

By: Senator(s) England

To: Elections

## SENATE BILL NO. 2659

1 AN ACT TO AMEND SECTIONS 37-7-211, 37-5-9, 37-7-225,  
2 37-7-711, 23-15-785, 23-15-839, 23-15-851, 23-15-853, AND  
3 23-15-855, MISSISSIPPI CODE OF 1972, TO AMEND THE QUALIFICATION  
4 DEADLINES BEFORE A SPECIAL OR SCHOOL BOARD ELECTION; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-7-211, Mississippi Code of 1972, is  
8 amended as follows:

9 37-7-211. (1) The name of any qualified elector who is  
10 otherwise eligible under the provisions of subsection (1) of  
11 Section 37-7-203 who shall desire to be a candidate for the office  
12 of trustee must qualify in the following manner in order to be  
13 allowed to be considered for election. By 5:00 p.m. no more  
14 than \* \* \* one hundred five (105) days and not less than \* \* \*  
15 seventy-five (75) days before the election, he or she shall file  
16 with the county election commissioners a petition signed by not  
17 less than fifty (50) qualified electors of the area represented by  
18 the office which he or she seeks, either for a full term or an  
19 unexpired term, as the case may be, and an affidavit by the



20 candidate offering for election stating his or her qualifications  
21 under the terms of the section. If the seventy-fifth day before  
22 the election falls on a Saturday, Sunday or legal holiday, the  
23 petition and the affidavit required under this section shall be  
24 filed by 5:00 p.m. on the business day immediately following the  
25 Saturday, Sunday or legal holiday. Where there are less than one  
26 hundred (100) qualified electors in said area represented by the  
27 trustee, it shall only be required that said petition of  
28 nomination be signed by at least twenty percent (20%) of the  
29 qualified electors in said area. The petition shall contain an  
30 affidavit certifying that all signatures are the personal  
31 signatures of each person whose name appears on the petition and  
32 that each person is a qualified elector.

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

39 (3) If after the time for candidates to file the petition  
40 and affidavit provided for in this section there should be only  
41 one (1) person to qualify for the office of trustee, then no  
42 election or notice of election shall be necessary and such person  
43 shall, if otherwise qualified, be declared elected without  
44 opposition.



45       **SECTION 2.** Section 37-5-9, Mississippi Code of 1972, is  
46 amended as follows:

47       37-5-9. The name of any qualified elector who is a candidate  
48 for the county board of education shall be placed on the ballot  
49 used in the general elections by the county election  
50 commissioners, provided that the candidate files with the county  
51 election commissioners, not more than \* \* \* one hundred five (105)  
52 days and not less than \* \* \* seventy-five (75) days prior to the  
53 date of such general election, a petition of nomination signed by  
54 not less than fifty (50) qualified electors of the county residing  
55 within each supervisor's district. If the seventy-fifth day  
56 before the election falls on a Saturday, Sunday or legal holiday,  
57 the petition required under this section shall be filed by 5:00  
58 p.m. on the business day immediately following the Saturday,  
59 Sunday or legal holiday. Where there are less than one hundred  
60 (100) qualified electors in said supervisor's district, it shall  
61 only be required that said petition of nomination be signed by at  
62 least twenty percent (20%) of the qualified electors of such  
63 supervisor's district. The candidate in each supervisor's  
64 district who receives the majority of votes cast in the district  
65 shall be declared elected. If no candidate receives a majority of  
66 the votes cast at the election, a runoff shall be held between the  
67 two (2) candidates receiving the highest number of votes in the  
68 first election. The runoff election, in the event that such is  
69 necessary, shall be held four (4) weeks after the first election.



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

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

88 **SECTION 3.** Section 37-7-225, Mississippi Code of 1972, is  
89 amended as follows:

90 37-7-225. The county election commissioners shall place the  
91 name of any person eligible to hold the office of trustee on the  
92 ballot used in the election, provided that such candidate shall  
93 have filed with the county registrar, not more than \* \* \* one  
94 hundred five (105) days and by 5:00 p.m. not less than \* \* \*



seventy-five (75) days prior to the date of such election, a petition of nomination signed by not less than fifty (50) qualified electors of the school district. If the seventy-fifth day before the election falls on a Saturday, Sunday or legal holiday, the petition required under this section shall be filed by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. Where there are less than one hundred (100) qualified electors in said district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such school district. If such person be a candidate for an unexpired term, he or she shall indicate the term for which he or she is a candidate in such petition; otherwise he or she shall be deemed to be a candidate for a full term.

If after the time for candidates to file the petition of nomination provided for herein there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

**SECTION 4.** Section 37-7-711, Mississippi Code of 1972, is amended as follows:

37-7-711. In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of



the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than \* \* \* one hundred five (105) days and not less than \* \* \* seventy-five (75) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county. If the seventy-fifth day before the election falls on a Saturday, Sunday or legal holiday, the petition required under this section shall be filed by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

Where there are less than one hundred (100) qualified electors in said area represented by the trustee, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors in said area. However, in any such special municipal separate school district which embraces the entire county and which borders the Mississippi River and in which Interstate Highway 20 and United States Highway 61 intersect and having a population in excess of forty-seven thousand (47,000) according to the 1990 federal decennial census, the candidate shall be required to file a petition of nomination with the county election commissioners not less than \* \* \* seventy-five (75) days



144 prior to the date of such general election, in addition to the  
145 other requirements prescribed herein.

