

By: Senator(s) McDaniel

To: Elections

SENATE BILL NO. 2500

1 AN ACT TO CREATE THE MISSISSIPPI RECALL ACT OF 2023 TO
2 PROVIDE A PROCEDURE FOR THE RECALL OF UNITED STATE SENATE AND
3 HOUSE OF REPRESENTATIVE OFFICIALS FROM MISSISSIPPI, STATE
4 OFFICIALS, MEMBERS OF THE LEGISLATURE AND LOCAL ELECTED OFFICIALS;
5 TO PROVIDE DEFINITIONS; TO PRESCRIBE THOSE OFFICIALS SUBJECT TO
6 RECALL; TO PRESCRIBE THE NUMBER OF ELECTORS NEEDED TO DEMAND A
7 RECALL; TO PROVIDE FOR THE APPLICATION FOR AND TIME OF FILING A
8 RECALL PETITION BY SPONSORS; TO PROVIDE A FORM FOR THE RECALL
9 PETITION; TO PRESCRIBE THOSE ELECTORS ELIGIBLE TO SIGN A RECALL
10 PETITION AND A PROCEDURE FOR THE VERIFICATION OF SIGNATURES; TO
11 PROHIBIT CERTAIN PERSONS FROM CIRCULATING A PETITION OR
12 APPLICATION; TO PROVIDE FOR THE DETERMINATION OF LEGAL SUFFICIENCY
13 OF A PETITION BY THE LOCAL BOARD OF ELECTION COMMISSIONERS; TO
14 PROVIDE FOR THE MANNER OF CONDUCTING A RECALL ELECTION; TO PROVIDE
15 FOR THE FILING OF SUBSEQUENT RECALL PETITIONS FOLLOWING A RECALL
16 ELECTION OR DENIAL OF RECALL PETITION; TO REQUIRE THE SECRETARY OF
17 STATE TO PRINT THE APPLICATION FORMS AND PETITION FORMS AND
18 DISTRIBUTE THE FORMS TO THE BOARDS OF ELECTION COMMISSIONERS; TO
19 AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS TO PROMULGATE
20 REGULATIONS TO IMPLEMENT THIS ACT; TO AUTHORIZE AN APPLICATION TO
21 THE CIRCUIT COURT TO COMPEL COMPLIANCE WITH RECALL PROCEDURES; TO
22 PROHIBIT GIVING OR RECEIVING MONEY TO SIGN PETITIONS OR AFFIDAVITS
23 FOR RECALL AND OTHER RECALL INFRACTIONS, AND TO PROVIDE CRIMINAL
24 PENALTIES THEREFOR; TO REPEAL SECTIONS 25-5-3 THROUGH 25-5-37,
25 MISSISSIPPI CODE OF 1972, WHICH PROVIDE A RECALL PROCEDURE FOR
26 LOCAL OFFICIALS PURSUANT TO PETITION AND ELECTION; AND FOR RELATED
27 PURPOSES.

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

29 **SECTION 1.** This act shall be known and may be cited as the
30 "Mississippi Recall Act of 2023."



31 **SECTION 2.** For purposes of this act, unless the context
32 requires otherwise, the following terms shall have the meanings
33 ascribed herein:

34 (a) "Application for a recall petition" or
35 "application" means the application described in Section 4 of this
36 act.

37 (b) "Board of election commissioners" or "board" means:

38 (i) For any elected state officials or members of
39 the Legislature, the State Board of Election Commissioners;

40 (ii) For any elected county officials, the county
41 board of election commissioners; and

42 (iii) For any elected municipal officials, the
43 municipal board of election commissioners.

44 (c) "Elective office" means an office filled by the
45 exercise of the franchise of vote by electors as defined in
46 paragraph (d) of this section in a general or special election as
47 defined under the laws of this state.

48 (d) "Elector" means any person who possesses all of the
49 qualifications for voting now or hereafter prescribed by the laws
50 of this state and who has registered to vote.

