

By: Senator(s) Chassaniol

To: Elections

SENATE BILL NO. 2303

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.



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

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

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

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94 are repealed to conform.

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

