

By: Representative Massengill

To: Apportionment and  
Elections

HOUSE BILL NO. 16

1 AN ACT TO PROVIDE THAT THE OFFICE OF ELECTION COMMISSIONER  
2 SHALL BE A NONPARTISAN OFFICE; TO PROVIDE THAT THE NAMES OF  
3 CANDIDATES FOR THE OFFICE OF ELECTION COMMISSIONER SHALL BE LISTED  
4 AS NONPARTISAN ON A BALLOT; TO AMEND SECTIONS 23-15-213, 23-15-367  
5 AND 23-15-511, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
6 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The office of election commissioner is a  
9 nonpartisan office and a candidate for election to the office is  
10 prohibited from campaigning or qualifying for the office based on  
11 party affiliation. To ensure that campaigns for the nonpartisan  
12 office of election commissioner remain nonpartisan and without any  
13 connection to a political party, political parties and any  
14 committee or political committee affiliated with a political party  
15 shall not engage in fundraising on behalf of a candidate or  
16 officeholder of the nonpartisan office of election commissioner,  
17 and a political party or any committee or political committee  
18 affiliated with a political party shall not make any contribution  
19 to a candidate for the nonpartisan office of election commissioner  
20 or the political committee of a candidate for the nonpartisan



21 office of election commissioner. A political party or any  
22 committee or political committee affiliated with a political party  
23 shall not publicly endorse a candidate for the nonpartisan office  
24 of election commissioner. A candidate or the political committee  
25 of a candidate for the nonpartisan office of election commissioner  
26 shall not accept a contribution from a political party or any  
27 committee or political committee affiliated with a political  
28 party.

29 **SECTION 2.** (1) The names of candidates for the office of  
30 election commissioner which appear on the ballot at the general  
31 election shall be grouped together on a separate portion of the  
32 ballot and clearly identified as nonpartisan.

33 (2) The names of all candidates for the office of election  
34 commissioner shall be listed in alphabetical order on any ballot,  
35 and no reference to political party affiliation shall appear on  
36 any ballot with respect to the nonpartisan office of election  
37 commissioner or the candidate for the nonpartisan office of  
38 election commissioner.

39 **SECTION 3.** Section 23-15-213, Mississippi Code of 1972, is  
40 amended as follows:

41 **[Until December 31, 2022, this section shall read as**  
42 **follows:]**

43 23-15-213. (1) At the general election in 2020, there shall  
44 be elected five (5) election commissioners for each county whose  
45 terms of office shall commence on the first Monday of January



46 following their election. Each of the commissioners shall be  
47 required to attend a training seminar provided by the Secretary of  
48 State and satisfactorily complete a skills assessment, and before  
49 acting, shall take and subscribe the oath of office prescribed by  
50 the Constitution. The oath shall be filed in the office of the  
51 clerk of the chancery court. Upon filing the oath of office, the  
52 election commissioner may be provided access to the Statewide  
53 Elections Management System for the purpose of performing his or  
54 her duties. Such skills assessment shall only be required once  
55 every four (4) years. While engaged in their duties, the  
56 commissioners shall be conservators of the peace in the county,  
57 with all the duties and powers of such.

58 (2) The qualified electors of each supervisor's district  
59 shall elect, at the general election in 2020, in their district  
60 one (1) election commissioner. The election commissioners from  
61 board of supervisors' Districts One, Three and Five shall serve  
62 for a term of four (4) years. The election commissioners from  
63 board of supervisors' Districts Two and Four shall serve for a  
64 term of three (3) years. No more than one (1) commissioner shall  
65 be a resident of and reside in each supervisor's district of the  
66 county; it being the purpose of this section that the county board  
67 of election commissioners shall consist of one (1) person from  
68 each supervisor's district of the county and that each  
69 commissioner be elected from the supervisor's district in which he  
70 or she resides.



