

By: Representative Sanford

To: Apportionment and
Elections

HOUSE BILL NO. 1425

1 AN ACT TO AMEND SECTION 23-15-785, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE QUALIFICATION DEADLINE FOR PRESIDENTIAL CANDIDATES;
3 TO AMEND SECTION 23-15-839, 23-15-851, 23-15-853 AND 23-15-855,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATION DEADLINE FOR
5 SPECIAL ELECTIONS TO FILL VACANCIES FOR COUNTY AND COUNTY DISTRICT
6 OFFICES, LEGISLATIVE OFFICES, CONGRESSIONAL OFFICES AND UNITED
7 STATES SENATOR OFFICES; TO AMEND SECTIONS 37-5-9, 37-7-211,
8 37-7-225 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO REVISE THE
9 QUALIFICATION DEADLINES FOR COUNTY BOARDS OF EDUCATION, BOARDS OF
10 TRUSTEE OF SCHOOL DISTRICTS, CONSOLIDATED/CONSOLIDATED LINE SCHOOL
11 DISTRICT TRUSTEE AND MUNICIPAL SEPARATE SCHOOL DISTRICT TRUSTEE
12 AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT TRUSTEE; AND FOR
13 RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-785, Mississippi Code of 1972, is
16 amended as follows:

17 23-15-785. (1) When presidential electors are to be chosen,
18 the Secretary of State of Mississippi shall certify to the circuit
19 clerks of the several counties the names of all candidates for
20 President and Vice President who are nominated by any national
21 convention or other like assembly of any political party or by
22 written petition signed by at least one thousand (1,000) qualified
23 voters of this state.



24 (2) The certificate of nomination by a political party
25 convention must be signed by the presiding officer and secretary
26 of the convention and by the chairman of the state executive
27 committee of the political party making the nomination. Any
28 nominating petition, to be valid, must contain the signatures as
29 well as the addresses of the petitioners. The certificates and
30 petitions must be filed with the State Board of Election
31 Commissioners by filing them in the Office of the Secretary of
32 State by 5:00 p.m. not less than * * * seventy-five (75) days
33 previous to the day of the election.

34 (3) Each certificate of nomination and nominating petition
35 must be accompanied by a list of the names and addresses of
36 persons, who shall be qualified voters of this state, equal in
37 number to the number of presidential electors to be chosen. Each
38 person so listed shall execute the following statement which shall
39 be attached to the certificate or petition when it is filed with
40 the State Board of Election Commissioners: "I do hereby consent
41 and do hereby agree to serve as elector for President and Vice
42 President of the United States, if elected to that position, and
43 do hereby agree that, if so elected, I shall cast my ballot as
44 such for _____ for President and _____ for Vice President of
45 the United States" (inserting in said blank spaces the respective
46 names of the persons named as nominees for said respective offices
47 in the certificate to which this statement is attached).



48 (4) The State Board of Election Commissioners and any other
49 official charged with the preparation of official ballots shall
50 place on such official ballots the words "PRESIDENTIAL ELECTORS
51 FOR (here insert the name of the candidate for President, the word
52 'AND' and the name of the candidate for Vice President)" in lieu
53 of placing the names of such presidential electors on the official
54 ballots, and a vote cast therefor shall be counted and shall be in
55 all respects effective as a vote for each of the presidential
56 electors representing those candidates for President and Vice
57 President of the United States. In the case of unpledged
58 electors, the State Board of Election Commissioners and any other
59 official charged with the preparation of official ballots shall
60 place on such official ballots the words "UNPLEDGED ELECTOR(S)
61 (here insert the name(s) of individual unpledged elector(s) if
62 placed upon the ballot based upon a petition granted in the manner
63 provided by law stating the individual name(s) of the elector(s)
64 rather than a slate of electors)."

65 **SECTION 2.** Section 23-15-839, Mississippi Code of 1972, is
66 amended as follows:

67 23-15-839. (1) When a vacancy occurs in any county or
68 county district office, the same shall be filled by appointment by
69 the board of supervisors of the county, by order entered upon its
70 minutes, where the vacancy occurs, or by appointment of the
71 president of the board of supervisors, by and with the consent of
72 the majority of the board of supervisors, if such vacancy occurs



