

By: Senator(s) England

To: Elections;  
Accountability, Efficiency,  
Transparency

## SENATE BILL NO. 2648

1 AN ACT TO CREATE THE MISSISSIPPI RECALL ACT OF 2025 TO  
2 PROVIDE A PROCEDURE FOR THE RECALL OF STATE OFFICIALS, MEMBERS OF  
3 THE LEGISLATURE AND LOCAL ELECTED OFFICIALS; TO PROVIDE  
4 DEFINITIONS; TO PRESCRIBE THOSE OFFICIALS SUBJECT TO RECALL; TO  
5 PRESCRIBE THE NUMBER OF ELECTORS NEEDED TO DEMAND A RECALL; TO  
6 PROVIDE FOR THE APPLICATION FOR AND TIME OF FILING A RECALL  
7 PETITION BY SPONSORS; TO PROVIDE A FORM FOR THE RECALL PETITION;  
8 TO PRESCRIBE THOSE ELECTORS ELIGIBLE TO SIGN A RECALL PETITION AND  
9 A PROCEDURE FOR THE VERIFICATION OF SIGNATURES; TO PROHIBIT  
10 CERTAIN PERSONS FROM CIRCULATING A PETITION OR APPLICATION; TO  
11 PROVIDE FOR THE DETERMINATION OF LEGAL SUFFICIENCY OF A PETITION  
12 BY THE LOCAL BOARD OF ELECTION COMMISSIONERS; TO PROVIDE FOR THE  
13 MANNER OF CONDUCTING A RECALL ELECTION; TO PROVIDE FOR THE FILING  
14 OF SUBSEQUENT RECALL PETITIONS FOLLOWING A RECALL ELECTION OR  
15 DENIAL OF RECALL PETITION; TO REQUIRE THE SECRETARY OF STATE TO  
16 PRINT THE APPLICATION FORMS AND PETITION FORMS AND DISTRIBUTE THE  
17 FORMS TO THE BOARDS OF ELECTION COMMISSIONERS; TO AUTHORIZE THE  
18 STATE BOARD OF ELECTION COMMISSIONERS TO PROMULGATE REGULATIONS TO  
19 IMPLEMENT THIS ACT; TO AUTHORIZE AN APPLICATION TO THE CIRCUIT  
20 COURT TO COMPEL COMPLIANCE WITH RECALL PROCEDURES; TO PROHIBIT  
21 GIVING OR RECEIVING MONEY TO SIGN PETITIONS OR AFFIDAVITS FOR  
22 RECALL AND OTHER RECALL INFRACTIONS, AND TO PROVIDE CRIMINAL  
23 PENALTIES THEREFOR; TO REPEAL SECTIONS 25-5-3 THROUGH 25-5-37,  
24 MISSISSIPPI CODE OF 1972, WHICH PROVIDE A RECALL PROCEDURE FOR  
25 LOCAL OFFICIALS PURSUANT TO PETITION AND ELECTION; AND FOR RELATED  
26 PURPOSES.

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

28 **SECTION 1.** This act shall be known and may be cited as the  
29 "Mississippi Recall Act of 2025."



30       **SECTION 2.** For purposes of this act, unless the context  
31 requires otherwise, the following terms shall have the meanings  
32 ascribed herein:

33               (a) "Application for a recall petition" or  
34 "application" means the application described in Section 4 of this  
35 act.

36               (b) "Board of election commissioners" or "board" means:  
37                       (i) For any elected state officials or members of  
38 the Legislature, the State Board of Election Commissioners;

39                       (ii) For any elected county officials, the county  
40 board of election commissioners; and

41                       (iii) For any elected municipal officials, the  
42 municipal board of election commissioners.

43               (c) "Elective office" means an office filled by the  
44 exercise of the franchise of vote by electors as defined in  
45 paragraph (d) of this section in a general or special election as  
46 defined under the laws of this state.

47               (d) "Elector" means any person who possesses all of the  
48 qualifications for voting now or hereafter prescribed by the laws  
49 of this state and who has registered to vote.

50               (e) "Electoral district" means the area in which the  
51 electors reside who are qualified to vote for any of the  
52 candidates offered for a particular office.

53               (f) "Legal sufficiency" means, solely as applied to the  
54 duties or functions of the board of election commissioners, a



determination of the completeness of an application or a petition and a determination by the circuit clerk that an application or a petition contains a sufficient number of valid signatures.

