

By: Representative Scott

To: Apportionment and  
Elections

HOUSE BILL NO. 966

1 AN ACT TO AMEND SECTION 23-15-171, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT NO MUNICIPAL EXECUTIVE COMMITTEE MEMBER OR PRIMARY  
 3 ELECTION OFFICIAL APPOINTED BY THE MUNICIPAL EXECUTIVE COMMITTEE  
 4 MAY CAMPAIGN FOR A CANDIDATE WHOSE NAME IS LISTED ON THE MUNICIPAL  
 5 PRIMARY ELECTION BALLOT; TO PROVIDE THAT ANY PERSON WHO IS A  
 6 MUNICIPAL EXECUTIVE COMMITTEE MEMBER AND IS CONVICTED OF  
 7 CAMPAIGNING FOR A CANDIDATE ON THE MUNICIPAL PRIMARY ELECTION  
 8 BALLOT SHALL BE GUILTY OF A MISDEMEANOR AND REMOVED FROM HIS OR  
 9 HER PRIMARY ELECTION POSITION; TO AMEND SECTIONS 23-15-313 AND  
 10 25-1-115, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
 11 SECTION; TO BRING FORWARD SECTION 23-15-309, MISSISSIPPI CODE OF  
 12 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED  
 13 PURPOSES.

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

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

17 23-15-171. (1) Municipal primary elections shall be held on  
 18 the first Tuesday in April preceding the general municipal  
 19 election and, in the event a second primary shall be necessary,  
 20 such second primary shall be held on the fourth Tuesday in April  
 21 preceding such general municipal election. The candidate  
 22 receiving a majority of the votes cast in the election shall be  
 23 the party nominee. If no candidate shall receive a majority vote



24 at the election, the two (2) candidates receiving the highest  
25 number of votes shall have their names placed on the ballot for  
26 the second primary election. The candidate receiving the most  
27 votes cast in the second primary election shall be the party  
28 nominee. However, if no candidate shall receive a majority vote  
29 at the first primary, and there is a tie in the election of those  
30 receiving the next highest vote, those candidates receiving the  
31 next highest vote and the candidate receiving the highest vote  
32 shall have their names placed on the ballot for the second primary  
33 election, and whoever receives the most votes cast in the second  
34 primary election shall be the party nominee.

35 (2) \* \* \* (a) Each municipal executive committee shall have  
36 as many members as there are elective officers of the  
37 municipality, and the members of the municipal executive committee  
38 of each political party shall be elected in the primary elections  
39 held for the nomination of candidates for municipal offices. The  
40 provisions of this section shall govern all municipal primary  
41 elections as far as applicable, but the officers to prepare the  
42 ballots and the poll managers and other officials of the primary  
43 election shall be appointed by the municipal executive committee  
44 of the party holding the primary, and the returns of such election  
45 shall be made to such municipal executive committee. Vacancies in  
46 the executive committee shall be filled by it.

47 (b) No municipal executive committee member or primary  
48 election official appointed by the municipal executive committee



49 may campaign for, engage in fundraising for, make any contribution  
50 to, endorse, or in any other way support a candidate whose name is  
51 listed on the municipal primary election ballot. Any person who  
52 violates this paragraph shall be guilty of a misdemeanor and, upon  
53 conviction, shall be punished as provided in Section 99-19-31 and  
54 removed from his or her primary election position.

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

66 ( \* \* \*4) At the primary election the municipal executive  
67 committee shall perform the same duties as are specified by law  
68 and performed by members of the county executive committee with  
69 regard to state and county primary elections. All primary  
70 elections in municipalities shall be held and conducted in the  
71 same manner as is provided by law for state and county primary  
72 elections.