71           (3) Candidates for county election commissioner shall  
72 qualify by filing with the clerk of the board of supervisors of  
73 their respective counties a petition personally signed by not less  
74 than fifty (50) qualified electors of the supervisors district in  
75 which they reside, requesting that they be a candidate, by 5:00  
76 p.m. not later than the first Monday in June of the year in which  
77 the election occurs and unless the petition is filed within the  
78 required time, their names shall not be placed upon the  
79 ballot. \* \* \*

80           (4) The petition shall have attached thereto a certificate  
81 of the county registrar showing the number of qualified electors  
82 on each petition, which shall be furnished by the registrar on  
83 request. The board shall determine the sufficiency of the  
84 petition, and if the petition contains the required number of  
85 signatures and is filed within the time required, the president of  
86 the board shall verify that the candidate is a resident of the  
87 supervisor's district in which he or she seeks election and that  
88 the candidate is otherwise qualified as provided by law, and shall  
89 certify that the candidate is qualified to the chair or secretary  
90 of the county election commission and the names of the candidates  
91 shall be placed upon the ballot for the ensuing election. No  
92 county election commissioner shall serve or be considered as  
93 elected until he or she has received a majority of the votes cast  
94 for the position or post for which he or she is a candidate. If a  
95 majority vote is not received in the first election, then the two



96 (2) candidates receiving the most votes for each position or post  
97 shall be placed upon the ballot for a second election to be held  
98 three (3) weeks later in accordance with appropriate procedures  
99 followed in other elections involving runoff candidates.

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

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

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

107 23-15-213. (1) There shall be elected five (5) election  
108 commissioners for each county whose terms of office shall commence  
109 on the first Monday of January following their election and who  
110 shall serve for a term of four (4) years. Each of the  
111 commissioners shall be required to attend a training seminar  
112 provided by the Secretary of State and satisfactorily complete a  
113 skills assessment, and before acting, shall take and subscribe the  
114 oath of office prescribed by the Constitution. The oath shall be  
115 filed in the office of the clerk of the chancery court. Upon  
116 filing the oath of office, the election commissioner may be  
117 provided access to the Statewide Elections Management System for  
118 the purpose of performing his or her duties. Such skills  
119 assessment shall only be required once every four (4) years.  
120 While engaged in their duties, the commissioners shall be



121 conservators of the peace in the county, with all the duties and  
122 powers of such.

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

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

131 (c) No more than one (1) commissioner shall be a  
132 resident of and reside in each supervisor's district of the  
133 county; it being the purpose of this section that the county board  
134 of election commissioners shall consist of one (1) person from  
135 each supervisor's district of the county and that each  
136 commissioner be elected from the supervisor's district in which he  
137 or she resides.

138 (3) Candidates for county election commissioner shall  
139 qualify by filing with the clerk of the board of supervisors of  
140 their respective counties a petition personally signed by not less  
141 than fifty (50) qualified electors of the supervisor's district in  
142 which they reside, requesting that they be a candidate, by 5:00  
143 p.m. not later than February 1 of the year in which the election  
144 occurs and unless the petition is filed within the required time,  
145 their names shall not be placed upon the ballot. \* \* \*



146 (4) The petition shall have attached thereto a certificate  
147 of the county registrar showing the number of qualified electors  
148 on each petition, which shall be furnished by the registrar on  
149 request. The board shall determine the sufficiency of the  
150 petition, and if the petition contains the required number of  
151 signatures and is filed within the time required, the president of  
152 the board shall verify that the candidate is a resident of the  
153 supervisor's district in which he or she seeks election and that  
154 the candidate is otherwise qualified as provided by law, and shall  
155 certify that the candidate is qualified to the chair or secretary  
156 of the county election commission and the names of the candidates  
157 shall be placed upon the ballot for the ensuing election. No  
158 county election commissioner shall serve or be considered as  
159 elected until he or she has received a majority of the votes cast  
160 for the position or post for which he or she is a candidate. If a  
161 majority vote is not received in the first election, then the two  
162 (2) candidates receiving the most votes for each position or post  
163 shall be placed upon the ballot for a second election to be held  
164 three (3) weeks later in accordance with appropriate procedures  
165 followed in other elections involving runoff candidates.

166 (5) In the first meeting in January of each year, the county  
167 election commissioners shall organize by electing a chair and a  
168 secretary, who shall serve a one-year term. The county election  
169 commissioners shall provide the names of the chair and secretary



170 to the Secretary of State and provide notice of any change in  
171 officers which may occur during the year.

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

175 **SECTION 4.** Section 23-15-367, Mississippi Code of 1972, is  
176 amended as follows:

177 23-15-367. (1) Except as otherwise provided by Sections  
178 23-15-974 through 23-15-985 \* \* \*, subsection (2) of this section  
179 and the provisions of Sections 1 and 2 of this act, the size,  
180 print and quality of paper of the official ballot is left to the  
181 discretion of the officer charged with printing the official  
182 ballot.

