

By: Representative Hurst

To: Apportionment and  
Elections

HOUSE BILL NO. 1423

1 AN ACT TO BRING FORWARD SECTIONS 23-15-213, 23-15-211 AND  
2 23-15-221, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
3 AMENDMENT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-213, Mississippi Code of 1972, is  
6 brought forward as follows:

7 23-15-213. (1) There shall be elected five (5) election  
8 commissioners for each county whose terms of office shall commence  
9 on the first Monday of January following their election and who  
10 shall serve for a term of four (4) years. Each of the  
11 commissioners shall be required to attend a training seminar  
12 provided by the Secretary of State and satisfactorily complete a  
13 skills assessment, and before acting, shall take and subscribe the  
14 oath of office prescribed by the Constitution. The oath shall be  
15 filed in the office of the clerk of the chancery court. Upon  
16 filing the oath of office, the election commissioner may be  
17 provided access to the Statewide Elections Management System for  
18 the purpose of performing his or her duties. Such skills



19 assessment shall only be required once every four (4) years.  
20 While engaged in their duties, the commissioners shall be  
21 conservators of the peace in the county, with all the duties and  
22 powers of such.

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

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

31 (c) No more than one (1) commissioner shall be a  
32 resident of and reside in each supervisors district of the county;  
33 it being the purpose of this section that the county board of  
34 election commissioners shall consist of one (1) person from each  
35 supervisors district of the county and that each commissioner be  
36 elected from the supervisors district in which he or she resides.

37 (3) Candidates for county election commissioner shall  
38 qualify by filing with the clerk of the board of supervisors of  
39 their respective counties a petition personally signed by not less  
40 than fifty (50) qualified electors of the supervisors district in  
41 which they reside, requesting that they be a candidate, by 5:00  
42 p.m. not later than February 1 of the year in which the election  
43 occurs and unless the petition is filed within the required time,



44 their names shall not be placed upon the ballot. All candidates  
45 shall declare in writing their party affiliation, if any, to the  
46 board of supervisors, and such party affiliation shall be shown on  
47 the official ballot.

48 (4) The petition shall have attached thereto a certificate  
49 of the county registrar showing the number of qualified electors  
50 on each petition, which shall be furnished by the registrar on  
51 request. The board shall determine the sufficiency of the  
52 petition, and if the petition contains the required number of  
53 signatures and is filed within the time required, the president of  
54 the board shall verify that the candidate is a resident of the  
55 supervisors district in which he or she seeks election and that  
56 the candidate is otherwise qualified as provided by law, and shall  
57 certify that the candidate is qualified to the chair or secretary  
58 of the county election commission and the names of the candidates  
59 shall be placed upon the ballot for the ensuing election. No  
60 county election commissioner shall serve or be considered as  
61 elected until he or she has received a majority of the votes cast  
62 for the position or post for which he or she is a candidate. If a  
63 majority vote is not received in the first election, then the two  
64 (2) candidates receiving the most votes for each position or post  
65 shall be placed upon the ballot for a second election to be held  
66 three (3) weeks later in accordance with appropriate procedures  
67 followed in other elections involving runoff candidates.



68 (5) In the first meeting in January of each year, the county  
69 election commissioners shall organize by electing a chair and a  
70 secretary, who shall serve a one-year term. The county election  
71 commissioners shall provide the names of the chair and secretary  
72 to the Secretary of State and provide notice of any change in  
73 officers which may occur during the year.

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

77 **SECTION 2.** Section 23-15-211, Mississippi Code of 1972, is  
78 brought forward as follows:

79 23-15-211. (1) There shall be a State Board of Election  
80 Commissioners to consist of the following members:

81 (a) The Governor, who shall serve as chair;

82 (b) The Secretary of State, who shall serve as  
83 secretary, maintain minutes of all meetings and accept service of  
84 process on behalf of the board; and

85 (c) The Attorney General.

86 Any two (2) of the members of the State Board of Election  
87 Commissioners may perform the duties required of the board.

88 (2) The duties of the board shall include, but not be  
89 limited to, the following:

90 (a) Ruling on a candidate's qualifications to run for  
91 statewide, Supreme Court, Court of Appeals, congressional



92 district, circuit and chancery court district, and other state  
93 district offices;

94 (b) Approving the state ballot for the offices stated  
95 in paragraph (a) of this subsection (2); and

96 (c) Adopting any administrative rules and regulations  
97 as are necessary to carry out the statutory duties of the board.

