

By: Representatives Newman, Hopkins

To: Constitution

HOUSE BILL NO. 26

1 AN ACT TO AMEND SECTION 23-15-905, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT NO PERSON SHALL, AT THE SAME TIME, BE A MEMBER OF
 3 THE LEGISLATURE AND BE AN ELECTED OFFICER OF ANY COUNTY OR
 4 MUNICIPALITY; TO PROVIDE THAT AN ELECTED OFFICER OF A COUNTY OR
 5 MUNICIPALITY MUST RESIGN FROM THAT POSITION IF HE OR SHE IS
 6 DECLARED THE WINNER OF THE LEGISLATIVE OFFICE BEFORE HE OR SHE
 7 TAKES THE OATH OF OFFICE FOR THAT POSITION; TO PROVIDE THAT A
 8 MEMBER OF THE LEGISLATURE MUST RESIGN FROM THAT POSITION IF HE OR
 9 SHE IS DECLARED THE WINNER OF AN ELECTED OFFICE FOR A COUNTY OR
 10 MUNICIPALITY BEFORE HE OR SHE TAKES THE OATH OF OFFICE FOR THAT
 11 POSITION; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 23-15-905, Mississippi Code of 1972, is
 14 amended as follows:

15 23-15-905. (1) No person may qualify as a candidate for
 16 more than one (1) office if the election for those offices occurs
 17 on the same day. If a person takes the steps necessary to qualify
 18 for more than one (1) office, the appropriate executive committee
 19 or election commissioner shall determine the last office for which
 20 the person qualified and the person shall be considered to be
 21 qualified as a candidate for that office only and the person shall



22 be notified of this determination. The provisions of this
23 subsection shall not apply to elections for municipal office.

24 (2) No person may qualify as a candidate for more than one
25 (1) municipal office if the election for those offices occurs on
26 the same day. If a person takes the steps necessary to qualify
27 for more than one (1) office, the appropriate executive committee
28 or election commissioner shall determine the last office for which
29 the person qualified and the person shall be considered to be
30 qualified as a candidate for that office only and the person shall
31 be notified of this determination.

32 (3) (a) Notwithstanding any other provision of law to the
33 contrary, no person shall hold more than one (1) elected office at
34 the same time.

35 (b) If an elected officer qualifies as a candidate for
36 any other elected office and is certified as elected to that other
37 office, that person shall resign from his or her previous elected
38 office before he or she takes the oath of office for the current
39 elected office.

40 (c) If such person fails to resign from his or her
41 previous elected office, he or she shall not be eligible to take
42 the oath of office for the current elected office, and the vacancy
43 shall be filled as provided by law.

44 (d) For purposes of this subsection (3), "elected
45 office" includes, but is not limited to, any federal, judicial,



46 state, state district, county, county district or municipal
47 office.

48 (4) The provisions of subsection (3) shall apply to all
49 general and special elections held from and after July 1, 2023.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2023.

