

By: Representative Hurst

To: Apportionment and  
Elections

HOUSE BILL NO. 1583

1 AN ACT TO AMEND SECTIONS 23-15-359, 23-15-511 AND 23-15-833,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SPECIAL ELECTION  
3 CANDIDATES SHALL HAVE THEIR PARTY AFFILIATION, IF ANY, SHOWN ON  
4 THE OFFICIAL BALLOT; TO BRING FORWARD SECTIONS 23-15-361,  
5 23-15-839, 23-15-843, 23-15-849, 23-15-851, 23-15-853, 23-15-855,  
6 23-15-857, 23-15-859 AND 37-5-19, MISSISSIPPI CODE OF 1972, FOR  
7 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-359, Mississippi Code of 1972, is  
10 amended as follows:

11 23-15-359. (1) Except as provided in this section, the  
12 ballot shall contain the names of all party nominees certified by  
13 the appropriate executive committee, and independent and special  
14 election candidates who have timely filed petitions containing the  
15 required signatures and assessments that must be paid pursuant to  
16 Section 23-15-297, if the candidates and nominees meet all of the  
17 qualifications to hold the office sought. A petition requesting  
18 that an independent or special election candidate's name be placed  
19 on the ballot for any office shall be filed as provided for in  
20 subsection (3) or (4) of this section, as appropriate, and shall



be signed by not less than the following number of qualified electors:

(a) For an office elected by the state at large, not less than one thousand (1,000) qualified electors.

(b) For an office elected by the qualified electors of a Supreme Court district, not less than three hundred (300) qualified electors.

(c) For an office elected by the qualified electors of a congressional district, not less than two hundred (200) qualified electors.

(d) For an office elected by the qualified electors of a circuit or chancery court district, not less than one hundred (100) qualified electors.

(e) For an office elected by the qualified electors of a senatorial or representative district, not less than fifty (50) qualified electors.

(f) For an office elected by the qualified electors of a county, not less than fifty (50) qualified electors.

(g) For an office elected by the qualified electors of a supervisors district, not less than fifteen (15) qualified electors.

(h) For the Office of President of the United States, a party nominee or independent candidate shall pay an assessment in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).



45           (2)   (a)   Unless the petition or fee, whichever is  
46   applicable, required above shall be filed as provided for in  
47   subsection (3), (4) or (5) of this section, as appropriate, the  
48   name of the person requested to be a candidate, unless nominated  
49   by a political party, shall not be placed upon the ballot. The  
50   ballot shall contain the names of each candidate for each office,  
51   and the names shall be listed under the name of the political  
52   party that candidate represents as provided by law and as  
53   certified to the circuit clerk by the state executive committee of  
54   the political party. In the event the candidate qualifies as an  
55   independent as provided in this section, he or she shall be listed  
56   on the ballot as an independent candidate. All special election  
57   candidates shall declare in writing their party affiliation, if  
58   any, to the Secretary of State or proper circuit clerk, as  
59   applicable, and such party affiliation shall be shown on the  
60   official ballot.

61           (b)   The name of an independent or special election  
62   candidate who dies before the printing of the ballots, shall not  
63   be placed on the ballots.

64           (3)   Petitions for offices described in paragraphs (a), (b),  
65   (c), (d) and (e) of subsection (1) of this section shall be filed  
66   with the Secretary of State by no later than 5:00 p.m. on the same  
67   date or business day, as applicable, by which candidates are  
68   required to pay the fee provided for in Section 23-15-297;



69 however, no petition may be filed before January 1 of the year in  
70 which the election for the office is held.

71 (4) Petitions for offices described in paragraphs (f) and  
72 (g) of subsection (1) of this section shall be filed with the  
73 proper circuit clerk by no later than 5:00 p.m. on the same date  
74 by which candidates are required to pay the fee provided for in  
75 Section 23-15-297; however, no petition may be filed before  
76 January 1 of the year in which the election for the office is  
77 held. The circuit clerk shall notify the county election  
78 commissioners of all persons who have filed petitions with the  
79 clerk. The notification shall occur within two (2) business days  
80 and shall contain all necessary information.

81 (5) The assessment for the office described in paragraph (h)  
82 of subsection (1) of this section shall be paid to the Secretary  
83 of State. The Secretary of State shall deposit any qualifying  
84 fees received from candidates into the Elections Support Fund  
85 established in Section 23-15-5.