51 (e) "Electoral district" means the area in which the
52 electors reside who are qualified to vote for any of the
53 candidates offering for a particular office.

54 (f) "Legal sufficiency" means, solely as applied to the
55 duties or functions of the board of election commissioners, a



determination of the completeness of an application or a petition and a determination by the circuit clerk that an application or a petition contains a sufficient number of valid signatures.

(g) "Sponsors" means the electors who circulate or file an application who were registered and eligible to vote in the last general or special election for the office held by the official sought to be recalled and who reside in the electoral district of the official sought to be recalled at the time the application is made. If at any point a sponsor moves from the electoral district, the sponsor shall be immediately removed from the petition.

(h) "Petition" means the recall petition filed with the board of election commissioners as provided in Section 10 of this act.

(i) "Petition forms" means the recall petition forms issued to the sponsor as provided in Section 5 of this act.

(j) "Recall Election" means the recall election as provided in Section 11 of this act.

SECTION 3. (1) (a) Every public official who holds elective office, either by election or by appointment for an unexpired term, is subject to recall from office by electors who are registered and qualified to vote in the recall election and who reside in the electoral district from which candidates are elected to that office.



80 (b) For a state official whose electoral district
81 encompasses the entire state, the number of electors necessary to
82 petition the recall of the official shall be equal to at least
83 thirty-five percent (35%) of the total number of electors who
84 legally voted at the last preceding election for any candidate
85 offering for the office held by the official. A pro rata number
86 of electors necessary to petition the recall of the official must
87 reside in each of the United States congressional districts in the
88 state as said congressional districts exist at the time of the
89 petition, such that an equal percentage of the required electors
90 reside in each of the respective congressional districts.

91 (c) For a state official whose electoral district
92 encompasses only a part of the state, a member of the legislature,
93 or a local official, the number of electors necessary to petition
94 the recall of the official shall be equal to at least thirty-five
95 percent (35%) of the number of electors that legally voted at the
96 last preceding election for any candidate offering for the office
97 held by the official.

98 (2) No petition shall demand the recall of more than one (1)
99 public official.

100 (3) Every public official who holds elective office, either
101 by election or by appointment for an unexpired term, is subject to
102 recall on the grounds that such public official has, while holding
103 any public office, conducted himself or herself in a manner which



relates to and adversely affects the administration of his or her current office and adversely affects the interests of the public.

SECTION 4. (1) (a) An application shall not be filed during the first one hundred eighty (180) days of the term of office of any public official subject to recall. An application shall not be filed if it would potentially result in a recall election being held within the final six (6) months of the term of office of any public official subject to recall.

(b) No person shall be authorized to circulate, sponsor or sign such application unless such person is an elector or sponsor as defined in Section 2 of this act.

(2) (a) The application shall include:

(i) The name and office of the official sought to be recalled;

(ii) The printed names and signatures of the official sponsors, the date signed, residence addresses and the name of the county of residence;

(iii) The designation of one of the sponsors as the petition chairperson who shall represent the sponsors on all matters pertaining to the application and petition;

(iv) A statement that: _____ (name and office) has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the interests of the public. The statement shall be typed, printed or



reproduced by the board of election commissioners on the face of each application issued; and

(v) An affidavit by the petition chairperson and the person circulating the application that each person sponsoring or signing the application is an elector of the electoral district of the official sought to be recalled. The affidavit required by this subparagraph (v) shall be in the following form:

AFFIDAVIT OF CIRCULATOR AND PETITION CHAIRPERSON

State of Mississippi

County of _____

Under the penalty of a violation of Section 97-9-59, Mississippi Code of 1972, relating to perjury, we the undersigned do depose and say that each person sponsoring or signing the recall application of _____ is an elector of the electoral district of the official sought to be recalled and further depose and say that the public official identified herein is subject to recall on the grounds that such public official has, while holding any public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her current office and adversely affects the interests of the public.

