

By: Representatives Goodin, McCarty, Tubb,
Tullos

To: Apportionment and
Elections

HOUSE BILL NO. 1331

1 AN ACT TO AMEND SECTIONS 23-15-213 AND 23-15-211, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT ELECTION COMMISSIONERS SHALL ONLY BE
3 REQUIRED TO TAKE THE SKILL ASSESSMENT ONCE EVERY FOUR YEARS TO
4 BECOME CERTIFIED BY THE SECRETARY OF STATE INSTEAD OF EVERY YEAR;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-213, Mississippi Code of 1972, is
8 amended as follows:

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

11 23-15-213. (1) At the general election in 2020, there shall
12 be elected five (5) election commissioners for each county whose
13 terms of office shall commence on the first Monday of January
14 following their election. Each of the commissioners shall be
15 required to attend a training seminar provided by the Secretary of
16 State and satisfactorily complete a skills assessment, and before
17 acting, shall take and subscribe the oath of office prescribed by
18 the Constitution. The oath shall be filed in the office of the
19 clerk of the chancery court. Upon filing the oath of office, the



20 election commissioner may be provided access to the Statewide
21 Elections Management System for the purpose of performing his or
22 her duties. Such skills assessment shall only be required once
23 every four (4) years. While engaged in their duties, the
24 commissioners shall be conservators of the peace in the county,
25 with all the duties and powers of such.

26 (2) The qualified electors of each supervisors district
27 shall elect, at the general election in 2020, in their district
28 one (1) election commissioner. The election commissioners from
29 board of supervisors' Districts One, Three and Five shall serve
30 for a term of four (4) years. The election commissioners from
31 board of supervisors' Districts Two and Four shall serve for a
32 term of three (3) years. No more than one (1) commissioner shall
33 be a resident of and reside in each supervisors district of the
34 county; it being the purpose of this section that the county board
35 of election commissioners shall consist of one (1) person from
36 each supervisors district of the county and that each commissioner
37 be elected from the supervisors district in which he or she
38 resides.

39 (3) Candidates for county election commissioner shall
40 qualify by filing with the clerk of the board of supervisors of
41 their respective counties a petition personally signed by not less
42 than fifty (50) qualified electors of the supervisors district in
43 which they reside, requesting that they be a candidate, by 5:00
44 p.m. not later than the first Monday in June of the year in which



45 the election occurs and unless the petition is filed within the
46 required time, their names shall not be placed upon the ballot.
47 All candidates shall declare in writing their party affiliation,
48 if any, to the board of supervisors, and such party affiliation
49 shall be shown on the official ballot.

50 (4) The petition shall have attached thereto a certificate
51 of the county registrar showing the number of qualified electors
52 on each petition, which shall be furnished by the registrar on
53 request. The board shall determine the sufficiency of the
54 petition, and if the petition contains the required number of
55 signatures and is filed within the time required, the president of
56 the board shall verify that the candidate is a resident of the
57 supervisors district in which he or she seeks election and that
58 the candidate is otherwise qualified as provided by law, and shall
59 certify that the candidate is qualified to the chair or secretary
60 of the county election commission and the names of the candidates
61 shall be placed upon the ballot for the ensuing election. No
62 county election commissioner shall serve or be considered as
63 elected until he or she has received a majority of the votes cast
64 for the position or post for which he or she is a candidate. If a
65 majority vote is not received in the first election, then the two
66 (2) candidates receiving the most votes for each position or post
67 shall be placed upon the ballot for a second election to be held
68 three (3) weeks later in accordance with appropriate procedures
69 followed in other elections involving runoff candidates.



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

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

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

77 23-15-213. (1) There shall be elected five (5) election
78 commissioners for each county whose terms of office shall commence
79 on the first Monday of January following their election and who
80 shall serve for a term of four (4) years. Each of the
81 commissioners shall be required to attend a training seminar
82 provided by the Secretary of State and satisfactorily complete a
83 skills assessment, and before acting, shall take and subscribe the
84 oath of office prescribed by the Constitution. The oath shall be
85 filed in the office of the clerk of the chancery court. Upon
86 filing the oath of office, the election commissioner may be
87 provided access to the Statewide Elections Management System for
88 the purpose of performing his or her duties. Such skills
89 assessment shall only be required once every four (4) years.
90 While engaged in their duties, the commissioners shall be
91 conservators of the peace in the county, with all the duties and
92 powers of such.

93 (2) (a) At the general election in 2024 and every four (4)
94 years thereafter, the qualified electors of the board of



95 supervisors' Districts One, Three and Five shall elect in their
96 district one (1) election commissioner.

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

101 (c) No more than one (1) commissioner shall be a
102 resident of and reside in each supervisors district of the county;
103 it being the purpose of this section that the county board of
104 election commissioners shall consist of one (1) person from each
105 supervisors district of the county and that each commissioner be
106 elected from the supervisors district in which he or she resides.

