

By: Representative Massengill

To: Apportionment and
Elections

HOUSE BILL NO. 156

1 AN ACT TO PROVIDE THAT THE OFFICE OF ELECTION COMMISSIONER
2 SHALL BE A NONPARTISAN OFFICE; TO PROVIDE THAT THE NAMES OF
3 CANDIDATES FOR THE OFFICE OF ELECTION COMMISSIONER SHALL BE LISTED
4 AS NONPARTISAN ON A BALLOT; TO AMEND SECTIONS 23-15-213, 23-15-367
5 AND 23-15-511, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
6 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 23-15-531.3,
7 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The office of election commissioner is a
11 nonpartisan office and a candidate for election to the office is
12 prohibited from campaigning or qualifying for the office based on
13 party affiliation. To ensure that campaigns for the nonpartisan
14 office of election commissioner remain nonpartisan and without any
15 connection to a political party, political parties and any
16 committee or political committee affiliated with a political party
17 shall not engage in fundraising on behalf of a candidate or
18 officeholder of the nonpartisan office of election commissioner,
19 and a political party or any committee or political committee
20 affiliated with a political party shall not make any contribution
21 to a candidate for the nonpartisan office of election commissioner



22 or the political committee of a candidate for the nonpartisan
23 office of election commissioner. A political party or any
24 committee or political committee affiliated with a political party
25 shall not publicly endorse a candidate for the nonpartisan office
26 of election commissioner. A candidate or the political committee
27 of a candidate for the nonpartisan office of election commissioner
28 shall not accept a contribution from a political party or any
29 committee or political committee affiliated with a political
30 party.

31 **SECTION 2.** (1) The names of candidates for the office of
32 election commissioner which appear on the ballot at the general
33 election shall be grouped together on a separate portion of the
34 ballot and clearly identified as nonpartisan.

35 (2) The names of all candidates for the office of election
36 commissioner shall be listed in alphabetical order on any ballot,
37 and no reference to political party affiliation shall appear on
38 any ballot with respect to the nonpartisan office of election
39 commissioner or the candidate for the nonpartisan office of
40 election commissioner.

41 **SECTION 3.** Section 23-15-213, Mississippi Code of 1972, is
42 amended as follows:

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

45 23-15-213. (1) At the general election in 2020, there shall
46 be elected five (5) election commissioners for each county whose



47 terms of office shall commence on the first Monday of January
48 following their election. Each of the commissioners shall be
49 required to attend a training seminar provided by the Secretary of
50 State and satisfactorily complete a skills assessment, and before
51 acting, shall take and subscribe the oath of office prescribed by
52 the Constitution. The oath shall be filed in the office of the
53 clerk of the chancery court. Upon filing the oath of office, the
54 election commissioner may be provided access to the Statewide
55 Elections Management System for the purpose of performing his or
56 her duties. While engaged in their duties, the commissioners
57 shall be conservators of the peace in the county, with all the
58 duties and powers of such.

59 (2) The qualified electors of each supervisors district
60 shall elect, at the general election in 2020, in their district
61 one (1) election commissioner. The election commissioners from
62 board of supervisors' Districts One, Three and Five shall serve
63 for a term of four (4) years. The election commissioners from
64 board of supervisors' Districts Two and Four shall serve for a
65 term of three (3) years. No more than one (1) commissioner shall
66 be a resident of and reside in each supervisors district of the
67 county; it being the purpose of this section that the county board
68 of election commissioners shall consist of one (1) person from
69 each supervisors district of the county and that each commissioner
70 be elected from the supervisors district in which he or she
71 resides.



72 (3) Candidates for county election commissioner shall
73 qualify by filing with the clerk of the board of supervisors of
74 their respective counties a petition personally signed by not less
75 than fifty (50) qualified electors of the supervisors district in
76 which they reside, requesting that they be a candidate, by 5:00
77 p.m. not later than the first Monday in June of the year in which
78 the election occurs and unless the petition is filed within the
79 required time, their names shall not be placed upon the
80 ballot. * * *

