

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

To: Elections

SENATE BILL NO. 2572  
(As Passed the Senate)

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, and shall stand repealed on June 30, 2022.