(Signature of circulator)

(Residence address)



154 (Number and street or route)

155 _____

156 (City)

157 _____

158 (Signature of petition chairperson)

159 _____

160 (Residence address)

161 (Number and street or route)

162 _____

163 (City)

164 Subscribed and sworn to before me this _____ day of

165 _____, ____.

166 _____

167 Notary public

168 _____, Mississippi

169 My commission expires on the _____ day of _____,

170 _____.

171 (b) No notary public may sign the application as an
172 elector or serve as a circulator of any application which he or
173 she notarized. Any and all sheets of an application for a
174 petition that have the circulator's affidavit notarized by a
175 notary public who also served as a circulator of one or more
176 sheets of the application or who signed one of the sheets of the
177 petition as an elector shall be disqualified and rejected.



178 (c) Application shall be issued by the board of
179 election commissioners who shall assign a number to the face of
180 each application. The board of election commissioners shall keep
181 records of applications issued, including the date of issuance and
182 the number assigned. The board of election commissioners shall
183 immediately notify in writing the public official named for recall
184 in the application, stating that an application for a recall
185 petition has been officially issued for circulation.

186 (3) (a) The number of official sponsors necessary to file
187 an application must be equal to at least one hundred (100)
188 electors or equal to at least ten percent (10%) of the number of
189 electors who legally voted in the last preceding election for any
190 of the candidates offering for the office held by the public
191 official sought to be recalled, whichever is fewer.

192 (b) If at any point a sponsor moves his or her
193 residence from the electoral district, the sponsor shall be
194 immediately removed from the petition.

195 (4) Before circulating the petition, sponsors shall submit
196 the application to the board of election commissioners and request
197 petition forms.

198 (5) At any time prior to the date the board of election
199 commissioners receives the application, an elector who has signed
200 the application as an official sponsor may request withdrawal of
201 his or her signature from the application by executing and filing
202 an affidavit signed and sworn to before a notary public which



affirms the elector's intention to withdraw his or her signature from the application. The official affidavit of signature withdrawal shall be printed by the Office of the Secretary of State and distributed to boards of election commissioners. The form of the affidavit shall be substantially as prescribed in Section 7 of this act.

(6) (a) No application shall be accepted for verification if more than fifteen (15) days have elapsed since the application forms were issued to the sponsors.

(b) If an application contains more than one (1) sheet, the application, when offered for filing, shall be bound together, and each sheet shall be numbered consecutively at the foot of each page beginning with page one.

(7) (a) On receipt of the application, the board of election commissioners shall:

(i) File the application and proceed to determine the legal sufficiency of the application and determine if the signers are qualified electors eligible to sign the application;

(ii) Immediately notify in writing the public official named for recall in the application, informing them that a completed application for a recall petition has been filed with the board of election commissioners for verification; and

(iii) Certify the legal sufficiency or insufficiency of the petition within five (5) business days after receiving the application. A judge of the circuit court having



jurisdiction in the subject electoral district may, upon proper application and good cause shown, grant an additional period of time not to exceed fifteen (15) business days for the board of election commissioners to certify the application.

(b) The board of election commissioners is granted unrestricted authority to examine the voter registration records maintained by the registrar, to receive evidence and testimony, and to require the personal appearance of any person signing such application for the purpose of making such determination. If the board of election commissioners finds that any signer is not a qualified elector eligible to sign the application, the signature shall not be counted in determining whether the application contains a sufficient number of signatures as required by law. The nullification of a signature on an application shall not affect the validity of other signatures contained in such application.

(8) No application shall be amended, supplemented or returned after it has been filed with the board of election commissioners for verification.

(9) Upon certifying the legal sufficiency of the application, the board of election commissioners shall:

(a) Immediately file the certification of the application;

(b) Issue official petition forms;



(c) Assign a number to the recall petition, which number shall appear on the face of each petition form; and

(d) Issue the number to the sponsors.

SECTION 5. (1) The form of the recall petition shall be substantially as follows:

RECALL PETITION

(Official application no.)