81 (4) The petition shall have attached thereto a certificate
82 of the county registrar showing the number of qualified electors
83 on each petition, which shall be furnished by the registrar on
84 request. The board shall determine the sufficiency of the
85 petition, and if the petition contains the required number of
86 signatures and is filed within the time required, the president of
87 the board shall verify that the candidate is a resident of the
88 supervisors district in which he or she seeks election and that
89 the candidate is otherwise qualified as provided by law, and shall
90 certify that the candidate is qualified to the chair or secretary
91 of the county election commission and the names of the candidates
92 shall be placed upon the ballot for the ensuing election. No
93 county election commissioner shall serve or be considered as
94 elected until he or she has received a majority of the votes cast
95 for the position or post for which he or she is a candidate. If a
96 majority vote is not received in the first election, then the two



97 (2) candidates receiving the most votes for each position or post
98 shall be placed upon the ballot for a second election to be held
99 three (3) weeks later in accordance with appropriate procedures
100 followed in other elections involving runoff candidates.

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

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

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

108 23-15-213. (1) There shall be elected five (5) election
109 commissioners for each county whose terms of office shall commence
110 on the first Monday of January following their election and who
111 shall serve for a term of four (4) years. Each of the
112 commissioners shall be required to attend a training seminar
113 provided by the Secretary of State and satisfactorily complete a
114 skills assessment, and before acting, shall take and subscribe the
115 oath of office prescribed by the Constitution. The oath shall be
116 filed in the office of the clerk of the chancery court. Upon
117 filing the oath of office, the election commissioner may be
118 provided access to the Statewide Elections Management System for
119 the purpose of performing his or her duties. While engaged in
120 their duties, the commissioners shall be conservators of the peace
121 in the county, with all the duties and powers of such.



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

126 (b) At the general election in 2023 and every four (4)
127 years thereafter, the qualified electors of the board of
128 supervisors' Districts Two and Four shall elect in their district
129 one (1) election commissioner.

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

136 (3) Candidates for county election commissioner shall
137 qualify by filing with the clerk of the board of supervisors of
138 their respective counties a petition personally signed by not less
139 than fifty (50) qualified electors of the supervisors district in
140 which they reside, requesting that they be a candidate, by 5:00
141 p.m. not later than February 1 of the year in which the election
142 occurs and unless the petition is filed within the required time,
143 their names shall not be placed upon the ballot. * * *

144 (4) The petition shall have attached thereto a certificate
145 of the county registrar showing the number of qualified electors
146 on each petition, which shall be furnished by the registrar on



147 request. The board shall determine the sufficiency of the
148 petition, and if the petition contains the required number of
149 signatures and is filed within the time required, the president of
150 the board shall verify that the candidate is a resident of the
151 supervisors district in which he or she seeks election and that
152 the candidate is otherwise qualified as provided by law, and shall
153 certify that the candidate is qualified to the chair or secretary
154 of the county election commission and the names of the candidates
155 shall be placed upon the ballot for the ensuing election. No
156 county election commissioner shall serve or be considered as
157 elected until he or she has received a majority of the votes cast
158 for the position or post for which he or she is a candidate. If a
159 majority vote is not received in the first election, then the two
160 (2) candidates receiving the most votes for each position or post
161 shall be placed upon the ballot for a second election to be held
162 three (3) weeks later in accordance with appropriate procedures
163 followed in other elections involving runoff candidates.

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



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

173 **SECTION 4.** Section 23-15-367, Mississippi Code of 1972, is
174 amended as follows:

175 23-15-367. (1) Except as otherwise provided by Sections
176 23-15-974 through 23-15-985 * * *, subsection (2) of this section
177 and the provisions of Sections 1 and 2 of this act, the size,
178 print and quality of paper of the official ballot is left to the
179 discretion of the officer charged with printing the official
180 ballot.

181 (2) The titles for the various offices shall be listed in
182 the following order:

183 (a) Candidates, electors or delegates for the following
184 national offices:

185 (i) President;

186 (ii) United States Senator or United States
187 Representative;

188 (b) Candidates for the following statewide office:
189 Governor, Lieutenant Governor, Secretary of State, Attorney
190 General, State Treasurer, Auditor of Public Accounts, Commissioner
191 of Agriculture and Commerce, Commissioner of Insurance;

192 (c) Candidates for the following state district
193 offices: Mississippi Transportation Commissioner, Public Service
194 Commissioner, District Attorney;



- 195 (d) Candidates for the following legislative offices:
196 Senate and House of Representatives;
197 (e) Candidates for countywide office;
198 (f) Candidates for county district office.