86 (6) The election commissioners may also have printed upon  
87 the ballot any local issue election matter that is authorized to  
88 be held on the same date as the regular or general election  
89 pursuant to Section 23-15-375; however, the ballot form of the  
90 local issue must be filed with the election commissioners by the  
91 appropriate governing authority not less than sixty (60) days  
92 before the date of the election.



93           (7) The provisions of this section shall not apply to  
94 municipal elections or to the election of the offices of justice  
95 of the Supreme Court, judge of the Court of Appeals, circuit  
96 judge, chancellor, county court judge, justice court judge and  
97 family court judge.

98           (8) Nothing in this section shall prohibit special elections  
99 to fill vacancies in either house of the Legislature from being  
100 held as provided in Section 23-15-851. In all elections conducted  
101 under the provisions of Section 23-15-851, there shall be printed  
102 on the ballot the name of any candidate who, not having been  
103 nominated by a political party, shall have been requested to be a  
104 candidate for any office by a petition filed with the Secretary of  
105 State and signed by not less than fifty (50) qualified electors.

106           (9) (a) The appropriate election commission shall determine  
107 whether each candidate is a qualified elector of the state, state  
108 district, county or county district they seek to serve, and  
109 whether each candidate meets all other qualifications to hold the  
110 office he or she is seeking or presents absolute proof that he or  
111 she will, subject to no contingencies, meet all qualifications on  
112 or before the date of the general or special election at which he  
113 or she could be elected to office. The election commission shall  
114 determine whether the candidate has taken the steps necessary to  
115 qualify for more than one (1) office at the election. The  
116 election commission also shall determine whether any candidate has  
117 been convicted (i) of any felony in a court of this state, (ii) on



118 or after December 8, 1992, of any offense in another state which  
119 is a felony under the laws of this state, (iii) of any felony in a  
120 federal court on or after December 8, 1992, or (iv) of any offense  
121 that involved the misuse or abuse of his or her office or money  
122 coming into his or her hands by virtue of the office. Excepted  
123 from the above are convictions of manslaughter and violations of  
124 the United States Internal Revenue Code or any violations of the  
125 tax laws of this state.

126 (b) If the appropriate election commission finds that a  
127 candidate either (i) is not a qualified elector, (ii) does not  
128 meet all qualifications to hold the office he or she seeks and  
129 fails to provide absolute proof, subject to no contingencies, that  
130 he or she will meet the qualifications on or before the date of  
131 the general or special election at which he or she could be  
132 elected, or (iii) has been convicted of a felony or other  
133 disqualifying offense as described in paragraph (a) of this  
134 subsection, and not pardoned, then the election commission shall  
135 notify the candidate and give the candidate an opportunity to be  
136 heard. The election commission shall mail notice to the candidate  
137 at least three (3) business days before the hearing to the address  
138 provided by the candidate on the qualifying forms, and the  
139 committee shall attempt to contact the candidate by telephone,  
140 email and facsimile if the candidate provided this information on  
141 the forms. If the candidate fails to appear at the hearing or to  
142 prove that 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 appropriate election commission 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.

(10) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, only one (1) person has duly qualified to be a candidate for the office in the general election, the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (9) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

(11) The petition required by this section may not be filed by using the Internet.

**SECTION 2.** Section 23-15-511, Mississippi Code of 1972, is amended as follows:

23-15-511. The ballots shall, as far as practicable, be in the same order of arrangement as provided for paper ballots that



are to be counted manually, except that the information may be printed in vertical or horizontal rows. Nothing in this chapter shall be construed as prohibiting the information being presented to the voters from being printed on both sides of a single ballot. In those years when a special election shall occur on the same day as the general election, the names of candidates in any special election and the general election shall be placed on the same ballot by the election commissioners or officials in charge of the election, but the general election candidates shall be clearly distinguished from the special election candidates; however, the party affiliation of the special election candidate, if any, shall be shown on the official ballot. At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot by the officials in charge of the election, but shall be clearly distinguished as special election candidates or primary election candidates; however, the party affiliation of the special election candidate, if any, shall be shown on the official ballot.

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to





193 print the regular official ballots. Arrows may be printed on the  
194 ballot to indicate the place to mark the ballot, which may be to  
195 the right or left of the names of candidates and propositions.  
196 The titles of offices may be arranged in vertical columns on the  
197 ballot and shall be printed above or at the side of the names of  
198 candidates so as to indicate clearly the candidates for each  
199 office and the number to be elected. In case there are more  
200 candidates for an office than can be printed in one (1) column,  
201 the ballot shall be clearly marked that the list of candidates is  
202 continued on the following column. The names of candidates for  
203 each office shall be printed in vertical columns, grouped by the  
204 offices that they seek. In partisan elections, the party  
205 designation of each candidate, which may be abbreviated, shall be  
206 printed following his or her name.

