

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 964

1 AN ACT TO AMEND SECTION 23-15-171, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT IF ANY VACANCIES OCCUR IN A MUNICIPAL EXECUTIVE
 3 COMMITTEE WITHIN NINETY DAYS OF A MUNICIPAL PRIMARY ELECTION, THE
 4 STATE EXECUTIVE COMMITTEE SHALL FILL THE VACANCIES; TO PROVIDE
 5 THAT ANY PERSON APPOINTED TO A MUNICIPAL EXECUTIVE COMMITTEE BY
 6 THE STATE EXECUTIVE COMMITTEE SHALL REMAIN IN THAT POSITION UNTIL
 7 THE NEXT REGULAR ELECTION FOR EXECUTIVE COMMITTEES; TO BRING
 8 FORWARD SECTIONS 23-15-309 AND 23-15-313, MISSISSIPPI CODE OF
 9 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** Section 23-15-171, Mississippi Code of 1972, is
 13 amended as follows:

14 23-15-171. (1) Municipal primary elections shall be held on
 15 the first Tuesday in April preceding the general municipal
 16 election and, in the event a second primary shall be necessary,
 17 such second primary shall be held on the fourth Tuesday in April
 18 preceding such general municipal election. The candidate
 19 receiving a majority of the votes cast in the election shall be
 20 the party nominee. If no candidate shall receive a majority vote
 21 at the election, the two (2) candidates receiving the highest
 22 number of votes shall have their names placed on the ballot for



23 the second primary election. The candidate receiving the most
24 votes cast in the second primary election shall be the party
25 nominee. However, if no candidate shall receive a majority vote
26 at the first primary, and there is a tie in the election of those
27 receiving the next highest vote, those candidates receiving the
28 next highest vote and the candidate receiving the highest vote
29 shall have their names placed on the ballot for the second primary
30 election, and whoever receives the most votes cast in the second
31 primary election shall be the party nominee. * * * Each municipal
32 executive committee shall have as many members as there are
33 elective officers of the municipality, and the members of the
34 municipal executive committee of each political party shall be
35 elected in the primary elections held for the nomination of
36 candidates for municipal offices. The provisions of this section
37 shall govern all municipal primary elections as far as applicable,
38 but the officers to prepare the ballots and the poll managers and
39 other officials of the primary election shall be appointed by the
40 municipal executive committee of the party holding the primary,
41 and the returns of such election shall be made to such municipal
42 executive committee. Vacancies in the executive committee shall
43 be filled by it; however, if the vacancies occur within ninety
44 (90) days of a municipal primary election, the State Executive
45 Committee shall fill the vacancies. Any person appointed to a
46 municipal executive committee by the State Executive Committee



47 shall remain in that position until the next regular election for
48 executive committees.

49 (2) Provided, however, that in municipalities operating
50 under a special or private charter which fixes a time for holding
51 elections, other than the time fixed by Chapter 491, Laws of 1950,
52 the first primary election shall be held on the first Tuesday, two
53 (2) months before the time for holding the general election, as
54 fixed by the charter, and the second primary election, where
55 necessary, shall be held three (3) weeks after the first primary
56 election, unless the charter of any such municipality provides
57 otherwise, in which event the provisions of the special or private
58 charter shall prevail as to the time of holding such primary
59 elections.

60 (3) At the primary election the municipal executive
61 committee shall perform the same duties as are specified by law
62 and performed by members of the county executive committee with
63 regard to state and county primary elections. All primary
64 elections in municipalities shall be held and conducted in the
65 same manner as is provided by law for state and county primary
66 elections.

67 **SECTION 2.** Section 23-15-309, Mississippi Code of 1972, is
68 brought forward as follows:

69 23-15-309. (1) Nominations for all municipal officers which
70 are elective shall be made at a primary election, or elections, to
71 be held in the manner prescribed by law. All persons desiring to



72 be candidates for the nomination in the primary elections shall
73 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
74 at least sixty (60) days before the first primary election, no
75 later than 5:00 p.m. on such deadline day. If the sixtieth day to
76 file the fee and written statement before an election falls on a
77 Sunday or legal holiday, the fees and written statements submitted
78 on the business day immediately following the Sunday or legal
79 holiday shall be accepted.

80 (2) The fee paid pursuant to subsection (1) of this section
81 shall be accompanied by a written statement containing the name
82 and address of the candidate, the party with which he or she is
83 affiliated, the email address of the candidate, if any, and the
84 office for which he or she is a candidate.

85 (3) The clerk shall promptly receipt the payment, stating
86 the office for which the person making the payment is running and
87 the political party with which such person is affiliated. The
88 clerk shall keep an itemized account in detail showing the time
89 and date of the receipt of such payment received by him or her,
90 from whom such payment was received, the party with which such
91 person is affiliated and for what office the person paying the fee
92 is a candidate. No candidate may attempt to qualify with any
93 political party that does not have a duly organized municipal
94 executive committee, and the municipal clerk shall not accept any
95 assessments made pursuant to subsection (1) if the municipal clerk
96 does not have contact information for the secretary of the



97 municipal executive committee for that political party. The clerk
98 shall promptly supply all necessary information and pay over all
99 fees so received to the secretary of the proper municipal
100 executive committee. The funds may be used and disbursed in the
101 same manner as is allowed in Section 23-15-299 in regard to other
102 executive committees.