(county or city)

To _____
(Name of board of election commissioners)

(Address)

(City, state, zip code)

We, the electors registered to vote in the recall election herein petitioned, demand the recall of _____ (name and office) on the grounds that said official has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the interests of the public.

	Date of	Residence	County of
Name	Signing	Address	Residence



277 (Signature) (Number and street or route)
278 _____
279 (Printed name of elector) (City)
280 (Ten (10) lines for signatures and printed names)
281 (2) The following statement shall be written or printed on
282 each petition and each signer must read, or be read, the following
283 statements:
284 "(a) Any person who gives or receives money or any
285 other thing of value for signing a recall petition or for signing
286 an affidavit of signature withdrawal shall be guilty of a
287 misdemeanor;
288 (b) If (insert appropriate number) electors sign this
289 petition, there will be an election at which a majority of the
290 electors voting therein will determine whether the above-named
291 official will be removed from office."
292 (3) (a) Each petition shall contain a statement
293 specifically designating the name and office of the official
294 sought to be recalled, a statement that the sponsors allege that
295 the named official has, while holding public office, conducted
296 himself or herself in a manner which relates to and adversely
297 affects the administration of his or her office and adversely
298 affects the interests of the public, and a statement confirming
299 that the signers agree with the sponsor(s) and support the
300 petition for recall of the above-named official.



(b) The statements in paragraph (b) of this subsection shall be printed on each petition form and each signer must read, or be read, the statements.

SECTION 6. (1) (a) All signers of a single recall petition shall be electors who are registered and eligible to vote in the recall election and who reside in the electoral district of the official sought to be recalled.

(b) When a petition is circulated in more than one (1) county, each sheet of the petition shall bear the name of the county in which it is circulated, and only electors of the designated county may sign such sheet.

(2) No petition shall be circulated or signed by any person in any location where alcoholic beverages are sold or served.

(3) Every elector signing a petition shall do so in the presence of the person circulating the petition, who is to execute the affidavit of verification on the reverse side of the petition form.

(4) (a) At the time of signing, the elector shall sign his name, and the elector or the person circulating the petition shall:

(i) Print the name of the elector below the elector's signature; and

(ii) Print or write in the appropriate spaces following the signature the elector's residence address, the name



of the county, and the date on which the elector signed the petition.

(b) If an elector is incapable of signing his or her name, the elector may request the person circulating the petition to sign and print the elector's name and complete the information required on the petition sheet to accompany the signature. Under this paragraph, the person circulating the petition shall also sign his or her full name beside the printed name of the elector.

(5) No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a recall petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the recall petition or who signed one (1) of the sheets of the petition as an elector shall be disqualified and rejected.

(6) The person before whom the electors signed the recall petition shall verify, in an affidavit subscribed and sworn to by him or her before a notary public, that each of the names on the petition form was signed in his or her presence on the date indicated and that in his or her belief each signer was an elector of the electoral district of the official sought to be recalled.

(7) The affidavit printed on the reverse side of each recall petition form shall be in the following form:

AFFIDAVIT OF CIRCULATOR

State of Mississippi



350 County of _____

351 Under the penalty of Section 97-9-59, Mississippi Code of
352 1972, relating to perjury, I do depose and say that I am an
353 elector registered to vote in the recall election herein
354 petitioned for and that each petitioner signed or caused to be
355 signed the foregoing petition in my presence on the date
356 indicated; and I believe that each signer's name and residence
357 address are correctly stated, and that each signer is an elector
358 of the electoral district in which such recall election will be
359 conducted, and that each signer has read, or was read, the
360 required statements which are also set out on each petition.

361 (Signature of affiant) _____

362 (Residence address) _____

363 (Number and street or route)

364 _____

365 (City)

366 Subscribed and sworn to before me this _____ day of

367 _____, ____.

368 _____

369 Notary public

370 _____, Mississippi

371 My commission expires on the ____ day of _____, ____.

372 (8) An elector may change the way his or her signature and
373 residence address appear on the petition at any time prior to the
374 filing of the petition for verification by striking through his or



her name and initialing the strike-through and re-signing the petition with his or her printed name corrected accordingly.