199 The order in which the titles for the various offices are
200 listed within paragraphs (e) and (f) is left to the discretion of
201 the county election commissioners. Nominees of the political
202 parties, qualified to conduct primary elections as defined in
203 Section 23-15-291, shall be listed first alphabetically by the
204 candidate's last name, followed by any other candidates listed
205 alphabetically by last name.

206 (3) It is the duty of the Secretary of State, with the
207 approval of the Governor, to furnish the designated election
208 commissioner of each county a sample of the official ballot, not
209 less than fifty-five (55) days before the election, the general
210 form of which shall be followed as nearly as practicable.

211 **SECTION 5.** Section 23-15-511, Mississippi Code of 1972, is
212 amended as follows:

213 23-15-511. The ballots shall, as far as practicable, be in
214 the same order of arrangement as provided for paper ballots that
215 are to be counted manually, except that the information may be
216 printed in vertical or horizontal rows. Nothing in this chapter
217 shall * * * prohibit the information being presented to the voters
218 from being printed on both sides of a single ballot. In those
219 years when a special election * * * occurs on the same day as the



220 general election, the names of candidates in any special election
221 and the general election shall be placed on the same ballot by the
222 election commissioners or officials in charge of the election, but
223 the general election candidates shall be clearly distinguished
224 from the special election candidates. At any time a special
225 election is held on the same day as a party primary election, the
226 names of the candidates in the special election may be placed on
227 the same ballot by the officials in charge of the election, but
228 shall be clearly distinguished as special election candidates or
229 primary election candidates.

230 Ballots shall be printed in plain clear type in black ink and
231 upon clear white materials of such size and arrangement as to be
232 compatible with the OMR equipment. Absentee ballots shall be
233 prepared and printed in the same form and shall be on the same
234 size and texture as the regular official ballots, except that they
235 shall be printed on tinted paper; or the ink used to print the
236 ballots shall be of a color different from that of the ink used to
237 print the regular official ballots. Arrows may be printed on the
238 ballot to indicate the place to mark the ballot, which may be to
239 the right or left of the names of candidates and propositions.
240 Except as otherwise provided in Sections 1 and 2 of this act, the
241 titles of offices may be arranged in vertical columns on the
242 ballot and shall be printed above or at the side of the names of
243 candidates so as to indicate clearly the candidates for each
244 office and the number to be elected. In case there are more



245 candidates for an office than can be printed in one (1) column,
246 the ballot shall be clearly marked that the list of candidates is
247 continued on the following column. Except as otherwise provided
248 in Sections 1 and 2 of this act, the names of candidates for each
249 office shall be printed in vertical columns, grouped by the
250 offices that they seek. In partisan elections, the party
251 designation of each candidate, which may be abbreviated, shall be
252 printed following his or her name.

253 One (1) sample ballot, which shall be a facsimile of the
254 official ballot and instructions to the voters, shall be provided
255 for each precinct and shall be posted in each polling place on
256 election day.

257 A separate ballot security envelope or suitable equivalent in
258 which the voter can place his or her ballot after voting, shall be
259 provided to conceal the choices the voter has made. Absentee
260 voters will receive a similar ballot security envelope provided by
261 the county in which the absentee voter will insert their voted
262 ballot, which then can be inserted into a return envelope to be
263 mailed back to the election official. Absentee ballots will not
264 be required to be folded when a ballot security envelope is
265 provided.

266 **SECTION 6.** Section 23-15-531.3, Mississippi Code of 1972, is
267 brought forward as follows:

268 23-15-531.3. (1) The ballots for DRE units shall be of such
269 size and arrangement as will suit the construction of the DRE



270 screen and shall be in plain, clear type that is easily readable
271 by persons with normal vision.

272 (2) (a) If the DRE unit has the capacity for color display,
273 the names of all candidates in a particular race shall be
274 displayed in the same color, font and size, and the political
275 party or affiliation of candidates may be displayed in a color
276 different from that used to display the names of the candidates,
277 but all political parties or affiliations shall be displayed in
278 the same color. All political party names shall be displayed in
279 the same size and font.

280 (b) All ballot questions, local options, referenda and
281 constitutional amendments shall be displayed in the same color.

282 **SECTION 7.** Sections 1 and 2 of this act shall be codified as
283 new sections in Chapter 15, Title 23, Mississippi Code of 1972.

284 **SECTION 8.** This act shall take effect and be in force from
285 and after July 1, 2022.