73           **SECTION 2.** Section 23-15-313, Mississippi Code of 1972, is  
74 amended as follows:

75           23-15-313. (1) If there be any political party, or parties,  
76 in any municipality which shall not have a party executive  
77 committee for such municipality, such political party, or parties,  
78 shall within thirty (30) days of the date for which a candidate  
79 for a municipal office is required to qualify in that municipality  
80 select qualified electors of that municipality and of that party's  
81 political faith to serve on a temporary municipal executive  
82 committee until members of a municipal executive committee are  
83 elected at the next regular election for executive committees.  
84 The temporary municipal executive committee shall be selected in  
85 the following manner: The chairman of the county executive  
86 committee of the party desiring to select a temporary municipal  
87 executive committee shall call, upon petition of five (5) or more  
88 members of that political faith, a mass meeting of the qualified  
89 electors of their political faith who reside in such municipality  
90 to meet at some convenient place within such municipality, at a  
91 time to be designated in the call, and at such mass convention the  
92 members of that political faith shall select a temporary municipal  
93 executive committee which shall serve until members of a municipal  
94 executive committee are elected at the next regular election for  
95 executive committees. The public shall be given notice of such  
96 mass meeting as provided in Section 23-15-315. The chairman of  
97 the county executive committee shall authorize the call within



98 five (5) calendar days of receipt of the petition. If the  
99 chairman of the county executive committee is either  
100 incapacitated, unavailable or nonresponsive and does not authorize  
101 the mass call within five (5) calendar days of receipt of the  
102 petition, any elected officer of the county executive committee  
103 may authorize the call within five (5) calendar days. If no  
104 elected officer of the county executive committee acts to approve  
105 such petition after an additional five (5) calendar days from the  
106 date, the chair of the county executive committee not taking  
107 action as provided by this section, the petitioners shall be  
108 authorized to produce the call themselves.

109 (2) If no municipal executive committee is selected or  
110 otherwise formed before an election, the county executive  
111 committee may serve as the temporary municipal executive committee  
112 and exercise all of the duties of the municipal executive  
113 committee for the municipal election. After a county executive  
114 committee has fulfilled its duties as the temporary municipal  
115 executive committee, as soon as practicable thereafter, the county  
116 executive committee shall select a municipal executive committee  
117 no later than before the next municipal election.

118 (3) A person who has been convicted of a felony in a court  
119 of this state or any other state or a court of the United States,  
120 shall be barred from serving as a member of a municipal executive  
121 committee.



122       (4) No temporary municipal executive committee member may  
123 campaign for, engage in fundraising for, make any contribution to,  
124 endorse, or in any other way support a candidate whose name is  
125 listed on the municipal primary election ballot. Any person who  
126 violates this subsection shall be guilty of a misdemeanor and,  
127 upon conviction, shall be punished as provided in Section 99-19-31  
128 and removed from his or her primary election position.

129       **SECTION 3.** Section 25-1-115, Mississippi Code of 1972, is  
130 amended as follows:

131       25-1-115. (1) No person shall serve on any temporary  
132 municipal executive committee, municipal executive committee,  
133 temporary county executive committee, county executive committee  
134 or state executive committee if the person has been convicted of  
135 any criminal violation of the Mississippi Election Code, has been  
136 convicted of an election crime in this state or any other state,  
137 has been convicted of any felony in this state or any other state,  
138 has been convicted of an election crime under federal law, has  
139 been removed from public office pursuant to Section 25-5-1, or who  
140 has resigned from office as part of a plea agreement.

141       (2) No municipal executive committee member or primary  
142 election official appointed by the municipal executive committee  
143 shall campaign for, engage in fundraising for, make any  
144 contribution to, endorse, or in any other way support a candidate  
145 whose name is listed on the municipal primary election ballot.



146 ( \* \* \*3) Any person who violates this section shall be  
147 guilty of a misdemeanor and, upon conviction, shall be punished as  
148 provided in Section 99-19-31 and removed from the committee.