SECTION 7. (1) At any time prior to the date an application or a petition is filed for verification, an elector who has signed the application or the petition may request withdrawal of his or her signature from the application or petition by executing and filing an affidavit, in the form prescribed by this section, with the board of election commissioners. Any signature so withdrawn shall not be counted in determining the legal sufficiency of the application or petition. The affidavit shall:

(a) Be signed and sworn to before a notary public;

(b) State the elector's residence address, the name of the county of residence, and the number of the recall application or petition which he or she signed; and

(c) Affirm the elector's intention to withdraw his or her signature from the application or petition.

(2) The affidavit shall be substantially in the following form:

AFFIDAVIT OF SIGNATURE WITHDRAWAL

State of Mississippi

County of _____

I, _____ (name as it appears on the application or recall petition), being first duly sworn, say that I am an elector of the _____ (electoral district) in which the recall election will be conducted.



400 That my residence address is _____

401 _____

402 (Number and street or route) (City)

403 That I signed or caused to be signed the application or the
404 petition for the recall of _____ (name and office of
405 person sought to be recalled) and that the recall application or
406 petition has been assigned number _____.

407 That it is my intention by the signing and filing of this
408 affidavit to withdraw my signature therefrom.

409 _____
410 (Signature of elector)

411 Subscribed and sworn to before me this _____ day of
412 _____, ____.

413 _____

414 Notary public

415 _____, Mississippi

416 My commission expires on the _____ day of _____, ____.

417 **SECTION 8.** (1) No county registrar or other person
418 authorized by law to register electors and no person other than an
419 elector of the electoral district of the official sought to be
420 recalled shall circulate a recall application or petition.

421 (2) No employee of the state shall circulate a recall
422 application or petition.



(3) All signatures obtained by any unqualified person shall be void and shall not be counted in determining the legal sufficiency of the petition.

SECTION 9. (1) Before a person may file a petition with the appropriate board of election commissioners, the signatures on the petition must be verified by the circuit clerk of each county in which the petition was circulated.

(2) The circuit clerk shall verify the name of each qualified elector signing on each recall petition. The circuit clerk shall certify the signatures of qualified electors of that county and shall state the total number of qualified electors signing the petition in that county.

(3) (a) The circuit clerk is granted unrestricted authority to examine the registration records maintained by the county registrar to receive evidence and testimony, and to require the personal appearance of any person signing the recall petition for the purpose of determining if the signers are qualified electors eligible to sign the recall petition. If the circuit clerk shall not be reasonably able to ascertain that any signature is that of a qualified elector eligible to sign the recall petition, the signature shall not be counted in determining whether the petition contains a sufficient number of signatures as required by law.

(b) The nullification of a signature on any sheet of the recall petition shall not affect the validity of other signatures contained on such sheet.



(4) A circuit clerk may not receive any fee, salary or compensation from any private person or private legal entity for the clerk's duties in certifying a petition.

SECTION 10. (1) When the sponsor has secured upon the petition a number of signatures of qualified electors equal to or exceeding the minimum number required by Section 3 of this act, and the circuit clerks of the various counties have certified the signatures, the sponsor may submit the petition to the board of election commissioners for filing.

(2) The board of election commissioners shall be responsible for determining the legal sufficiency of the recall petition within fifteen (15) days after the petition has been filed. In cases where more than one (1) recall petition is subject to review for verification, the board of election commissioners shall be responsible for determining the legal sufficiency of any recall petition within thirty (30) days after it has been filed with it.

(3) A petition shall not be submitted to the board of election commissioners for verification for:

(a) Any statewide office if more than ninety (90) days have elapsed since the date the official recall petition forms were issued to the sponsors;

(b) Any official holding an office other than statewide office and for whom five thousand (5,000) signatures or more are required for the petition under Section 3(1)(b) of this act if



more than forty-five (45) days have elapsed since the date the petition forms were issued to the sponsor; or

(c) Any official holding an office other than a statewide office and for whom less than five thousand (5,000) signatures are required under Section 3(1)(b) of this act if more than thirty (30) days have elapsed since the date the recall petition forms were issued to the sponsors.