183 (2) The titles for the various offices shall be listed in  
184 the following order:

185 (a) Candidates, electors or delegates for the following  
186 national offices:

187 (i) President;

188 (ii) United States Senator or United States  
189 Representative;

190 (b) Candidates for the following statewide office:  
191 Governor, Lieutenant Governor, Secretary of State, Attorney  
192 General, State Treasurer, Auditor of Public Accounts, Commissioner  
193 of Agriculture and Commerce, Commissioner of Insurance;





194 (c) Candidates for the following state district  
195 offices: Mississippi Transportation Commissioner, Public Service  
196 Commissioner, District Attorney;

197 (d) Candidates for the following legislative offices:  
198 Senate and House of Representatives;

199 (e) Candidates for countywide office;

200 (f) Candidates for county district office.

201 The order in which the titles for the various offices are  
202 listed within paragraphs (e) and (f) is left to the discretion of  
203 the county election commissioners. Nominees of the political  
204 parties, qualified to conduct primary elections as defined in  
205 Section 23-15-291, shall be listed first alphabetically by the  
206 candidate's last name, followed by any other candidates listed  
207 alphabetically by last name.

208 (3) It is the duty of the Secretary of State, with the  
209 approval of the Governor, to furnish the designated election  
210 commissioner of each county a sample of the official ballot, not  
211 less than fifty-five (55) days before the election, the general  
212 form of which shall be followed as nearly as practicable.

213 **SECTION 5.** Section 23-15-511, Mississippi Code of 1972, is  
214 amended as follows:

215 23-15-511. The ballots shall, as far as practicable, be in  
216 the same order of arrangement as provided for paper ballots that  
217 are to be counted manually, except that the information may be  
218 printed in vertical or horizontal rows. Nothing in this chapter



219 shall \* \* \* prohibit the information being presented to the voters  
220 from being printed on both sides of a single ballot. In those  
221 years when a special election \* \* \* occursu on the same day as the  
222 general election, the names of candidates in any special election  
223 and the general election shall be placed on the same ballot by the  
224 election commissioners or officials in charge of the election, but  
225 the general election candidates shall be clearly distinguished  
226 from the special election candidates. At any time a special  
227 election is held on the same day as a party primary election, the  
228 names of the candidates in the special election may be placed on  
229 the same ballot by the officials in charge of the election, but  
230 shall be clearly distinguished as special election candidates or  
231 primary election candidates.

232 Ballots shall be printed in plain clear type in black ink and  
233 upon clear white materials of such size and arrangement as to be  
234 compatible with the OMR equipment. Absentee ballots shall be  
235 prepared and printed in the same form and shall be on the same  
236 size and texture as the regular official ballots, except that they  
237 shall be printed on tinted paper; or the ink used to print the  
238 ballots shall be of a color different from that of the ink used to  
239 print the regular official ballots. Arrows may be printed on the  
240 ballot to indicate the place to mark the ballot, which may be to  
241 the right or left of the names of candidates and propositions.  
242 Except as otherwise provided in Sections 1 and 2 of this act, the  
243 titles of offices may be arranged in vertical columns on the



244 ballot and shall be printed above or at the side of the names of  
245 candidates so as to indicate clearly the candidates for each  
246 office and the number to be elected. In case there are more  
247 candidates for an office than can be printed in one (1) column,  
248 the ballot shall be clearly marked that the list of candidates is  
249 continued on the following column. Except as otherwise provided  
250 in Sections 1 and 2 of this act, the names of candidates for each  
251 office shall be printed in vertical columns, grouped by the  
252 offices that they seek. In partisan elections, the party  
253 designation of each candidate, which may be abbreviated, shall be  
254 printed following his or her name.

255 One (1) sample ballot, which shall be a facsimile of the  
256 official ballot and instructions to the voters, shall be provided  
257 for each precinct and shall be posted in each polling place on  
258 election day.

259 A separate ballot security envelope or suitable equivalent in  
260 which the voter can place his or her ballot after voting, shall be  
261 provided to conceal the choices the voter has made. Absentee  
262 voters will receive a similar ballot security envelope provided by  
263 the county in which the absentee voter will insert their voted  
264 ballot, which then can be inserted into a return envelope to be  
265 mailed back to the election official. Absentee ballots will not  
266 be required to be folded when a ballot security envelope is  
267 provided.



268           **SECTION 6.** Sections 1 and 2 of this act shall be codified as  
269 new sections in Chapter 15, Title 23, Mississippi Code of 1972.

270           **SECTION 7.** This act shall take effect and be in force from  
271 and after July 1, 2023.

