

By: Representative Wallace

To: Apportionment and
Elections

HOUSE BILL NO. 113

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 23-15-213. (1) There shall be elected five (5) election
42 commissioners for each county whose terms of office shall commence
43 on the first Monday of January following their election and who
44 shall serve for a term of four (4) years. Each of the
45 commissioners shall be required to attend a training seminar



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

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

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

65 (c) No more than one (1) commissioner shall be a
66 resident of and reside in each supervisor's district of the
67 county; it being the purpose of this section that the county board
68 of election commissioners shall consist of one (1) person from
69 each supervisor's district of the county and that each



70 commissioner be elected from the supervisor's district in which he
71 or she resides.

72 (3) Candidates for county election commissioner shall
73 qualify by filing with the clerk of the board of supervisors of
74 their respective counties a petition personally signed by not less
75 than fifty (50) qualified electors of the supervisor's district in
76 which they reside, requesting that they be a candidate, by 5:00
77 p.m. not later than February 1 of the year in which the election
78 occurs and unless the petition is filed within the required time,
79 their names shall not be placed upon the 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) In the first meeting in January of each year, the county
101 election commissioners shall organize by electing a chair and a
102 secretary, who shall serve a one-year term. The county election
103 commissioners shall provide the names of the chair and secretary
104 to the Secretary of State and provide notice of any change in
105 officers which may occur during the year.

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

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

111 23-15-367. (1) Except as otherwise provided by Sections
112 23-15-974 through 23-15-985 * * *, subsection (2) of this section
113 and the provisions of Sections 1 and 2 of this act, the size,
114 print and quality of paper of the official ballot is left to the
115 discretion of the officer charged with printing the official
116 ballot.

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



119 (a) Candidates, electors or delegates for the following
120 national offices:

121 (i) President;

122 (ii) United States Senator or United States
123 Representative;

124 (b) Candidates for the following statewide office:
125 Governor, Lieutenant Governor, Secretary of State, Attorney
126 General, State Treasurer, Auditor of Public Accounts, Commissioner
127 of Agriculture and Commerce, Commissioner of Insurance;

128 (c) Candidates for the following state district
129 offices: Mississippi Transportation Commissioner, Public Service
130 Commissioner, District Attorney;

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

133 (e) Candidates for countywide office;

134 (f) Candidates for county district office.

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

142 (3) It is the duty of the Secretary of State, with the
143 approval of the Governor, to furnish the designated election



144 commissioner of each county a sample of the official ballot, not
145 less than fifty-five (55) days before the election, the general
146 form of which shall be followed as nearly as practicable.

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

149 23-15-511. The ballots shall, as far as practicable, be in
150 the same order of arrangement as provided for paper ballots that
151 are to be counted manually, except that the information may be
152 printed in vertical or horizontal rows. Nothing in this chapter
153 shall * * * prohibit the information being presented to the voters
154 from being printed on both sides of a single ballot. In those
155 years when a special election * * * occursu on the same day as the
156 general election, the names of candidates in any special election
157 and the general election shall be placed on the same ballot by the
158 election commissioners or officials in charge of the election, but
159 the general election candidates shall be clearly distinguished
160 from the special election candidates. At any time a special
161 election is held on the same day as a party primary election, the
162 names of the candidates in the special election may be placed on
163 the same ballot by the officials in charge of the election, but
164 shall be clearly distinguished as special election candidates or
165 primary election candidates.

166 Ballots shall be printed in plain clear type in black ink and
167 upon clear white materials of such size and arrangement as to be
168 compatible with the OMR equipment. Absentee ballots shall be



169 prepared and printed in the same form and shall be on the same
170 size and texture as the regular official ballots, except that they
171 shall be printed on tinted paper; or the ink used to print the
172 ballots shall be of a color different from that of the ink used to
173 print the regular official ballots. Arrows may be printed on the
174 ballot to indicate the place to mark the ballot, which may be to
175 the right or left of the names of candidates and propositions.
176 Except as otherwise provided in Sections 1 and 2 of this act, the
177 titles of offices may be arranged in vertical columns on the
178 ballot and shall be printed above or at the side of the names of
179 candidates so as to indicate clearly the candidates for each
180 office and the number to be elected. In case there are more
181 candidates for an office than can be printed in one (1) column,
182 the ballot shall be clearly marked that the list of candidates is
183 continued on the following column. Except as otherwise provided
184 in Sections 1 and 2 of this act, the names of candidates for each
185 office shall be printed in vertical columns, grouped by the
186 offices that they seek. In partisan elections, the party
187 designation of each candidate, which may be abbreviated, shall be
188 printed following his or her name.

189 One (1) sample ballot, which shall be a facsimile of the
190 official ballot and instructions to the voters, shall be provided
191 for each precinct and shall be posted in each polling place on
192 election day.



193 A separate ballot security envelope or suitable equivalent in
194 which the voter can place his or her ballot after voting, shall be
195 provided to conceal the choices the voter has made. Absentee
196 voters will receive a similar ballot security envelope provided by
197 the county in which the absentee voter will insert their voted
198 ballot, which then can be inserted into a return envelope to be
199 mailed back to the election official. Absentee ballots will not
200 be required to be folded when a ballot security envelope is
201 provided.

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

204 **SECTION 7.** This act shall take effect and be in force from
205 and after July 1, 2024.

