

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 472

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



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

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

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

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

23-15-309. (1) Nominations for all municipal officers which are elective shall be made at a primary election, or elections, to 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



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

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



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

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

23-15-313. (1) If there be any political party, or parties,
in any municipality which shall not have a party executive
committee for such municipality, such political party, or parties,
shall within thirty (30) days of the date for which a candidate
for a municipal office is required to qualify in that municipality
select qualified electors of that municipality and of that party's
political faith to serve on a temporary municipal executive
committee until members of a municipal executive committee are
elected at the next regular election for executive committees.
The temporary municipal executive committee shall be selected in
the following manner: The chairman of the county executive
committee of the party desiring to select a temporary municipal
executive committee shall call, upon petition of five (5) or more
members of that political faith, a mass meeting of the qualified
electors of their political faith who reside in such municipality
to meet at some convenient place within such municipality, at a
time to be designated in the call, and at such mass convention the
members of that political faith shall select a temporary municipal
executive committee which shall serve until members of a municipal
executive committee are elected at the next regular election for
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, 2025.