(g) "Sponsors" means the electors who circulate or file an application who were registered and eligible to vote in the last general or special election for the office held by the official sought to be recalled and who reside in the electoral district of the official sought to be recalled at the time the application is made. If at any point a sponsor moves from the electoral district, the sponsor shall be immediately removed from the petition.

(h) "Petition" means the recall petition filed with the board of election commissioners as provided in Section 10 of this act.

(i) "Petition forms" means the recall petition forms issued to the sponsor as provided in Section 5 of this act.

(j) "Recall Election" means the recall election as provided in Section 11 of this act.

**SECTION 3.** (1) (a) Every public official who holds elective office, either by election or by appointment for an unexpired term, is subject to recall from office by electors who are registered and qualified to vote in the recall election and who reside in the electoral district from which candidates are elected to that office.



79           (b) For a state official whose electoral district  
80 encompasses the entire state, the number of electors necessary to  
81 petition the recall of the official shall be equal to at least  
82 thirty-five percent (35%) of the total number of electors who  
83 legally voted at the last preceding election for any candidate  
84 standing for the office held by the official. A pro rata number  
85 of electors necessary to petition the recall of the official must  
86 reside in each of the United States congressional districts in the  
87 state as said congressional districts exist at the time of the  
88 petition, such that an equal percentage of the required electors  
89 reside in each of the respective congressional districts.

90           (c) For a state official whose electoral district  
91 encompasses only a part of the state, a member of the legislature,  
92 or a local official, the number of electors necessary to petition  
93 the recall of the official shall be equal to at least thirty-five  
94 percent (35%) of the number of electors that legally voted at the  
95 last preceding election for any candidate standing for the office  
96 held by the official.

97           (2) No petition shall demand the recall of more than one (1)  
98 public official.

99           (3) Every public official who holds elective office, either  
100 by election or by appointment for an unexpired term, is subject to  
101 recall on the grounds that such public official has, while holding  
102 any public office, conducted himself or herself in a manner which



relates to and adversely affects the administration of his or her current office and adversely affects the interests of the public.

**SECTION 4.** (1) (a) An application shall not be filed during the first one hundred eighty (180) days of the term of office of any public official subject to recall. An application shall not be filed if it would potentially result in a recall election being held within the final six (6) months of the term of office of any public official subject to recall.

(b) No person shall be authorized to circulate, sponsor or sign such application unless such person is an elector or sponsor as defined in Section 2 of this act.

(2) (a) The application shall include:

(i) The name and office of the official sought to be recalled;

(ii) The printed names and signatures of the official sponsors, the date signed, residence addresses and the name of the county of residence;

(iii) The designation of one of the sponsors as the petition chairperson who shall represent the sponsors on all matters pertaining to the application and petition;

(iv) A statement that: \_\_\_\_\_ (name and office) has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the interests of the public. The statement shall be typed, printed or



reproduced by the board of election commissioners on the face of  
each application issued; and

(v) An affidavit by the petition chairperson and  
the person circulating the application that each person sponsoring  
or signing the application is an elector of the electoral district  
of the official sought to be recalled. The affidavit required by  
this subparagraph (v) shall be in the following form:

AFFIDAVIT OF CIRCULATOR AND PETITION CHAIRPERSON

State of Mississippi

County of \_\_\_\_\_

Under the penalty of a violation of Section 97-9-59,  
Mississippi Code of 1972, relating to perjury, we the undersigned  
do depose and say that each person sponsoring or signing the  
recall application of \_\_\_\_\_ is an elector of the  
electoral district of the official sought to be recalled and  
further depose and say that the public official identified herein  
is subject to recall on the grounds that such public official has,  
while holding any public office, conducted himself or herself in a  
manner which relates to and adversely affects the administration  
of his or her current office and adversely affects the interests  
of the public.

\_\_\_\_\_  
(Signature of circulator)

\_\_\_\_\_  
(Residence address)



153 (Number and street or route)

154 \_\_\_\_\_

155 (City)

156 \_\_\_\_\_

157 (Signature of petition chairperson)

158 \_\_\_\_\_

159 (Residence address)

160 (Number and street or route)

161 \_\_\_\_\_

162 (City)

163 Subscribed and sworn to before me this \_\_\_\_\_ day of

164 \_\_\_\_\_, \_\_\_\_.