73 when the board is not in session, and the clerk of the board shall
74 certify to the Secretary of State the appointment, and the
75 appointed person shall be commissioned by the Governor; and if the
76 unexpired term be longer than six (6) months, such appointee shall
77 serve until a successor is elected as hereinafter provided, unless
78 the regular special election day on which the vacancy should be
79 filled occurs in a year in which an election would normally be
80 held for that office as provided by law, in which case the person
81 so appointed shall serve the unexpired portion of the term. Such
82 vacancies shall be filled for the unexpired term by the qualified
83 electors at the next regular special election day occurring more
84 than * * * one hundred five (105) days after the vacancy occurs.
85 The board of supervisors of the county shall, within ten (10) days
86 after the vacancy occurs, make an order, in writing, directed to
87 the election commissioners, commanding an election to be held on
88 the next regular special election day to fill the vacancy. The
89 election commissioners shall require each candidate to qualify at
90 least * * * seventy-five (75) days before the date of the
91 election, and shall give a certificate of election to the person
92 elected, and shall return to the Secretary of State a copy of the
93 order of holding the election, showing the election results,
94 certified by the clerk of the board of supervisors. The person
95 elected shall be commissioned by the Governor to take office once
96 the election is certified.



97 (2) In any election ordered pursuant to this section where
98 only one (1) person qualifies with the election commissioners to
99 be a candidate within the time provided by law, the election
100 commissioners shall certify to the board of supervisors that there
101 is only one (1) candidate. Thereupon, the board of supervisors
102 shall dispense with the election and appoint the certified
103 candidate to fill the unexpired term. The clerk of the board
104 shall certify the appointed candidate to the Secretary of State
105 and the candidate shall be commissioned by the Governor. In the
106 event no person qualifies by 5:00 p.m. * * * seventy-five (75)
107 days before the date of the election, the election commissioners
108 shall certify that fact to the board of supervisors who shall
109 dispense with the election and fill the vacancy by appointment.
110 The clerk of the board of supervisors shall certify the
111 appointment to the Secretary of State, and the appointed person
112 shall be commissioned by the Governor.

113 **SECTION 3.** Section 23-15-851, Mississippi Code of 1972, is
114 amended as follows:

115 23-15-851. (1) Except as otherwise provided in subsection
116 (2) of this section, within thirty (30) days after vacancies occur
117 in either house of the Legislature, the Governor shall issue writs
118 of election to fill the vacancies on a day specified in the writ
119 of election. At least * * * seventy-five (75) days' notice shall
120 be given of the election in each county or part of a county in
121 which the election shall be held. The qualifying deadline for the



election shall be * * * sixty-five (65) days before the election.
Notice of the election shall be posted at the courthouse and in
each supervisors district in the county or part of county in which
such election shall be held for as near * * * seventy-five (75)
days as may be practicable. The election shall be prepared for
and held as in the case of a general election.

(2) If a vacancy occurs in a calendar year in which the
general election for state officers is held, the Governor may
elect not to issue a writ of election to fill the vacancy.

SECTION 4. Section 23-15-853, Mississippi Code of 1972, is
amended as follows:

23-15-853. (1) If a vacancy occurs in the representation in
Congress, the vacancy shall be filled for the unexpired term by a
special election, to be ordered by the Governor, within * * *
seventy-five (75) days after the vacancy occurs, and held at a
time fixed by his or her order, and which time shall be not less
than * * * seventy-five (75) days after the issuance of the order
of the Governor, which shall be directed to the election
commissioners of the several counties of the district, who shall,
immediately on the receipt of the order, give notice of the
election by publishing the same in a newspaper having a general
circulation in the county and by posting the notice at the front
door of the courthouse. The order shall also be directed to the
State Board of Election Commissioners. The election shall be



prepared for and conducted, and returns shall be made, in all respects as provided for a special election to fill vacancies.

(2) Candidates for the office in such an election must qualify with the Secretary of State by 5:00 p.m. not less than * * * sixty-five (65) days before the date of the election. If the * * * sixty-fifth day to qualify before an election falls on a Sunday or legal holiday, the qualification submitted on the business day immediately following the Sunday or legal holiday shall be accepted. The election commissioners shall have printed on the ballot in such special election the name of any candidate who shall have been requested to be a candidate for the office by a petition filed with the Secretary of State and personally signed by not less than one thousand (1,000) qualified electors of the district. The petition shall be filed by 5:00 p.m. not less than * * * sixty-five (65) days before the date of the election. If the * * * sixty-fifth day to file the petition before an election falls on a Sunday or legal holiday, the petition filed on the business day immediately following the Sunday or legal holiday shall be accepted.

There shall be attached to each petition above provided for, upon the time of filing with the Secretary of State, a certificate from the appropriate registrar or registrars showing the number of qualified electors appearing upon each petition which the registrar shall furnish to the petitioner upon request.