98 (3) The board of supervisors of each county shall pay  
99 members of the county election commission for attending training  
100 events a per diem in the amount provided in Section 23-15-153;  
101 however, except as otherwise provided in this section, the per  
102 diem shall not be paid to an election commissioner for more than  
103 twelve (12) days of training per year and shall only be paid to  
104 election commissioners who actually attend and complete a training  
105 event and obtain a training certificate.

106 (4) Included in this twelve (12) days shall be an elections  
107 seminar, conducted and sponsored by the Secretary of State.  
108 Election commissioners and chairpersons of each political party  
109 executive committee, or their designee, shall be required to  
110 attend. An election commissioner shall be certified by the  
111 Secretary of State only after attending the annual elections  
112 seminar and satisfactorily completing the skills assessment  
113 provided for in Section 23-15-213. Such skills assessment shall  
114 only be required once every four (4) years.

115 (5) Each participant shall receive a certificate from the  
116 Secretary of State indicating that the named participant has



117 received the elections training seminar instruction and  
118 satisfactorily completed the skills assessment provided for in  
119 Section 23-15-213. Election commissioners shall annually file the  
120 certificate with the chancery clerk. If any election commissioner  
121 shall fail to file the certificate by April 30 of each year, his  
122 or her office shall be vacated, absent exigent circumstances as  
123 determined by the board of supervisors and consistent with the  
124 facts. The vacancy shall be declared by the board of supervisors  
125 and the vacancy shall be filled in the manner described by law.  
126 Before declaring the office vacant, the board of supervisors shall  
127 give the election commissioner notice and the opportunity for a  
128 hearing.

129 (6) The Secretary of State, upon approval of the board of  
130 supervisors, may authorize not more than eight (8) additional  
131 training days per year for election commissioners in one or more  
132 counties. The board of supervisors of each county shall pay  
133 members of the county election commission for attending training  
134 on these days a per diem in the amount provided in Section  
135 23-15-153.

136 **SECTION 3.** Section 23-15-221, Mississippi Code of 1972, is  
137 brought forward as follows:

138 23-15-221. (1) The governing authorities of municipalities  
139 having a population of less than twenty thousand (20,000)  
140 inhabitants according to the last federal decennial census shall  
141 appoint three (3) election commissioners; the governing



142 authorities of municipalities having a population of twenty  
143 thousand (20,000) inhabitants or more and less than one hundred  
144 thousand (100,000) inhabitants according to the last federal  
145 decennial census shall appoint five (5) election commissioners;  
146 and the governing authorities of municipalities having a  
147 population of one hundred thousand (100,000) or more according to  
148 the last federal decennial census shall appoint seven (7) election  
149 commissioners. The municipal election commissioners, in  
150 conjunction with the municipal clerk, shall perform all the duties  
151 in respect to the municipal election prescribed by law to be  
152 performed by the county election commissioners where not otherwise  
153 provided. The election commissioners shall, in case there be but  
154 one (1) election precinct in the municipality, act as poll  
155 managers themselves.

156 (2) The city council or board of aldermen or other governing  
157 authority of any municipality desiring to avail itself of the  
158 provisions of the Mississippi Election Code regarding the duties  
159 of municipal election commissioners shall adopt an ordinance  
160 declaring its intention to enter into an agreement with the  
161 municipality's county to have the county election commissioners  
162 conduct municipal elections and other functions that are performed  
163 by municipal election commissioners for the benefit of the  
164 efficiency and conformity of elections, to be effective on and  
165 after a date fixed in the ordinance which must be at least thirty  
166 (30) days after the ordinance is adopted and on the first day of a



167 month. If the municipality is located in more than one (1)  
168 county, the municipality shall choose which county it wants to  
169 conduct its elections and other duties of its municipal election  
170 commissioners and enter into an agreement with that county to have  
171 that county's election commissioners conduct the municipal  
172 elections and other functions that are performed by municipal  
173 election commissioners for the benefit of the efficiency and  
174 conformity of elections, to be effective on and after a date fixed  
175 in the ordinance which must be at least thirty (30) days after the  
176 ordinance is adopted and on the first day of a month. A certified  
177 copy of this ordinance shall be immediately forwarded to the Chair  
178 of the State Board of Election Commissioners. The municipal  
179 authorities shall have a copy of the ordinance published once a  
180 week for three (3) consecutive weeks in at least one (1) newspaper  
181 published in the municipality and having a general circulation  
182 therein. The first publication shall be not less than  
183 twenty-eight (28) days before the effective date fixed in the  
184 ordinance, and the last publication shall be made not less than  
185 seven (7) days before such date. If no newspaper is published in  
186 the municipality, then notice shall be given by publishing the  
187 ordinance for the required time in some newspaper published in the  
188 same or an adjoining county having a general circulation in the  
189 municipality. A copy of the ordinance shall also be posted at  
190 three (3) public places in the municipality for a period of at  
191 least twenty-one (21) days during the time of its publication in a





192 newspaper. The publication of the ordinance may be made as  
193 provided in Section 21-17-19. Proof of publication must also be  
194 furnished to the Chair of the State Board of Election  
195 Commissioners.