165 \_\_\_\_\_

166 Notary public

167 \_\_\_\_\_, Mississippi

168 My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_,

169 \_\_\_\_\_.

170 (b) No notary public may sign the application as an  
171 elector or serve as a circulator of any application which he or  
172 she notarized. Any and all sheets of an application for a  
173 petition that have the circulator's affidavit notarized by a  
174 notary public who also served as a circulator of one or more  
175 sheets of the application or who signed one of the sheets of the  
176 petition as an elector shall be disqualified and rejected.



177           (c) Application shall be issued by the board of  
178 election commissioners who shall assign a number to the face of  
179 each application. The board of election commissioners shall keep  
180 records of applications issued, including the date of issuance and  
181 the number assigned. The board of election commissioners shall  
182 immediately notify in writing the public official named for recall  
183 in the application, stating that an application for a recall  
184 petition has been officially issued for circulation.

185           (3) (a) The number of official sponsors necessary to file  
186 an application must be equal to at least one hundred (100)  
187 electors or equal to at least ten percent (10%) of the number of  
188 electors who legally voted in the last preceding election for any  
189 of the candidates offering for the office held by the public  
190 official sought to be recalled, whichever is fewer.

191           (b) If at any point a sponsor moves his or her  
192 residence from the electoral district, the sponsor shall be  
193 immediately removed from the petition.

194           (4) Before circulating the petition, sponsors shall submit  
195 the application to the board of election commissioners and request  
196 petition forms.

197           (5) At any time prior to the date the board of election  
198 commissioners receives the application, an elector who has signed  
199 the application as an official sponsor may request withdrawal of  
200 his or her signature from the application by executing and filing  
201 an affidavit signed and sworn to before a notary public which





affirms the elector's intention to withdraw his or her signature from the application. The official affidavit of signature withdrawal shall be printed by the Office of the Secretary of State and distributed to boards of election commissioners. The form of the affidavit shall be substantially as prescribed in Section 7 of this act.

(6) (a) No application shall be accepted for verification if more than fifteen (15) days have elapsed since the application forms were issued to the sponsors.

(b) If an application contains more than one (1) sheet, the application, when offered for filing, shall be bound together, and each sheet shall be numbered consecutively at the foot of each page beginning with page one.

(7) (a) On receipt of the application, the board of election commissioners shall:

(i) File the application and proceed to determine the legal sufficiency of the application and determine if the signers are qualified electors eligible to sign the application;

(ii) Immediately notify in writing the public official named for recall in the application, informing them that a completed application for a recall petition has been filed with the board of election commissioners for verification; and

(iii) Certify the legal sufficiency or insufficiency of the petition within five (5) business days after receiving the application. A judge of the circuit court having



jurisdiction in the subject electoral district may, upon proper application and good cause shown, grant an additional period of time not to exceed fifteen (15) business days for the board of election commissioners to certify the application.

(b) The board of election commissioners is granted unrestricted authority to examine the voter registration records maintained by the registrar, to receive evidence and testimony, and to require the personal appearance of any person signing such application for the purpose of making such determination. If the board of election commissioners finds that any signer is not a qualified elector eligible to sign the application, the signature shall not be counted in determining whether the application contains a sufficient number of signatures as required by law. The nullification of a signature on an application shall not affect the validity of other signatures contained in such application.

(8) No application shall be amended, supplemented or returned after it has been filed with the board of election commissioners for verification.

(9) Upon certifying the legal sufficiency of the application, the board of election commissioners shall:

(a) Immediately file the certification of the application;

(b) Issue official petition forms;



251 (c) Assign a number to the recall petition, which  
252 number shall appear on the face of each petition form; and  
253 (d) Issue the number to the sponsors.

254 **SECTION 5.** (1) The form of the recall petition shall be  
255 substantially as follows:

256 RECALL PETITION  
257 \_\_\_\_\_  
258 (Official application no.)  
259 \_\_\_\_\_  
260 (County or City)  
261 To \_\_\_\_\_  
262 (Name of board of election commissioners)  
263 \_\_\_\_\_  
264 (Address)  
265 \_\_\_\_\_  
266 (City, state, zip code)

267 We, the electors registered to vote in the recall election  
268 herein petitioned, demand the recall of \_\_\_\_\_ (name  
269 and office) on the grounds that said official has, while holding  
270 public office, conducted himself or herself in a manner which  
271 relates to and adversely affects the administration of his or her  
272 office and adversely affects the interests of the public.

