

By: Senator(s) Tate, Seymour

To: Elections

SENATE BILL NO. 2572

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

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

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

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

9 23-15-213. (1) At the general election in 2020, there shall
10 be elected five (5) election commissioners for each county whose
11 terms of office shall commence on the first Monday of January
12 following their election. Each of the commissioners shall be
13 required to attend a training seminar provided by the Secretary of
14 State * * * and before acting * * * shall take and subscribe the
15 oath of office prescribed by the Constitution. The oath shall be
16 filed in the office of the clerk of the chancery court. Upon
17 filing the oath of office, the election commissioner may be
18 provided access to the Statewide Elections Management System for



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

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

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



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

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

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



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

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

73 23-15-213. (1) There shall be elected five (5) election
74 commissioners for each county whose terms of office shall commence
75 on the first Monday of January following their election and who
76 shall serve for a term of four (4) years. Each of the
77 commissioners shall be required to attend a training seminar
78 provided by the Secretary of State * * * and before acting * * *
79 shall take and subscribe the oath of office prescribed by the
80 Constitution. The oath shall be filed in the office of the clerk
81 of the chancery court. Upon filing the oath of office, the
82 election commissioner may be provided access to the Statewide
83 Elections Management System for the purpose of performing his or
84 her duties. While engaged in their duties, the commissioners
85 shall be conservators of the peace in the county, with all the
86 duties and powers of such.

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

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



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

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

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

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



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

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

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

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