196 (3) If a city council or board of aldermen or other  
197 governing authority of any municipality adopts an ordinance to  
198 abolish municipal election commissioners in the municipality's  
199 county and authorize county election commissioners to conduct the  
200 municipal election commissioners' duties, the county election  
201 commissioners shall conduct all of the duties of the municipal  
202 election commissioners including, but not limited to:

203 (a) Canvass the results of bond elections in a  
204 municipality;

205 (b) Canvass the returns of special and general  
206 elections for mayor and councilmen and within five (5) days after  
207 any special or general election, deliver to each person receiving  
208 the highest number of votes a certificate of election;

209 (c) Certify to the Secretary of State the name or names  
210 of the person or persons elected at special and general elections  
211 within ten (10) days after any special or general election;

212 (d) Revise the primary pollbooks for municipalities at  
213 the time and in the manner and in accordance with the laws now  
214 fixed and in force for revising pollbooks, except they shall not  
215 remove from the pollbook any person who is qualified to  
216 participate in primary elections;



- 217           (e) Print the pollbooks that are to be used in  
218 municipal elections;
- 219           (f) Print and distribute the "official ballots";
- 220           (g) Perform the duties of poll managers in the event  
221 there is only one (1) election precinct in the municipality;
- 222           (h) Perform any of the duties required of the municipal  
223 executive committee pursuant to Section 23-15-239 if the municipal  
224 executive committee has entered into a written agreement with the  
225 municipal clerk or the municipal or county election commission  
226 that gives such authorization;
- 227           (i) Determine whether each party candidate in the  
228 municipal general election is a qualified elector of the  
229 municipality, and of the ward if the office sought is a ward  
230 office, whether each candidate either meets all other  
231 qualifications to hold the office he or she is seeking or presents  
232 absolute proof that he or she will, subject to no contingencies,  
233 meet all qualifications on or before the date of the general or  
234 special election at which he or she could be elected to office,  
235 and whether any candidate has been convicted of any felony in a  
236 court of this state, or has been convicted on or after December 8,  
237 1992, of any offense in another state which is a felony under the  
238 laws of this state, or has been convicted of any felony in a  
239 federal court on or after December 8, 1992;
- 240           (j) Declare each candidate elected without opposition,  
241 if the candidate meets all the qualifications to hold the office



242 as determined pursuant to a review by the commission in accordance  
243 with the provisions of paragraph (i) of this subsection (3);

244 (k) Canvass the returns for municipal elections  
245 received from all voting precincts and within ten (10) days after  
246 the election, deliver to each person receiving the highest number  
247 of votes a certificate of election. If it shall appear that any  
248 two (2) or more of the candidates receiving the highest number of  
249 votes shall have received an equal number of votes, the election  
250 shall be decided by the toss of a coin or by lot, fairly and  
251 publicly drawn by the election commissioners;

252 (l) Transmit the statement provided in Section  
253 23-15-611 to the Secretary of State certifying the name or names  
254 of the person or persons elected at municipal elections, and such  
255 person or persons shall be issued commissions by the Governor;

256 (m) Receiving the filed document by any person desiring  
257 to contest the qualifications of another person who has qualified  
258 pursuant to the provisions of Section 23-15-361 as a candidate for  
259 municipal office elected on the date designated by law for regular  
260 municipal elections that specifically sets forth the grounds of  
261 the challenge no later than thirty-one (31) days after the date of  
262 the first primary election set forth in Section 23-15-309; and

263 (n) Perform all other duties with respect to the  
264 municipal election prescribed by law.

265 (4) If the city council or board of aldermen or other  
266 governing authority of any municipality does not desire to avail



267 itself of the provisions of the Mississippi Election Code  
268 regarding the duties of municipal election commissioners, then  
269 nothing in this section shall be construed in any way to affect,  
270 alter or modify the existence of those municipal election  
271 commissioners now operating under the laws relating to municipal  
272 election commissioners provided in the Mississippi Code of 1972.  
273 Those municipalities shall continue to enjoy the form of election  
274 commissions and the conduct of the respective elections that are  
275 now enjoyed by them, and each shall possess all rights, powers,  
276 privileges and immunities granted and conferred under the laws  
277 relating to municipal election commissioners provided in the  
278 Mississippi Code of 1972.

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