(4) (a) No petition shall be amended, supplemented or returned after it has been filed with the board of election commissioners for verification.

(b) If a petition contains more than one (1) sheet, the petition shall be bound together and each sheet shall be numbered consecutively at the foot of each page beginning with page one.

(5) (a) If the board of election commissioners determines that the petition is legally sufficient, the board of election commissioners shall immediately certify the petition.

(b) If the board of election commissioners determines that the petition is legally insufficient, the board of election commissioners shall immediately deny the petition.

(c) Within two (2) business days from the date of either certification or denial of the petition, the board of election commissioners shall:

(i) Notify the petition chairman in writing or by electronic communication; and



(ii) Notify the officeholder in writing or by electronic communication.

(6) Within five (5) business days of filing the certification of the petition, the board of election commissioners shall notify the appropriate official to call a recall election as provided in Section 11 of this act.

SECTION 11. (1) Within ten (10) days after having received certification of the sufficiency of the petition by the board of election commissioners, a recall election shall be called and published, as provided in this section, and shall be conducted not less than fifty (50) calendar days nor more than sixty-five (65) calendar days after the call; however, if a primary or general election is to be held not less than thirty (30) calendar days nor more than forty-five (45) calendar days after such call is issued, the recall election shall be conducted on that date.

(2) A recall election shall be called:

(a) By the Governor, if for a state official or a member of the Legislature on a state or federal level;

(b) By the board of election commissioners of the county, if for a county official; or

(c) By the board of election commissioners of the municipality, if for a municipal official.

(3) If a recall petition is against an official who is directed by this section to call the election, it shall be called:

(a) By the Secretary of State, if for the Governor; or



(b) By the circuit clerk, if for a member of the county board of election commissioners.

(4) The official call for the election shall be published one (1) time as follows:

(a) In a newspaper of general circulation in the electoral district, if the election is for a state official or a member of the Legislature;

(b) In a newspaper of general circulation in the county, if the election is for a county official; or

(c) In a newspaper of general circulation in the municipality, if the election is for a municipal official.

(5) If an officeholder resigns prior to the holding of a recall election, no recall election shall be conducted.

(6) (a) It shall be the duty of the appropriate officials authorized by law to conduct elections to hold and conduct the recall election and to declare and certify the results.

(b) If the person sought to be recalled is the official authorized by law to conduct elections, the clerk of the circuit court of the county in which such recall election is to be held shall hold and conduct the recall election and declare and certify the results.

(7) The ballot for the recall election shall state the name and office of the person whose recall has been petitioned, and the ballot shall be in the form prescribed by law for state, county or



545 municipal officials. The ballot shall have written or printed
546 thereon the following:

547 "[] YES Shall (name of officeholder), (name of office),
548 be recalled and removed from public office on
549 the grounds that said official has, while
550 [] NO holding public office, conducted himself or
551 herself in a manner which relates to and
552 adversely affects the administration of his
553 or her office and adversely affects the
554 interests of the public?"

555 If more than one (1) public official is subject to a recall
556 election in the same precinct, the board of election commissioners
557 may prepare a recall ballot so as to include on a single ballot
558 separate recall questions for each of the officials sought to be
559 recalled.

560 (8) (a) Those persons desiring to vote in favor of recall
561 shall vote "Yes," and those persons desiring to vote against
562 recall shall vote "No."

563 (b) If more than one-half (1/2) of the votes cast on
564 the question are in favor of recall, the public office in question
565 shall immediately become vacant. Otherwise, the public official
566 named in the petition shall continue in office.