273	Date of	Residence	County of	
274	Name	Signing	Address	Residence
275	_____			



276 (Signature) (Number and street or route)  
 277 \_\_\_\_\_  
 278 (Printed name of elector) (City)  
 279 (Ten (10) lines for signatures and printed names)  
 280 (2) The following statement shall be written or printed on  
 281 each petition and each signer must read, or be read, the following  
 282 statements:  
 283 "(a) Any person who gives or receives money or any  
 284 other thing of value for signing a recall petition or for signing  
 285 an affidavit of signature withdrawal shall be guilty of a  
 286 misdemeanor;  
 287 (b) If (insert appropriate number) electors sign this  
 288 petition, there will be an election at which a majority of the  
 289 electors voting therein will determine whether the above-named  
 290 official will be removed from office."  
 291 (3) (a) Each petition shall contain a statement  
 292 specifically designating the name and office of the official  
 293 sought to be recalled, a statement that the sponsors allege that  
 294 the named official has, while holding public office, conducted  
 295 himself or herself in a manner which relates to and adversely  
 296 affects the administration of his or her office and adversely  
 297 affects the interests of the public, and a statement confirming  
 298 that the signers agree with the sponsor(s) and support the  
 299 petition for recall of the above-named official.



(b) The statements in paragraph (b) of this subsection shall be printed on each petition form and each signer must read, or be read, the statements.

**SECTION 6.** (1) (a) All signers of a single recall petition shall be electors who are registered and eligible to vote in the recall election and who reside in the electoral district of the official sought to be recalled.

(b) When a petition is circulated in more than one (1) county, each sheet of the petition shall bear the name of the county in which it is circulated, and only electors of the designated county may sign such sheet.

(2) No petition shall be circulated or signed by any person in any location where alcoholic beverages are sold or served.

(3) Every elector signing a petition shall do so in the presence of the person circulating the petition, who is to execute the affidavit of verification on the reverse side of the petition form.

(4) (a) At the time of signing, the elector shall sign his or her name, and the elector or the person circulating the petition shall:

(i) Print the name of the elector below the elector's signature; and

(ii) Print or write in the appropriate spaces following the signature the elector's residence address, the name



of the county, and the date on which the elector signed the petition.

(b) If an elector is incapable of signing his or her name, the elector may request the person circulating the petition to sign and print the elector's name and complete the information required on the petition sheet to accompany the signature. Under this paragraph, the person circulating the petition shall also sign his or her full name beside the printed name of the elector.

(5) No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a recall petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the recall petition or who signed one (1) of the sheets of the petition as an elector shall be disqualified and rejected.

(6) The person before whom the electors signed the recall petition shall verify, in an affidavit subscribed and sworn to by him or her before a notary public, that each of the names on the petition form was signed in his or her presence on the date indicated and that in his or her belief each signer was an elector of the electoral district of the official sought to be recalled.

(7) The affidavit printed on the reverse side of each recall petition form shall be in the following form:

AFFIDAVIT OF CIRCULATOR

State of Mississippi



349 County of \_\_\_\_\_

350 Under the penalty of Section 97-9-59, Mississippi Code of  
351 1972, relating to perjury, I do depose and say that I am an  
352 elector registered to vote in the recall election herein  
353 petitioned for and that each petitioner signed or caused to be  
354 signed the foregoing petition in my presence on the date  
355 indicated; and I believe that each signer's name and residence  
356 address are correctly stated, and that each signer is an elector  
357 of the electoral district in which such recall election will be  
358 conducted, and that each signer has read, or was read, the  
359 required statements which are also set out on each petition.

360 \_\_\_\_\_  
361 (Signature of affiant)

362 \_\_\_\_\_  
363 (Residence address)

364 \_\_\_\_\_  
365 (Number and street or route)

366 \_\_\_\_\_  
367 (City)

368 Subscribed and sworn to before me this \_\_\_\_\_ day of  
369 \_\_\_\_\_, \_\_\_\_\_.

370 \_\_\_\_\_

371 Notary public

372 \_\_\_\_\_, Mississippi

373 My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



(8) An elector may change the way his or her signature and residence address appear on the petition at any time prior to the filing of the petition for verification by striking through his or her name and initialing the strike-through and re-signing the petition with his or her printed name corrected accordingly.