149 **SECTION 4.** Section 23-15-309, Mississippi Code of 1972, is  
150 brought forward as follows:

151 23-15-309. (1) Nominations for all municipal officers which  
152 are elective shall be made at a primary election, or elections, to  
153 be held in the manner prescribed by law. All persons desiring to  
154 be candidates for the nomination in the primary elections shall  
155 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
156 at least sixty (60) days before the first primary election, no  
157 later than 5:00 p.m. on such deadline day. If the sixtieth day to  
158 file the fee and written statement before an election falls on a  
159 Sunday or legal holiday, the fees and written statements submitted  
160 on the business day immediately following the Sunday or legal  
161 holiday shall be accepted.

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

167 (3) The clerk shall promptly receipt the payment, stating  
168 the office for which the person making the payment is running and  
169 the political party with which such person is affiliated. The  
170 clerk shall keep an itemized account in detail showing the time



171 and date of the receipt of such payment received by him or her,  
172 from whom such payment was received, the party with which such  
173 person is affiliated and for what office the person paying the fee  
174 is a candidate. No candidate may attempt to qualify with any  
175 political party that does not have a duly organized municipal  
176 executive committee, and the municipal clerk shall not accept any  
177 assessments made pursuant to subsection (1) if the municipal clerk  
178 does not have contact information for the secretary of the  
179 municipal executive committee for that political party. The clerk  
180 shall promptly supply all necessary information and pay over all  
181 fees so received to the secretary of the proper municipal  
182 executive committee. The funds may be used and disbursed in the  
183 same manner as is allowed in Section 23-15-299 in regard to other  
184 executive committees.

185 (4) Upon receipt of the above information, the proper  
186 municipal executive committee shall then determine, at the time of  
187 the qualifying deadline, whether each candidate is a qualified  
188 elector of the municipality, and of the ward if the office sought  
189 is a ward office, shall determine whether each candidate either  
190 meets all other qualifications to hold the office he or she is  
191 seeking or presents absolute proof that he or she will, subject to  
192 no contingencies, meet all qualifications on or before the date of  
193 the general or special election at which he or she could be  
194 elected to office. The executive committee shall determine  
195 whether the candidate has taken the steps necessary to qualify for





196 more than one (1) office at the election. The committee also  
197 shall determine whether any candidate has been convicted of any  
198 felony in a court of this state, or has been convicted on or after  
199 December 8, 1992, of any offense in another state which is a  
200 felony under the laws of this state, or has been convicted of any  
201 felony in a federal court on or after December 8, 1992. Excepted  
202 from the above are convictions of manslaughter and violations of  
203 the United States Internal Revenue Code or any violations of the  
204 tax laws of this state unless such offense also involved misuse or  
205 abuse of his or her office or money coming into his or her hands  
206 by virtue of the office. If the proper municipal executive  
207 committee finds that a candidate either (a) does not meet all  
208 qualifications to hold the office he or she seeks and fails to  
209 provide absolute proof, subject to no contingencies, that he or  
210 she will meet the qualifications on or before the date of the  
211 general or special election at which he or she could be elected,  
212 or (b) has been convicted of a felony as described in this  
213 subsection and not pardoned, then the executive committee shall  
214 notify the candidate and give the candidate an opportunity to be  
215 heard. The executive committee shall mail notice to the candidate  
216 at least three (3) business days before the hearing to the address  
217 provided by the candidate on the qualifying forms, and the  
218 committee shall attempt to contact the candidate by telephone,  
219 email and facsimile if the candidate provided this information on  
220 the forms. If the candidate fails to appear at the hearing or to



221 prove he or she meets all qualifications to hold the office  
222 subject to no contingencies, then the name of such candidate shall  
223 not be placed upon the ballot. If the executive committee  
224 determines that the candidate has taken the steps necessary to  
225 qualify for more than one (1) office at the election, the action  
226 required by Section 23-15-905, shall be taken.

227 (5) Where there is but one (1) candidate, the proper  
228 municipal executive committee when the time has expired within  
229 which the names of candidates shall be furnished shall declare  
230 such candidate the nominee.

231 **SECTION 5.** This act shall take effect and be in force from  
232 and after July 1, 2024.