567 (c) If a public office position becomes vacant due to
568 recall, impeachment or death, a special election shall be held
569 within ninety (90) days of the vacancy. All special elections to



fill vacancies shall, in all respects, be held, conducted and returned in the same manner as general elections, except that where no candidate receives a majority of the votes cast in the election, a runoff election shall be held three (3) weeks after the election. The two (2) candidates who receive the highest popular votes for the office shall have their names submitted as the candidates to the runoff and the candidate who leads in the runoff election shall be elected to the office. When there is a tie in the first election of those receiving the next highest vote, these two (2) and the one receiving the highest vote, none having received a majority, shall go into the runoff election and whoever leads in the runoff election shall be entitled to the office.

(9) If the special election would have equal to or less than ninety (90) days before a regularly scheduled general election, the position shall remain vacant until it is filled by the results of the regularly scheduled election.

(10) Other than the specific provisions of this section, all recall elections shall be conducted in the same manner as provided by law for special elections.

SECTION 12. (1) After a recall election has been held, no further petition shall be filed against the same official until six (6) months have elapsed from the date of the previous recall election. Any outstanding application or petitions against an official on the date of the recall election shall be void.



(2) If the board of election commissioners denies a petition, no further applications shall be filed against the same official and no further application forms shall be issued against the same official until six (6) months have elapsed from the date of the denial of the petition.

(3) The denial of a petition by the board of election commissioners shall not bar the verification of any other petitions against that official which are available for signature or pending verification at the time of the denial of the petition.

SECTION 13. (1) The State Board of Election Commissioners shall promulgate rules and regulations in accordance with the Mississippi Administrative Procedures Act as are necessary to implement and carry out its duties under this act.

(2) The Secretary of State shall print the application forms and petition forms and distribute the forms to the boards of election commissioners.

SECTION 14. (1) If the board of election commissioners fails to comply with this act, any elector may apply, within ten (10) business days after such refusal, to the circuit court for a writ of mandamus to compel the board of election commissioners to perform its official duties. If the court finds that the board of election commissioners has not complied with this act, the court shall issue an order for the board to comply.

(2) An action against the board of election commissioners shall be filed in the circuit court of the county of the board of



election commissioners, except that an action against the State Board of Election Commissioners shall be filed in the Circuit Court of Hinds County.

(3) The filing of an action under this section shall toll the procedural filing deadlines of this act.

SECTION 15. An elector's eligibility to sign an application for a recall petition or a petition for recall shall be determined as of the date immediately preceding the date the application or petition is signed by that elector.

SECTION 16. (1) Any person who gives or receives money or any other thing of value for signing an application or petition or for signing an affidavit of signature withdrawal shall be guilty of a misdemeanor.

(2) A person who, by menace or threat either directly or indirectly, induces or compels or attempts to induce or compel any other person to sign or subscribe or to refrain from signing or subscribing that person's name to an application or petition or, after signing or subscribing that person's name, to have that person's name taken therefrom shall be guilty of a misdemeanor.

(3) A person who signs any name other than his or her own to an application or petition, except as provided in subsection (4) of Section 6 of this act, or who knowingly signs his or her name more than once for the same recall application or petition or who knowingly is not at the time of signing a qualified elector of the



electoral district of the official sought to be recalled shall be guilty of a misdemeanor.

(4) Any person found guilty of a misdemeanor under this section may be subject to a fine in an amount not to exceed Five Hundred Dollars (\$500.00).

SECTION 17. Sections 25-5-3, 25-5-5, 25-5-7, 25-5-9, 25-5-11, 25-5-13, 25-5-15, 25-5-17, 25-5-19, 25-5-21, 25-5-23, 25-5-25, 25-5-27, 25-5-29, 25-5-31, 25-5-33, 25-5-35 and 25-5-37, Mississippi Code of 1972, which provide a recall procedure for local officials pursuant to petition and election, provide for the verification of the petition, provide for examination of a petition for recall by the election commissioners, provide for notice of a hearing, provide for the appointment of a removal council, provide for the conduct of a removal election, provide for the results of a removal election, and provide for appeals and penalties, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after July 1, 2023.

