

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



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

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

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

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

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

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

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

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

42 (h) For the Office of President of the United States, a  
43 party nominee or independent candidate shall pay an assessment in  
44 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.



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.

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



143 subject to no contingencies, then the name of such candidate shall  
144 not be placed upon the ballot. If the appropriate election  
145 commission determines that the candidate has taken the steps  
146 necessary to qualify for more than one (1) office at the election,  
147 the action required by Section 23-15-905, shall be taken.

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

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

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

166 23-15-511. The ballots shall, as far as practicable, be in  
167 the same order of arrangement as provided for paper ballots that

168 are to be counted manually, except that the information may be  
169 printed in vertical or horizontal rows. Nothing in this chapter  
170 shall be construed as prohibiting the information being presented  
171 to the voters from being printed on both sides of a single ballot.  
172 In those years when a special election shall occur on the same day  
173 as the general election, the names of candidates in any special  
174 election and the general election shall be placed on the same  
175 ballot by the election commissioners or officials in charge of the  
176 election, but the general election candidates shall be clearly  
177 distinguished from the special election candidates; however, the  
178 party affiliation of the special election candidate, if any, shall  
179 be shown on the official ballot. At any time a special election  
180 is held on the same day as a party primary election, the names of  
181 the candidates in the special election may be placed on the same  
182 ballot by the officials in charge of the election, but shall be  
183 clearly distinguished as special election candidates or primary  
184 election candidates; however, the party affiliation of the special  
185 election candidate, if any, shall be shown on the official ballot.

186       Ballots shall be printed in plain clear type in black ink and  
187 upon clear white materials of such size and arrangement as to be  
188 compatible with the OMR equipment. Absentee ballots shall be  
189 prepared and printed in the same form and shall be on the same  
190 size and texture as the regular official ballots, except that they  
191 shall be printed on tinted paper; or the ink used to print the  
192 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



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

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

222       23-15-833. Except as otherwise provided by law, the first  
223 Tuesday after the first Monday in November of each year shall be  
224 designated the regular special election day, and on that day an  
225 election shall be held to fill any vacancy in county, county  
226 district, and district attorney elective offices, and any vacancy  
227 in the office of circuit judge or chancellor.

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

241       In those years when the regular special election day shall  
242 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



268 candidate who, not having been nominated by a political party,  
269 shall have been requested to be a candidate for any office by a  
270 petition filed with the clerk of the municipality no later than  
271 5:00 p.m. on the same date by which candidates for nomination in  
272 the municipal primary elections are required to pay the fee  
273 provided for in Section 23-15-309, and signed by not less than the  
274 following number of qualified electors:

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

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

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



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

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

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

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



318 the United States Internal Revenue Code or any violations of the  
319 tax laws of this state unless such offense also involved misuse or  
320 abuse of his or her office or money coming into his or her hands  
321 by virtue of the office. If the municipal election commission  
322 finds that a candidate either (a) is not a qualified elector, (b)  
323 does not meet all qualifications to hold the office he or she  
324 seeks and fails to provide absolute proof, subject to no  
325 contingencies, that he or she will meet the qualifications on or  
326 before the date of the general or special election at which he or  
327 she could be elected, or (c) has been convicted of a felony as  
328 described above and not pardoned, then the election commission  
329 shall notify the candidate and give the candidate an opportunity  
330 to be heard. The election commission shall mail notice to the  
331 candidate at least three (3) business days before the hearing to  
332 the address provided by the candidate on the qualifying forms, and  
333 the committee shall attempt to contact the candidate by telephone,  
334 email and facsimile if the candidate provided this information on  
335 the forms. If the candidate fails to appear at the hearing or to  
336 prove he or she meets all qualifications to hold the office  
337 subject to no contingencies, then the name of the candidate shall  
338 not be placed upon the ballot.

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



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

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

356 23-15-839. (1) When a vacancy occurs in any county or  
357 county district office, the same shall be filled by appointment by  
358 the board of supervisors of the county, by order entered upon its  
359 minutes, where the vacancy occurs, or by appointment of the  
360 president of the board of supervisors, by and with the consent of  
361 the majority of the board of supervisors, if such vacancy occurs  
362 when the board is not in session, and the clerk of the board shall  
363 certify to the Secretary of State the appointment, and the  
364 appointed person shall be commissioned by the Governor; and if the  
365 unexpired term be longer than six (6) months, such appointee shall  
366 serve until a successor is elected as hereinafter provided, unless  
367 the regular special election day on which the vacancy should be



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

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



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

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

404         23-15-843. In case of death, resignation or vacancy from any  
405 cause in the office of district attorney, the unexpired term of  
406 which shall exceed six (6) months, the Governor shall within ten  
407 (10) days after the vacancy occurs issue a proclamation calling an  
408 election to fill a vacancy in the office of district attorney to  
409 be held on the next regular special election day in the district  
410 where the vacancy occurred unless the vacancy occurs in a year in  
411 which a general election would normally be held for that office as  
412 provided by law, in which case the appointed person shall serve  
413 the unexpired portion of the term. Candidates in such a special  
414 election shall qualify in the same manner and be subject to the  
415 same time limitations as set forth in Section 23-15-839. Pending  
416 the holding of a special election, the Governor shall make an



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

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

421           23-15-849. (1) Vacancies in the office of circuit judge or  
422     chancellor shall be filled for the unexpired term by the qualified  
423     electors at the next regular special election occurring more than  
424     nine (9) months after the vacancy to be filled occurred, and the  
425     term of office of the person elected to fill a vacancy shall  
426     commence on the first Monday in January following the election.  
427     Upon the occurrence of a vacancy, the Governor shall appoint a  
428     qualified person from the district in which the vacancy exists to  
429     hold the office and discharge the duties thereof until the vacancy  
430     is filled by election as provided in this subsection.

