

By: Senator(s) Tate, Seymour, England,
Butler (38th), Thomas, Jackson (11th),
Barnett, Hickman, Jordan

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2572

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT THAT ELECTION COMMISSIONERS COMPLETE A
3 SKILLS ASSESSMENT; TO AMEND SECTION 23-15-211, MISSISSIPPI CODE OF
4 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

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

10 23-15-213. (1) At the general election in 2020, there shall
11 be elected five (5) election commissioners for each county whose
12 terms of office shall commence on the first Monday of January
13 following their election. Each of the commissioners shall be
14 required to attend a training seminar provided by the Secretary of
15 State * * * and before acting * * * shall take and subscribe the
16 oath of office prescribed by the Constitution. The oath shall be
17 filed in the office of the clerk of the chancery court. Upon
18 filing the oath of office, the election commissioner may be
19 provided access to the Statewide Elections Management System for



20 the purpose of performing his or her duties. While engaged in
21 their duties, the commissioners shall be conservators of the peace
22 in the county, with all the duties and powers of such.

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

36 (3) Candidates for county election commissioner shall
37 qualify by filing with the clerk of the board of supervisors of
38 their respective counties a petition personally signed by not less
39 than fifty (50) qualified electors of the supervisors district in
40 which they reside, requesting that they be a candidate, by 5:00
41 p.m. not later than the first Monday in June of the year in which
42 the election occurs and unless the petition is filed within the
43 required time, their names shall not be placed upon the ballot.
44 All candidates shall declare in writing their party affiliation,



45 if any, to the board of supervisors, and such party affiliation
46 shall be shown on the official ballot.

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

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



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

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

74 23-15-213. (1) There shall be elected five (5) election
75 commissioners for each county whose terms of office shall commence
76 on the first Monday of January following their election and who
77 shall serve for a term of four (4) years. Each of the
78 commissioners shall be required to attend a training seminar
79 provided by the Secretary of State * * * and before acting * * *
80 shall take and subscribe the oath of office prescribed by the
81 Constitution. The oath shall be filed in the office of the clerk
82 of the chancery court. Upon filing the oath of office, the
83 election commissioner may be provided access to the Statewide
84 Elections Management System for the purpose of performing his or
85 her duties. While engaged in their duties, the commissioners
86 shall be conservators of the peace in the county, with all the
87 duties and powers of such.

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

92 (b) At the general election in 2023 and every four (4)
93 years thereafter, the qualified electors of the board of



94 supervisors' Districts Two and Four shall elect in their district
95 one (1) election commissioner.

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

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

113 (4) The petition shall have attached thereto a certificate
114 of the county registrar showing the number of qualified electors
115 on each petition, which shall be furnished by the registrar on
116 request. The board shall determine the sufficiency of the
117 petition, and if the petition contains the required number of
118 signatures and is filed within the time required, the president of



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

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

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

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



144 23-15-211. (1) There shall be a State Board of Election
145 Commissioners to consist of the following members:

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

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

150 (c) The Attorney General.

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

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

155 (a) Ruling on a candidate's qualifications to run for
156 statewide, Supreme Court, Court of Appeals, congressional
157 district, circuit and chancery court district, and other state
158 district offices;

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

161 (c) Removing the names of candidates from the ballot
162 for failure to comply with campaign finance filing requirements
163 for the offices stated in paragraph (a) of this subsection (2) in
164 previous election cycles; and

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

167 (3) The board of supervisors of each county shall pay
168 members of the county election commission for attending training



169 events a per diem in the amount provided in Section 23-15-153;
170 however, except as otherwise provided in this section, the per
171 diem shall not be paid to an election commissioner for more than
172 twelve (12) days of training per year and shall only be paid to
173 election commissioners who actually attend and complete a training
174 event and obtain a training certificate.

175 (4) Included in this twelve (12) days shall be an elections
176 seminar, conducted and sponsored by the Secretary of State.
177 Election commissioners and chairpersons of each political party
178 executive committee, or their designee, shall be required to
179 attend. An election commissioner shall be certified by the
180 Secretary of State only after attending the annual elections
181 seminar * * * provided for in Section 23-15-213.

182 (5) Each participant shall receive a certificate from the
183 Secretary of State indicating that the named participant has
184 received the elections training seminar instruction * * * provided
185 for in Section 23-15-213. Election commissioners shall annually
186 file the certificate with the chancery clerk. If any election
187 commissioner shall fail to file the certificate by April 30 of
188 each year, his or her office shall be vacated, absent exigent
189 circumstances as determined by the board of supervisors and
190 consistent with the facts. The vacancy shall be declared by the
191 board of supervisors and the vacancy shall be filled in the manner
192 described by law. Before declaring the office vacant, the board



193 of supervisors shall give the election commissioner notice and the
194 opportunity for a hearing.

195 (6) The Secretary of State, upon approval of the board of
196 supervisors, may authorize not more than eight (8) additional
197 training days per year for election commissioners in one or more
198 counties. The board of supervisors of each county shall pay
199 members of the county election commission for attending training
200 on these days a per diem in the amount provided in Section
201 23-15-153.

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