**SECTION 7.** (1) At any time prior to the date an application or a petition is filed for verification, an elector who has signed the application or the petition may request withdrawal of his or her signature from the application or petition by executing and filing an affidavit, in the form prescribed by this section, with the board of election commissioners. Any signature so withdrawn shall not be counted in determining the legal sufficiency of the application or petition. The affidavit shall:

(a) Be signed and sworn to before a notary public;

(b) State the elector's residence address, the name of the county of residence, and the number of the recall application or petition which he or she signed; and

(c) Affirm the elector's intention to withdraw his or her signature from the application or petition.

(2) The affidavit shall be substantially in the following form:

AFFIDAVIT OF SIGNATURE WITHDRAWAL

State of Mississippi

County of \_\_\_\_\_





398 I, \_\_\_\_\_ (name as it appears on the application or  
399 recall petition), being first duly sworn, say that I am an elector  
400 of the \_\_\_\_\_ (electoral district) in which the recall  
401 election will be conducted.

402 That my residence address is \_\_\_\_\_  
403 \_\_\_\_\_

404 (Number and street or route) (City)

405 That I signed or caused to be signed the application or the  
406 petition for the recall of \_\_\_\_\_ (name and office of  
407 person sought to be recalled) and that the recall application or  
408 petition has been assigned number \_\_\_\_\_.

409 That it is my intention by the signing and filing of this  
410 affidavit to withdraw my signature therefrom.

411 \_\_\_\_\_  
412 (Signature of elector)

413 Subscribed and sworn to before me this \_\_\_\_\_ day of  
414 \_\_\_\_\_, \_\_\_\_.

415 \_\_\_\_\_

416 Notary public

417 \_\_\_\_\_, Mississippi

418 My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

419 **SECTION 8.** (1) No county registrar or other person  
420 authorized by law to register electors and no person other than an  
421 elector of the electoral district of the official sought to be  
422 recalled shall circulate a recall application or petition.



(2) No employee of the state shall circulate a recall application or petition.

(3) All signatures obtained by any unqualified person shall be void and shall not be counted in determining the legal sufficiency of the petition.

**SECTION 9.** (1) Before a person may file a petition with the appropriate board of election commissioners, the signatures on the petition must be verified by the circuit clerk of each county in which the petition was circulated.

(2) The circuit clerk shall verify the name of each qualified elector signing on each recall petition. The circuit clerk shall certify the signatures of qualified electors of that county and shall state the total number of qualified electors signing the petition in that county.

(3) (a) The circuit clerk is granted unrestricted authority to examine the registration records maintained by the county registrar to receive evidence and testimony, and to require the personal appearance of any person signing the recall petition for the purpose of determining if the signers are qualified electors eligible to sign the recall petition. If the circuit clerk shall not be reasonably able to ascertain that any signature is that of a qualified elector eligible to sign the recall petition, the signature shall not be counted in determining whether the petition contains a sufficient number of signatures as required by law.



(b) The nullification of a signature on any sheet of the recall petition shall not affect the validity of other signatures contained on such sheet.

(4) A circuit clerk may not receive any fee, salary or compensation from any private person or private legal entity for the clerk's duties in certifying a petition.

**SECTION 10.** (1) When the sponsor has secured upon the petition a number of signatures of qualified electors equal to or exceeding the minimum number required by Section 3 of this act, and the circuit clerks of the various counties have certified the signatures, the sponsor may submit the petition to the board of election commissioners for filing.

(2) The board of election commissioners shall be responsible for determining the legal sufficiency of the recall petition within fifteen (15) days after the petition has been filed. In cases where more than one (1) recall petition is subject to review for verification, the board of election commissioners shall be responsible for determining the legal sufficiency of any recall petition within thirty (30) days after it has been filed with it.