170 **SECTION 5.** Section 23-15-855, Mississippi Code of 1972, is
171 amended as follows:

172 23-15-855. (1) If a vacancy shall occur in the office of
173 United States Senator from Mississippi by death, resignation or
174 otherwise, the Governor shall, within ten (10) days after
175 receiving official notice of the vacancy, issue a proclamation for
176 an election to be held in the state to elect a Senator to fill the
177 remaining unexpired term, provided the unexpired term is more than
178 twelve (12) months and the election shall be held within * * * one
179 hundred five (105) days from the time the proclamation is issued
180 and the returns of such election shall be certified to the
181 Governor in the manner set out above for regular elections, unless
182 the vacancy occurs in a year in which a general state or
183 congressional election is held, in which event the Governor's
184 proclamation shall designate the general election day as the time
185 for electing a Senator, and the vacancy shall be filled by
186 appointment as hereinafter provided.

187 (2) In case of a vacancy in the office of United States
188 Senator, the Governor may appoint a Senator to fill the vacancy
189 temporarily, and if the United States Senate be in session at the
190 time the vacancy occurs the Governor shall appoint a Senator
191 within ten (10) days after receiving official notice thereof, and
192 the appointed Senator shall serve until a successor is elected and
193 commissioned as provided for in subsection (1) of this section,
194 provided that such unexpired term as he or she may be appointed to



fill shall be for a longer time than one (1) year, but if for a shorter time than one (1) year, he or she shall serve for the full time of the unexpired term and no special election shall be called by the Governor but a successor shall be elected at the regular election.

SECTION 6. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than * * * one hundred five (105) days and not less than * * * seventy-five (75) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisor's district. Where there are less than one hundred (100) qualified electors in said supervisor's district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such supervisor's district. The candidate in each supervisor's district who receives the majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the



first election. The runoff election, in the event that such is necessary, shall be held four (4) weeks after the first election.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held four (4) weeks after the first election.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

SECTION 7. Section 37-7-211, Mississippi Code of 1972, is amended as follows:

37-7-211. (1) The name of any qualified elector who is otherwise eligible under the provisions of subsection (1) of Section 37-7-203 who shall desire to be a candidate for the office



of trustee must qualify in the following manner in order to be allowed to be considered for election. By 5:00 p.m. no more than * * * one hundred five (105) days and not less than * * * seventy-five (75) days before the election, he shall file with the county election commissioners a petition signed by not less than fifty (50) qualified electors of the area represented by the office which he seeks, either for a full term or an unexpired term, as the case may be, and an affidavit by the candidate offering for election stating his qualifications under the terms of the section. Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors in said area. The petition shall contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

(2) Unless the petition and affidavit required in subsection (1) of this section are filed by 5:00 p.m. not less than * * * seventy-five (75) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

(3) If after the time for candidates to file the petition and affidavit provided for in this section there should be only



one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

SECTION 8. Section 37-7-225, Mississippi Code of 1972, is amended as follows:

37-7-225. The county election commissioners shall place the name of any person eligible to hold the office of trustee on the ballot used in the election, provided that such candidate shall have filed with the county registrar, not more than * * * one hundred five (105) days and by 5:00 p.m. not less than * * * seventy-five (75) days prior to the date of such election, a petition of nomination signed by not less than fifty (50) qualified electors of the school district. Where there are less than one hundred (100) qualified electors in said district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such school district. If such person be a candidate for an unexpired term, he shall indicate the term for which he is a candidate in such petition; otherwise he shall be deemed to be a candidate for a full term.

If after the time for candidates to file the petition of nomination provided for herein there should be only one (1) person to qualify for the office of trustee, then no election or notice



of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

SECTION 9. Section 37-7-711, Mississippi Code of 1972, is amended as follows:

37-7-711. In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than * * * one hundred five (105) days and not less than * * * seventy-five (75) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county. Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors in said area. However, in any such special municipal separate school district which embraces the entire county and which borders the Mississippi River and in which Interstate Highway 20 and United States Highway 61 intersect and having a population in excess of



318 forty-seven thousand (47,000) according to the 1990 federal
319 decennial census, the candidate shall be required to file a
320 petition of nomination with the county election commissioners not
321 less than * * * seventy-five (75) days prior to the date of such
322 general election, in addition to the other requirements prescribed
323 herein.

324 The candidate in each election who receives the majority of
325 votes cast in the election shall be declared to have been elected.
326 If no candidate receives a majority of the votes cast at the
327 election, a runoff shall be held between the two (2) candidates
328 receiving the highest number of votes in the first election. The
329 runoff election, in the event that such is necessary, shall be
330 held four (4) weeks after the first election.

331 **SECTION 10.** This act shall take effect and be in force from
332 and after July 1, 2025.