107 (3) Candidates for county election commissioner shall
108 qualify by filing with the clerk of the board of supervisors of
109 their respective counties a petition personally signed by not less
110 than fifty (50) qualified electors of the supervisors district in
111 which they reside, requesting that they be a candidate, by 5:00
112 p.m. not later than February 1 of the year in which the election
113 occurs and unless the petition is filed within the required time,
114 their names shall not be placed upon the ballot. All candidates
115 shall declare in writing their party affiliation, if any, to the
116 board of supervisors, and such party affiliation shall be shown on
117 the official ballot.

118 (4) The petition shall have attached thereto a certificate
119 of the county registrar showing the number of qualified electors



120 on each petition, which shall be furnished by the registrar on
121 request. The board shall determine the sufficiency of the
122 petition, and if the petition contains the required number of
123 signatures and is filed within the time required, the president of
124 the board shall verify that the candidate is a resident of the
125 supervisors district in which he or she seeks election and that
126 the candidate is otherwise qualified as provided by law, and shall
127 certify that the candidate is qualified to the chair or secretary
128 of the county election commission and the names of the candidates
129 shall be placed upon the ballot for the ensuing election. No
130 county election commissioner shall serve or be considered as
131 elected until he or she has received a majority of the votes cast
132 for the position or post for which he or she is a candidate. If a
133 majority vote is not received in the first election, then the two
134 (2) candidates receiving the most votes for each position or post
135 shall be placed upon the ballot for a second election to be held
136 three (3) weeks later in accordance with appropriate procedures
137 followed in other elections involving runoff candidates.

138 (5) In the first meeting in January of each year, the county
139 election commissioners shall organize by electing a chair and a
140 secretary, who shall serve a one * * *-year term. The county
141 election commissioners shall provide the names of the chair and
142 secretary to the Secretary of State and provide notice of any
143 change in officers which may occur during the year.



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

147 **SECTION 2.** Section 23-15-211, Mississippi Code of 1972, is
148 amended as follows:

149 23-15-211. (1) There shall be a State Board of Election
150 Commissioners to consist of the following members:

151 (a) The Governor, who shall serve as chair;

152 (b) The Secretary of State, who shall serve as
153 secretary, maintain minutes of all meetings and accept service of
154 process on behalf of the board; and

155 (c) The Attorney General.

156 Any two (2) of the members of the State Board of Election
157 Commissioners may perform the duties required of the board.

158 (2) The duties of the board shall include, but not be
159 limited to, the following:

160 (a) Ruling on a candidate's qualifications to run for
161 statewide, Supreme Court, Court of Appeals, congressional
162 district, circuit and chancery court district, and other state
163 district offices;

164 (b) Approving the state ballot for the offices stated
165 in paragraph (a) of this subsection (2);

166 (c) Removing the names of candidates from the ballot
167 for failure to comply with campaign finance filing requirements



168 for the offices stated in paragraph (a) of this subsection (2) in
169 previous election cycles; and

170 (d) Adopting any administrative rules and regulations
171 as are necessary to carry out the statutory duties of the board.

172 (3) The board of supervisors of each county shall pay
173 members of the county election commission for attending training
174 events a per diem in the amount provided in Section 23-15-153;
175 however, except as otherwise provided in this section, the per
176 diem shall not be paid to an election commissioner for more than
177 twelve (12) days of training per year and shall only be paid to
178 election commissioners who actually attend and complete a training
179 event and obtain a training certificate.

180 (4) Included in this twelve (12) days shall be an elections
181 seminar, conducted and sponsored by the Secretary of State.
182 Election commissioners and chairpersons of each political party
183 executive committee, or their designee, shall be required to
184 attend. An election commissioner shall be certified by the
185 Secretary of State only after attending the annual elections
186 seminar and satisfactorily completing the skills assessment
187 provided for in Section 23-15-213. Such skills assessment shall
188 only be required once every four (4) years.

189 (5) Each participant shall receive a certificate from the
190 Secretary of State indicating that the named participant has
191 received the elections training seminar instruction and
192 satisfactorily completed the skills assessment provided for in



193 Section 23-15-213. Election commissioners shall annually file the
194 certificate with the chancery clerk. If any election commissioner
195 shall fail to file the certificate by April 30 of each year, his
196 or her office shall be vacated, absent exigent circumstances as
197 determined by the board of supervisors and consistent with the
198 facts. The vacancy shall be declared by the board of supervisors
199 and the vacancy shall be filled in the manner described by law.
200 Before declaring the office vacant, the board of supervisors shall
201 give the election commissioner notice and the opportunity for a
202 hearing.

203 (6) The Secretary of State, upon approval of the board of
204 supervisors, may authorize not more than eight (8) additional
205 training days per year for election commissioners in one or more
206 counties. The board of supervisors of each county shall pay
207 members of the county election commission for attending training
208 on these days a per diem in the amount provided in Section
209 23-15-153.

210 **SECTION 3.** This act shall take effect and be in force from
211 and after July 1, 2022.