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



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

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

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

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

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

460 23-15-851. (1) Except as otherwise provided in subsection  
461 (2) of this section, within thirty (30) days after vacancies occur  
462 in either house of the Legislature, the Governor shall issue writs  
463 of election to fill the vacancies on a day specified in the writ  
464 of election. At least sixty (60) days' notice shall be given of  
465 the election in each county or part of a county in which the



466 election shall be held. The qualifying deadline for the election  
467 shall be fifty (50) days before the election. Notice of the  
468 election shall be posted at the courthouse and in each supervisors  
469 district in the county or part of county in which such election  
470 shall be held for as near sixty (60) days as may be practicable.  
471 The election shall be prepared for and held as in the case of a  
472 general election.

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

476 **SECTION 9.** Section 23-15-853, Mississippi Code of 1972, is  
477 brought forward as follows:

478 23-15-853. (1) If a vacancy occurs in the representation in  
479 Congress, the vacancy shall be filled for the unexpired term by a  
480 special election, to be ordered by the Governor, within sixty (60)  
481 days after the vacancy occurs, and held at a time fixed by his or  
482 her order, and which time shall be not less than sixty (60) days  
483 after the issuance of the order of the Governor, which shall be  
484 directed to the election commissioners of the several counties of  
485 the district, who shall, immediately on the receipt of the order,  
486 give notice of the election by publishing the same in a newspaper  
487 having a general circulation in the county and by posting the  
488 notice at the front door of the courthouse. The order shall also  
489 be directed to the State Board of Election Commissioners. The  
490 election shall be prepared for and conducted, and returns shall be



491 made, in all respects as provided for a special election to fill  
492 vacancies.

493 (2) Candidates for the office in such an election must  
494 qualify with the Secretary of State by 5:00 p.m. not less than  
495 fifty (50) days before the date of the election. If the fiftieth  
496 day to qualify before an election falls on a Sunday or legal  
497 holiday, the qualification submitted on the business day  
498 immediately following the Sunday or legal holiday shall be  
499 accepted. The election commissioners shall have printed on the  
500 ballot in such special election the name of any candidate who  
501 shall have been requested to be a candidate for the office by a  
502 petition filed with the Secretary of State and personally signed  
503 by not less than one thousand (1,000) qualified electors of the  
504 district. The petition shall be filed by 5:00 p.m. not less than  
505 fifty (50) days before the date of the election. If the fiftieth  
506 day to file the petition before an election falls on a Sunday or  
507 legal holiday, the petition filed on the business day immediately  
508 following the Sunday or legal holiday shall be accepted.

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

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

516            23-15-855. (1) If a vacancy shall occur in the office of  
517 United States Senator from Mississippi by death, resignation or  
518 otherwise, the Governor shall, within ten (10) days after  
519 receiving official notice of the vacancy, issue a proclamation for  
520 an election to be held in the state to elect a Senator to fill the  
521 remaining unexpired term, provided the unexpired term is more than  
522 twelve (12) months and the election shall be held within ninety  
523 (90) days from the time the proclamation is issued and the returns  
524 of such election shall be certified to the Governor in the manner  
525 set out above for regular elections, unless the vacancy occurs in  
526 a year in which a general state or congressional election is held,  
527 in which event the Governor's proclamation shall designate the  
528 general election day as the time for electing a Senator, and the  
529 vacancy shall be filled by appointment as hereinafter provided.

530            (2) In case of a vacancy in the office of United States  
531 Senator, the Governor may appoint a Senator to fill the vacancy  
532 temporarily, and if the United States Senate be in session at the  
533 time the vacancy occurs the Governor shall appoint a Senator  
534 within ten (10) days after receiving official notice thereof, and  
535 the appointed Senator shall serve until a successor is elected and  
536 commissioned as provided for in subsection (1) of this section,  
537 provided that such unexpired term as he or she may be appointed to  
538 fill shall be for a longer time than one (1) year, but if for a  
539 shorter time than one (1) year, he or she shall serve for the full  
540 time of the unexpired term and no special election shall be called



541 by the Governor but a successor shall be elected at the regular  
542 election.

543         **SECTION 11.** Section 23-15-857, Mississippi Code of 1972, is  
544 brought forward as follows:

545         23-15-857. (1) When there is a vacancy in an elective  
546 office in a city, town or village, the unexpired term of which  
547 shall not exceed six (6) months, the same shall be filled by  
548 appointment by the governing authority or remainder of the  
549 governing authority of the city, town or village. The municipal  
550 clerk shall certify the appointment to the Secretary of State and  
551 the appointed person or persons shall be commissioned by the  
552 Governor.

553         (2) When there is a vacancy in an elective office in a city,  
554 town or village, the unexpired term of which shall exceed six (6)  
555 months, the governing authority or remainder of the governing  
556 authority of the city, town or village shall make and enter on the  
557 minutes an order for an election to be held in the city, town or  
558 village to fill the vacancy and fix a date upon which the election  
559 shall be held. The order shall be made and entered upon the  
560 minutes at the next regular meeting of the governing authority  
561 after the vacancy occurs, or at a special meeting to be held not  
562 later than ten (10) days after the vacancy occurs, Saturdays,  
563 Sundays and legal holidays excluded, whichever shall occur first.  
564 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

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

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

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

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

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

612 Should the election held three (3) weeks thereafter result in  
613 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



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

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

661 **SECTION 13.** Section 37-5-19, Mississippi Code of 1972, is  
662 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.

