election for those offices occurs on  
26 the same day. If a person takes the steps necessary to qualify  
27 for more than one (1) office, the appropriate executive committee  
28 or election commissioner shall determine the last office for which  
29 the person qualified and the person shall be considered to be  
30 qualified as a candidate for that office only and the person shall  
31 be notified of this determination.

32 (3) (a) Notwithstanding any other provision of law to the  
33 contrary, no person shall hold more than one (1) elected office at  
34 the same time.

35 (b) If an elected officer qualifies as a candidate for  
36 any other elected office and is certified as elected to that other  
37 office, that person shall resign from his or her previous elected  
38 office before he or she takes the oath of office for the current  
39 elected office.

40 (c) If such person fails to resign from his or her  
41 previous elected office, he or she shall not be eligible to take  
42 the oath of office for the current elected office, and the vacancy  
43 shall be filled as provided by law.

44 (d) For purposes of this subsection (3), "elected  
45 office" includes, but is not limited to, any federal, judicial,



46 state, state district, county, county district or municipal  
47 office.

48 (4) The provisions of subsection (3) shall apply to all  
49 general and special elections held from and after July 1, 2022.

50 **SECTION 2.** This act shall take effect and be in force from  
51 and after July 1, 2022.