103 (4) Upon receipt of the above information, the proper
104 municipal executive committee shall then determine, at the time of
105 the qualifying deadline, whether each candidate is a qualified
106 elector of the municipality, and of the ward if the office sought
107 is a ward office, shall determine whether each candidate either
108 meets all other qualifications to hold the office he or she is
109 seeking or presents absolute proof that he or she will, subject to
110 no contingencies, meet all qualifications on or before the date of
111 the general or special election at which he or she could be
112 elected to office. The executive committee shall determine
113 whether the candidate has taken the steps necessary to qualify for
114 more than one (1) office at the election. The committee also
115 shall determine whether any candidate has been convicted of any
116 felony in a court of this state, or has been convicted on or after
117 December 8, 1992, of any offense in another state which is a
118 felony under the laws of this state, or has been convicted of any
119 felony in a federal court on or after December 8, 1992. Excepted
120 from the above are convictions of manslaughter and violations of
121 the United States Internal Revenue Code or any violations of the



122 tax laws of this state unless such offense also involved misuse or
123 abuse of his or her office or money coming into his or her hands
124 by virtue of the office. If the proper municipal executive
125 committee finds that a candidate either (a) does not meet all
126 qualifications to hold the office he or she seeks and fails to
127 provide absolute proof, subject to no contingencies, that he or
128 she will meet the qualifications on or before the date of the
129 general or special election at which he or she could be elected,
130 or (b) has been convicted of a felony as described in this
131 subsection and not pardoned, then the executive committee shall
132 notify the candidate and give the candidate an opportunity to be
133 heard. The executive committee shall mail notice to the candidate
134 at least three (3) business days before the hearing to the address
135 provided by the candidate on the qualifying forms, and the
136 committee shall attempt to contact the candidate by telephone,
137 email and facsimile if the candidate provided this information on
138 the forms. If the candidate fails to appear at the hearing or to
139 prove he or she meets all qualifications to hold the office
140 subject to no contingencies, then the name of such candidate shall
141 not be placed upon the ballot. If the executive committee
142 determines that the candidate has taken the steps necessary to
143 qualify for more than one (1) office at the election, the action
144 required by Section 23-15-905, shall be taken.

145 (5) Where there is but one (1) candidate, the proper
146 municipal executive committee when the time has expired within



147 which the names of candidates shall be furnished shall declare
148 such candidate the nominee.

149 **SECTION 3.** Section 23-15-313, Mississippi Code of 1972, is
150 brought forward as follows:

151 23-15-313. (1) If there be any political party, or parties,
152 in any municipality which shall not have a party executive
153 committee for such municipality, such political party, or parties,
154 shall within thirty (30) days of the date for which a candidate
155 for a municipal office is required to qualify in that municipality
156 select qualified electors of that municipality and of that party's
157 political faith to serve on a temporary municipal executive
158 committee until members of a municipal executive committee are
159 elected at the next regular election for executive committees.
160 The temporary municipal executive committee shall be selected in
161 the following manner: The chairman of the county executive
162 committee of the party desiring to select a temporary municipal
163 executive committee shall call, upon petition of five (5) or more
164 members of that political faith, a mass meeting of the qualified
165 electors of their political faith who reside in such municipality
166 to meet at some convenient place within such municipality, at a
167 time to be designated in the call, and at such mass convention the
168 members of that political faith shall select a temporary municipal
169 executive committee which shall serve until members of a municipal
170 executive committee are elected at the next regular election for
171 executive committees. The public shall be given notice of such



172 mass meeting as provided in Section 23-15-315. The chairman of
173 the county executive committee shall authorize the call within
174 five (5) calendar days of receipt of the petition. If the
175 chairman of the county executive committee is either
176 incapacitated, unavailable or nonresponsive and does not authorize
177 the mass call within five (5) calendar days of receipt of the
178 petition, any elected officer of the county executive committee
179 may authorize the call within five (5) calendar days. If no
180 elected officer of the county executive committee acts to approve
181 such petition after an additional five (5) calendar days from the
182 date, the chair of the county executive committee not taking
183 action as provided by this section, the petitioners shall be
184 authorized to produce the call themselves.

185 (2) If no municipal executive committee is selected or
186 otherwise formed before an election, the county executive
187 committee may serve as the temporary municipal executive committee
188 and exercise all of the duties of the municipal executive
189 committee for the municipal election. After a county executive
190 committee has fulfilled its duties as the temporary municipal
191 executive committee, as soon as practicable thereafter, the county
192 executive committee shall select a municipal executive committee
193 no later than before the next municipal election.

194 (3) A person who has been convicted of a felony in a court
195 of this state or any other state or a court of the United States,



196 shall be barred from serving as a member of a municipal executive
197 committee.

198 **SECTION 4.** This act shall take effect and be in force from
199 and after July 1, 2024.