207 One (1) sample ballot, which shall be a facsimile of the  
208 official ballot and instructions to the voters, shall be provided  
209 for each precinct and shall be posted in each polling place on  
210 election day.

211 A separate ballot security envelope or suitable equivalent in  
212 which the voter can place his or her ballot after voting, shall be  
213 provided to conceal the choices the voter has made. Absentee  
214 voters will receive a similar ballot security envelope provided by  
215 the county in which the absentee voter will insert their voted  
216 ballot, which then can be inserted into a return envelope to be  
217 mailed back to the election official. Absentee ballots will not



be required to be folded when a ballot security envelope is provided.

**SECTION 3.** Section 23-15-833, Mississippi Code of 1972, is amended as follows:

23-15-833. Except as otherwise provided by law, the first Tuesday after the first Monday in November of each year shall be designated the regular special election day, and on that day an election shall be held to fill any vacancy in county, county district, and district attorney elective offices, and any vacancy in the office of circuit judge or chancellor.

All special elections, or elections to fill vacancies, shall in all respects be held, conducted and returned in the same manner as general elections, except that where no candidate receives a majority of the votes cast in the election, a runoff election shall be held four (4) weeks after the election. The two (2) candidates who receive the highest popular votes for the office shall have their names submitted as the candidates to the runoff and the candidate who leads in the runoff election shall be elected to the office. When there is a tie in the first election of those receiving the next highest vote, these two (2) and the one receiving the highest vote, none having received a majority, shall go into the runoff election and whoever leads in the runoff election shall be entitled to the office.

In those years when the regular special election day shall occur on the same day as the general election, the names of



243 candidates in any special election and the general election shall  
244 be placed on the same ballot, but shall be clearly distinguished  
245 as general election candidates or special election candidates;  
246 however, the party affiliation of the special election candidate,  
247 if any, shall be shown on the official ballot. At any time a  
248 special election is held on the same day as a party primary  
249 election, the names of the candidates in the special election may  
250 be placed on the same ballot, but shall be clearly distinguished  
251 as special election candidates or primary election candidates;  
252 however, the party affiliation of the special election candidate,  
253 if any, shall be shown on the official ballot.

254       **SECTION 4.** Section 23-15-361, Mississippi Code of 1972, is  
255 brought forward as follows:

256       23-15-361. (1) The municipal general election ballot shall  
257 contain the names of all candidates who have been put in  
258 nomination by the municipal primary election of any political  
259 party. There shall be printed on the ballots the names of all  
260 persons so nominated, whether the nomination be otherwise known or  
261 not, upon the written request of one or more of the candidates so  
262 nominated, or of any qualified elector who will make oath that he  
263 or she was a participant in the primary election, and that the  
264 person whose name is presented by him or her was nominated by such  
265 primary election. The municipal election commissioners who are  
266 required to have the ballots printed, shall also have printed on  
267 the ballot in any municipal general election the name of any



candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the clerk of the municipality no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary elections are required to pay the fee provided for in Section 23-15-309, and signed by not less than the following number of qualified electors:

(a) For an office elected by the qualified electors of a municipality or a municipal district having a population of one thousand (1,000) or more, not less than fifty (50) qualified electors.

(b) For an office elected by the qualified electors of a municipality or a municipal district having a population of less than one thousand (1,000), not less than fifteen (15) qualified electors.

(2) Unless the petition required above shall be filed no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary election are required to pay the fee provided for in Section 23-15-309, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each municipal office, and the names shall be listed under the name of the political party the candidate represents as provided by law and as certified to the municipal clerk by the municipal executive committee of such



political party. In the event such candidate qualifies as an independent as herein provided, he or she shall be listed on the ballot as an independent candidate.

(3) The clerk of the municipality shall notify the municipal election commissioners of all persons who have filed petitions pursuant to subsection (1) of this section within two (2) business days of the date of filing.

(4) The ballot in elections to fill vacancies in municipal elective office shall contain the names of all persons who have qualified as required by Section 23-15-857.

(5) The municipal election commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office and shall determine whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The municipal election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of



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 municipal election commission finds that a candidate either (a) is not a qualified elector, (b) 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 (c) has been convicted of a felony as described above and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission 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 the candidate shall not be placed upon the ballot.