(3) A petition shall not be submitted to the board of election commissioners for verification for:

(a) Any statewide office if more than ninety (90) days have elapsed since the date the official recall petition forms were issued to the sponsors;



471           (b) Any official holding an office other than statewide  
472 office and for whom five thousand (5,000) signatures or more are  
473 required for the petition under Section 3(1)(b) of this act if  
474 more than forty-five (45) days have elapsed since the date the  
475 petition forms were issued to the sponsor; or

476           (c) Any official holding an office other than a  
477 statewide office and for whom less than five thousand (5,000)  
478 signatures are required under Section 3(1)(b) of this act if more  
479 than thirty (30) days have elapsed since the date the recall  
480 petition forms were issued to the sponsors.

481           (4) (a) No petition shall be amended, supplemented or  
482 returned after it has been filed with the board of election  
483 commissioners for verification.

484           (b) If a petition contains more than one (1) sheet, the  
485 petition shall be bound together and each sheet shall be numbered  
486 consecutively at the foot of each page beginning with page one.

487           (5) (a) If the board of election commissioners determines  
488 that the petition is legally sufficient, the board of election  
489 commissioners shall immediately certify the petition.

490           (b) If the board of election commissioners determines  
491 that the petition is legally insufficient, the board of election  
492 commissioners shall immediately deny the petition.

493           (c) Within two (2) business days from the date of  
494 either certification or denial of the petition, the board of  
495 election commissioners shall:



(i) Notify the petition chairman in writing or by electronic communication; and

(ii) Notify the officeholder in writing or by electronic communication.

(6) Within five (5) business days of filing the certification of the petition, the board of election commissioners shall notify the appropriate official to call a recall election as provided in Section 11 of this act.

**SECTION 11.** (1) Within ten (10) days after having received certification of the sufficiency of the petition by the board of election commissioners, a recall election shall be called and published, as provided in this section, and shall be conducted not less than fifty (50) calendar days nor more than sixty-five (65) calendar days after the call; however, if a primary or general election is to be held not less than thirty (30) calendar days nor more than forty-five (45) calendar days after such call is issued, the recall election shall be conducted on that date.

(2) A recall election shall be called:

(a) By the Governor, if for a state official or a member of the Legislature;

(b) By the board of election commissioners of the county, if for a county official; or

(c) By the board of election commissioners of the municipality, if for a municipal official.



(3) If a recall petition is against an official who is directed by this section to call the election, it shall be called:

(a) By the Secretary of State, if for the Governor; or

(b) By the circuit clerk, if for a member of the county board of election commissioners.

(4) The official call for the election shall be published one (1) time as follows:

(a) In a newspaper of general circulation in the electoral district, if the election is for a state official or a member of the Legislature;

(b) In a newspaper of general circulation in the county, if the election is for a county official; or

(c) In a newspaper of general circulation in the municipality, if the election is for a municipal official.

(5) If an officeholder resigns prior to the holding of a recall election, no recall election shall be conducted.

(6) (a) It shall be the duty of the appropriate officials authorized by law to conduct elections to hold and conduct the recall election and to declare and certify the results.

(b) If the person sought to be recalled is the official authorized by law to conduct elections, the clerk of the circuit court of the county in which such recall election is to be held shall hold and conduct the recall election and declare and certify the results.



(7) The ballot for the recall election shall state the name and office of the person whose recall has been petitioned, and the ballot shall be in the form prescribed by law for state, county or municipal officials. The ballot shall have written or printed thereon the following:

"[ ] YES Shall (name of officeholder), (name of office), be recalled and removed from public office on the grounds that said official has, while [ ] NO holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the interests of the public?"

If more than one (1) public official is subject to a recall election in the same precinct, the board of election commissioners may prepare a recall ballot so as to include on a single ballot separate recall questions for each of the officials sought to be recalled.

(8) (a) Those persons desiring to vote in favor of recall shall vote "Yes," and those persons desiring to vote against recall shall vote "No."

(b) If more than one-half (1/2) of the votes cast on the question are in favor of recall, the public office in question shall immediately become vacant. Otherwise, the public official named in the petition shall continue in office.



569 (c) If a public office position becomes vacant due to  
570 recall, impeachment or death, a special election shall be held  
571 within ninety (90) days of the vacancy. All special elections to  
572 fill vacancies shall, in all respects, be held, conducted and  
573 returned in the same manner as general elections, except that  
574 where no candidate receives a majority of the votes cast in the  
575 election, a runoff election shall be held three (3) weeks after  
576 the election. The two (2) candidates who receive the highest  
577 popular votes for the office shall have their names submitted as  
578 the candidates to the runoff, and the candidate who leads in the  
579 runoff election shall be elected to the office. When there is a  
580 tie in the first election of those receiving the next highest  
581 vote, these two (2) and the one receiving the highest vote, none  
582 having received a majority, shall go into the runoff election and  
583 whoever leads in the runoff election shall be entitled to the  
584 office.

