

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



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, 2025.