(6) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary election for an office, only one (1) person has duly qualified to be a candidate for the office in the general election the name of that



person shall be placed on the ballot; provided, however, that if not more than one (1) person has duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the municipal election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (5) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

**SECTION 5.** Section 23-15-839, Mississippi Code of 1972, is brought forward as follows:

23-15-839. (1) When a vacancy occurs in any county or county district office, the same shall be filled by appointment by the board of supervisors of the county, by order entered upon its minutes, where the vacancy occurs, or by appointment of the president of the board of supervisors, by and with the consent of the majority of the board of supervisors, if such vacancy occurs when the board is not in session, and the clerk of the board shall certify to the Secretary of State the appointment, and the appointed person shall be commissioned by the Governor; and if the unexpired term be longer than six (6) months, such appointee shall serve until a successor is elected as hereinafter provided, unless the regular special election day on which the vacancy should be



filled occurs in a year in which an election would normally be held for that office as provided by law, in which case the person so appointed shall serve the unexpired portion of the term. Such vacancies shall be filled for the unexpired term by the qualified electors at the next regular special election day occurring more than ninety (90) days after the vacancy occurs. The board of supervisors of the county shall, within ten (10) days after the vacancy occurs, make an order, in writing, directed to the election commissioners, commanding an election to be held on the next regular special election day to fill the vacancy. The election commissioners shall require each candidate to qualify at least sixty (60) days before the date of the election, and shall give a certificate of election to the person elected, and shall return to the Secretary of State a copy of the order of holding the election, showing the election results, certified by the clerk of the board of supervisors. The person elected shall be commissioned by the Governor to take office once the election is certified.

(2) In any election ordered pursuant to this section where only one (1) person qualifies with the election commissioners to be a candidate within the time provided by law, the election commissioners shall certify to the board of supervisors that there is only one (1) candidate. Thereupon, the board of supervisors shall dispense with the election and appoint the certified candidate to fill the unexpired term. The clerk of the board





shall certify the appointed candidate to the Secretary of State and the candidate shall be commissioned by the Governor. In the event no person qualifies by 5:00 p.m. sixty (60) days before the date of the election, the election commissioners shall certify that fact to the board of supervisors who shall dispense with the election and fill the vacancy by appointment. The clerk of the board of supervisors shall certify the appointment to the Secretary of State, and the appointed person shall be commissioned by the Governor.

**SECTION 6.** Section 23-15-843, Mississippi Code of 1972, is brought forward as follows:

23-15-843. In case of death, resignation or vacancy from any cause in the office of district attorney, the unexpired term of which shall exceed six (6) months, the Governor shall within ten (10) days after the vacancy occurs issue a proclamation calling an election to fill a vacancy in the office of district attorney to be held on the next regular special election day in the district where the vacancy occurred unless the vacancy occurs in a year in which a general election would normally be held for that office as provided by law, in which case the appointed person shall serve the unexpired portion of the term. Candidates in such a special election shall qualify in the same manner and be subject to the same time limitations as set forth in Section 23-15-839. Pending the holding of a special election, the Governor shall make an



emergency appointment to fill the vacancy until the same shall be filled by election.

**SECTION 7.** Section 23-15-849, Mississippi Code of 1972, is brought forward as follows:

23-15-849. (1) Vacancies in the office of circuit judge or chancellor shall be filled for the unexpired term by the qualified electors at the next regular special election occurring more than nine (9) months after the vacancy to be filled occurred, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following the election. Upon the occurrence of a vacancy, the Governor shall appoint a qualified person from the district in which the vacancy exists to hold the office and discharge the duties thereof until the vacancy is filled by election as provided in this subsection.

(2) (a) If half or more than half of the term remains, vacancies in the office of justice of the Supreme Court or judge of the Court of Appeals shall be filled for the unexpired term by the qualified electors at the next regular election for state officers or for representatives in Congress occurring more than nine (9) months after the vacancy to be filled occurred, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following the election. If less than half of the term remains, vacancies in the office of justice of the Supreme Court or judge of the Court of Appeals



shall be filled for the remaining unexpired term solely by  
appointment as provided in this subsection.

(b) Upon occurrence of a vacancy, the Governor shall  
appoint a qualified person from the district in which the vacancy  
exists to hold the office and discharge the duties thereof as  
follows:

(i) If less than half of the term remains, the  
appointee shall serve until expiration of the term;

(ii) If half or more than half of the term  
remains, the appointee shall serve until the vacancy is filled by  
election as provided in subsection (1) of this section for judges  
of the circuit and chancery courts. Elections to fill vacancies  
in the office of justice of the Supreme Court or judge of the  
Court of Appeals shall be held, conducted, returned and the  
persons elected commissioned in accordance with the law governing  
regular elections for justices of the Supreme Court or judges of  
the Court of Appeals to the extent applicable.