585 (9) If the special election would have equal to or less than  
586 ninety (90) days before a regularly scheduled general election,  
587 the position shall remain vacant until it is filled by the results  
588 of the regularly scheduled election.

589 (10) Other than the specific provisions of this section, all  
590 recall elections shall be conducted in the same manner as provided  
591 by law for special elections.

592 **SECTION 12.** (1) After a recall election has been held, no  
593 further petition shall be filed against the same official until





594 six (6) months have elapsed from the date of the previous recall  
595 election. Any outstanding application or petitions against an  
596 official on the date of the recall election shall be void.

597 (2) If the board of election commissioners denies a  
598 petition, no further applications shall be filed against the same  
599 official and no further application forms shall be issued against  
600 the same official until six (6) months have elapsed from the date  
601 of the denial of the petition.

602 (3) The denial of a petition by the board of election  
603 commissioners shall not bar the verification of any other  
604 petitions against that official which are available for signature  
605 or pending verification at the time of the denial of the petition.

606 **SECTION 13.** (1) The State Board of Election Commissioners  
607 shall promulgate rules and regulations in accordance with the  
608 Mississippi Administrative Procedures Act as are necessary to  
609 implement and carry out its duties under this act.

610 (2) The Secretary of State shall print the application forms  
611 and petition forms and distribute the forms to the boards of  
612 election commissioners.

613 **SECTION 14.** (1) If the board of election commissioners  
614 fails to comply with this act, any elector may apply, within ten  
615 (10) business days after such refusal, to the circuit court for a  
616 writ of mandamus to compel the board of election commissioners to  
617 perform its official duties. If the court finds that the board of



election commissioners has not complied with this act, the court shall issue an order for the board to comply.

(2) An action against the board of election commissioners shall be filed in the circuit court of the county of the board of election commissioners, except that an action against the State Board of Election Commissioners shall be filed in the Circuit Court of Hinds County.

(3) The filing of an action under this section shall toll the procedural filing deadlines of this act.

**SECTION 15.** An elector's eligibility to sign an application for a recall petition or a petition for recall shall be determined as of the date immediately preceding the date the application or petition is signed by that elector.

**SECTION 16.** (1) Any person who gives or receives money or any other thing of value for signing an application or petition or for signing an affidavit of signature withdrawal shall be guilty of a misdemeanor.

(2) A person who, by menace or threat either directly or indirectly, induces or compels or attempts to induce or compel any other person to sign or subscribe or to refrain from signing or subscribing that person's name to an application or petition or, after signing or subscribing that person's name, to have that person's name taken therefrom shall be guilty of a misdemeanor.

(3) A person who signs any name other than his or her own to an application or petition, except as provided in subsection (4)



643 of Section 6 of this act, or who knowingly signs his or her name  
644 more than once for the same recall application or petition or who  
645 knowingly is not at the time of signing a qualified elector of the  
646 electoral district of the official sought to be recalled shall be  
647 guilty of a misdemeanor.

648 (4) Any person found guilty of a misdemeanor under this  
649 section may be subject to a fine in an amount not to exceed Five  
650 Hundred Dollars (\$500.00).

651 **SECTION 17.** Sections 25-5-3, 25-5-5, 25-5-7, 25-5-9,  
652 25-5-11, 25-5-13, 25-5-15, 25-5-17, 25-5-19, 25-5-21, 25-5-23,  
653 25-5-25, 25-5-27, 25-5-29, 25-5-31, 25-5-33, 25-5-35 and 25-5-37,  
654 Mississippi Code of 1972, which provide a recall procedure for  
655 local officials pursuant to petition and election, provide for the  
656 verification of the petition, provide for examination of a  
657 petition for recall by the election commissioners, provide for  
658 notice of a hearing, provide for the appointment of a removal  
659 council, provide for the conduct of a removal election, provide  
660 for the results of a removal election, and provide for appeals and  
661 penalties, are hereby repealed.

662 **SECTION 18.** This act shall take effect and be in force from  
663 and after July 1, 2025.