**SECTION 8.** Section 23-15-851, Mississippi Code of 1972, is  
brought forward as follows:

23-15-851. (1) Except as otherwise provided in subsection  
(2) of this section, within thirty (30) days after vacancies occur  
in either house of the Legislature, the Governor shall issue writs  
of election to fill the vacancies on a day specified in the writ  
of election. At least sixty (60) days' notice shall be given of  
the election in each county or part of a county in which the



election shall be held. The qualifying deadline for the election shall be fifty (50) 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 sixty (60) 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 9.** Section 23-15-853, Mississippi Code of 1972, is brought forward 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 sixty (60) days after the vacancy occurs, and held at a time fixed by his or her order, and which time shall be not less than sixty (60) 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 fifty (50) days before the date of the election. If the fiftieth 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 fifty (50) days before the date of the election. If the fiftieth 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.

**SECTION 10.** Section 23-15-855, Mississippi Code of 1972, is brought forward as follows:



23-15-855. (1) If a vacancy shall occur in the office of United States Senator from Mississippi by death, resignation or otherwise, the Governor shall, within ten (10) days after receiving official notice of the vacancy, issue a proclamation for an election to be held in the state to elect a Senator to fill the remaining unexpired term, provided the unexpired term is more than twelve (12) months and the election shall be held within ninety (90) days from the time the proclamation is issued and the returns of such election shall be certified to the Governor in the manner set out above for regular elections, unless the vacancy occurs in a year in which a general state or congressional election is held, in which event the Governor's proclamation shall designate the general election day as the time for electing a Senator, and the vacancy shall be filled by appointment as hereinafter provided.

(2) In case of a vacancy in the office of United States Senator, the Governor may appoint a Senator to fill the vacancy temporarily, and if the United States Senate be in session at the time the vacancy occurs the Governor shall appoint a Senator within ten (10) days after receiving official notice thereof, and the appointed Senator shall serve until a successor is elected and commissioned as provided for in subsection (1) of this section, 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 11.** Section 23-15-857, Mississippi Code of 1972, is brought forward as follows:

23-15-857. (1) When there is a vacancy in an elective office in a city, town or village, the unexpired term of which shall not exceed six (6) months, the same shall be filled by appointment by the governing authority or remainder of the governing authority of the city, town or village. The municipal clerk shall certify the appointment to the Secretary of State and the appointed person or persons shall be commissioned by the Governor.

(2) When there is a vacancy in an elective office in a city, town or village, the unexpired term of which shall exceed six (6) months, the governing authority or remainder of the governing authority of the city, town or village shall make and enter on the minutes an order for an election to be held in the city, town or village to fill the vacancy and fix a date upon which the election shall be held. The order shall be made and entered upon the minutes at the next regular meeting of the governing authority after the vacancy occurs, or at a special meeting to be held not later than ten (10) days after the vacancy occurs, Saturdays, Sundays and legal holidays excluded, whichever shall occur first. The election shall be held on a date not less than thirty (30)



565 days nor more than forty-five (45) days after the date upon which  
566 the order is adopted.

567 Notice of the election shall be given by the municipal clerk  
568 by notice published in a newspaper published in the municipality.  
569 The notice shall be published once each week for three (3)  
570 successive weeks preceding the date of the election. The first  
571 notice shall be published at least thirty (30) days before the  
572 date of the election. Notice shall also be given by posting a  
573 copy of the notice at three (3) public places in the municipality  
574 not less than twenty-one (21) days before the date of the  
575 election. One (1) of the notices shall be posted at the city,  
576 town or village hall. In the event that there is no newspaper  
577 published in the municipality, such notice shall be published as  
578 provided for above in a newspaper that has a general circulation  
579 within the municipality and by posting as provided for above.  
580 Additionally, the governing authority may publish the notice in  
581 that newspaper for as many additional times as may be deemed  
582 necessary by the governing authority.

583 Each candidate shall qualify by petition filed with the  
584 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
585 date of the election. If the twentieth day to file the petition  
586 before the election falls on a Sunday or legal holiday, the  
587 petition filed on the business day immediately following the  
588 Sunday or legal holiday shall be accepted. The petition shall be





signed by not less than the following number of qualified electors:

(a) For an office of a city, town, village or municipal district having a population of one thousand (1,000) or more, not less than fifty (50) qualified electors.

(b) For an office of a city, town, village or municipal district having a population of less than one thousand (1,000), not less than fifteen (15) qualified electors.

No qualifying fee shall be required of any candidate, and the election shall be held as far as practicable in the same manner as municipal general elections.

The candidate receiving a majority of the votes cast in the election shall be elected. If no candidate receives a majority vote at the election, the two (2) candidates receiving the highest number of votes shall have their names placed on the ballot for the election to be held three (3) weeks thereafter. The candidate receiving a majority of the votes cast in the election shall be elected. However, if no candidate receives a majority and there is a tie in the election of those receiving the next highest vote, those receiving the next highest vote and the candidate receiving the highest vote shall have their names placed on the ballot for the election to be held three (3) weeks thereafter, and whoever receives the most votes cast in the election shall be elected.

Should the election held three (3) weeks thereafter result in a tie vote, the prevailing candidate shall be decided by a toss of



614 a coin or by lot fairly and publicly drawn under the supervision  
615 of the election commission.

616 The clerk of the election commission shall then give a  
617 certificate of election to the person elected, and return to the  
618 Secretary of State a copy of the order of holding the election and  
619 runoff election results, certified by the clerk of the governing  
620 authority. The person elected shall be commissioned by the  
621 Governor.

622 However, if nineteen (19) days before the date of the  
623 election only one (1) person shall have qualified as a candidate,  
624 the governing authority, or remainder of the governing authority,  
625 shall dispense with the election and appoint that one (1)  
626 candidate in lieu of an election. In the event no person shall  
627 have qualified by 5:00 p.m. at least twenty (20) days before the  
628 date of the election, the governing authority or remainder of the  
629 governing authority shall dispense with the election and fill the  
630 vacancy by appointment. The clerk of the governing authority  
631 shall certify the appointment to the Secretary of State, and the  
632 appointed person shall be commissioned by the Governor.

633 **SECTION 12.** Section 23-15-859, Mississippi Code of 1972, is  
634 brought forward as follows:

635 23-15-859. Whenever under any statute a special election is  
636 required or authorized to be held in any municipality, and the  
637 statute authorizing or requiring the election does not specify the  
638 time within which the election shall be called, or the notice



which shall be given, the governing authorities of the municipality shall, by resolution, fix a date upon which the election shall be held. The date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon which such resolution is adopted, and not less than three (3) weeks' notice of the election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next preceding the date of the election, and by posting a copy of the notice at three (3) public places in the municipality. Nothing herein, however, shall be applicable to elections on the question of the issuance of the bonds of a municipality or to general or primary elections for the election of municipal officers.

The provisions of this section shall be applicable to all municipalities of this state, whether operating under a code charter, special charter or the commission form of government, except in cases of conflicts between the provisions of the section and the provisions of the special charter of a municipality, or the law governing the commission form of government, in which cases of conflict the provisions of the special charter or the statutes relative to the commission form of government shall apply.

**SECTION 13.** Section 37-5-19, Mississippi Code of 1972, is brought forward as follows:



663           37-5-19. Vacancies in the membership of the county board of  
664 education shall be filled by appointment, within sixty (60) days  
665 after the vacancy occurs, by the remaining members of the county  
666 board of education. Said appointee shall be selected from the  
667 qualified electors of the district in which the vacancy occurs,  
668 and shall serve until the first Monday of January next succeeding  
669 the next general election, at which general election a member  
670 shall be elected to fill the remainder of the unexpired term in  
671 the same manner and with the same qualifications applicable to the  
672 election of a member for the full term. In the event the school  
673 district is under conservatorship and no members of the county  
674 board of education remain in office, the Governor shall call a  
675 special election to fill the vacancies and said election will be  
676 conducted by the county election commission.

677           In the event the vacancy occurs more than five (5) months  
678 prior to the next general election and the remaining members of  
679 the county board of education are unable to agree upon an  
680 individual to be appointed, any two (2) of the remaining members  
681 may certify such disagreement to the county election commission.  
682 Upon the receipt of such a certificate by the county election  
683 commission, or any member thereof, the commission shall hold a  
684 special election to fill the vacancy, which said election, notice  
685 thereof and ballot shall be controlled by the laws concerning  
686 special elections to fill vacancies in county or county district



687 offices. The person elected at such a special election shall  
688 serve for the remainder of the unexpired term.

689       **SECTION 14.** This act shall take effect and be in force from  
690 and after July 1, 2025.