146       The candidate in each election who receives the majority of  
147 votes cast in the election shall be declared to have been elected.  
148 If no candidate receives a majority of the votes cast at the  
149 election, a runoff shall be held between the two (2) candidates  
150 receiving the highest number of votes in the first election. The  
151 runoff election, in the event that such is necessary, shall be  
152 held four (4) weeks after the first election.

153       **SECTION 5.** Section 23-15-785, Mississippi Code of 1972, is  
154 amended as follows:

155       23-15-785. (1) When presidential electors are to be chosen,  
156 the Secretary of State of Mississippi shall certify to the circuit  
157 clerks of the several counties the names of all candidates for  
158 President and Vice President who are nominated by any national  
159 convention or other like assembly of any political party or by  
160 written petition signed by at least one thousand (1,000) qualified  
161 voters of this state.

162       (2) The certificate of nomination by a political party  
163 convention must be signed by the presiding officer and secretary  
164 of the convention and by the chairman of the state executive  
165 committee of the political party making the nomination. Any  
166 nominating petition, to be valid, must contain the signatures as  
167 well as the addresses of the petitioners. The certificates and  
168 petitions must be filed with the State Board of Election



Commissioners by filing them in the Office of the Secretary of State by 5:00 p.m. not less than \* \* \* seventy-five (75) days previous to the day of the election.

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

(4) The State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "PRESIDENTIAL ELECTORS FOR (here insert the name of the candidate for President, the word 'AND' and the name of the candidate for Vice President)" in lieu of placing the names of such presidential electors on the official ballots, and a vote cast therefor shall be counted and shall be in all respects effective as a vote for each of the presidential





electors representing those candidates for President and Vice President of the United States. In the case of unpledged electors, the State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "UNPLEDGED ELECTOR(S) (here insert the name(s) of individual unpledged elector(s) if placed upon the ballot based upon a petition granted in the manner provided by law stating the individual name(s) of the elector(s) rather than a slate of electors)."

**SECTION 6.** Section 23-15-839, Mississippi Code of 1972, is amended 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



219 so appointed shall serve the unexpired portion of the term. Such  
220 vacancies shall be filled for the unexpired term by the qualified  
221 electors at the next regular special election day occurring more  
222 than \* \* \* one hundred five (105) days after the vacancy occurs.  
223 The board of supervisors of the county shall, within ten (10) days  
224 after the vacancy occurs, make an order, in writing, directed to  
225 the election commissioners, commanding an election to be held on  
226 the next regular special election day to fill the vacancy. The  
227 election commissioners shall require each candidate to qualify at  
228 least \* \* \* seventy-five (75) days before the date of the  
229 election, and shall give a certificate of election to the person  
230 elected, and shall return to the Secretary of State a copy of the  
231 order of holding the election, showing the election results,  
232 certified by the clerk of the board of supervisors. The person  
233 elected shall be commissioned by the Governor to take office once  
234 the election is certified.

235 (2) In any election ordered pursuant to this section where  
236 only one (1) person qualifies with the election commissioners to  
237 be a candidate within the time provided by law, the election  
238 commissioners shall certify to the board of supervisors that there  
239 is only one (1) candidate. Thereupon, the board of supervisors  
240 shall dispense with the election and appoint the certified  
241 candidate to fill the unexpired term. The clerk of the board  
242 shall certify the appointed candidate to the Secretary of State  
243 and the candidate shall be commissioned by the Governor. In the



event no person qualifies by 5:00 p.m. \* \* \* seventy-five (75)  
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 7.** Section 23-15-851, Mississippi Code of 1972, is  
amended 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 \* \* \* eighty-five (85) 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 \* \* \* seventy-five (75) days before the  
election. Notice of the election shall be posted at the  
courthouse and in each supervisor's district in the county or part  
of the county in which such election shall be held for as  
near \* \* \* to seventy-five (75) days as may be practicable. The  
election shall be prepared for and held as in the case of a  
general election.



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

**SECTION 8.** Section 23-15-853, Mississippi Code of 1972, is amended as follows:

23-15-853. (1) If a vacancy occurs in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within \* \* \* one hundred five (105) days after the vacancy occurs, and held at a time fixed by his or her order, and which time shall be not less than \* \* \* one hundred five (105) 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 \* \* \* seventy-five (75) days before the date of the election. If the \* \* \* seventy-fifth day to qualify before an election falls on a Saturday, Sunday or legal holiday, the qualification



submitted on the business day immediately following the Saturday,  
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 \* \* \* seventy-five (75)  
days before the date of the election. If the \* \* \* seventy-fifth  
day to file the petition before an election falls on a Saturday,  
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 9.** Section 23-15-855, Mississippi Code of 1972, is  
amended 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 \* \* \* one hundred five (105) 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 \* \* \* is 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 10.** This act shall take effect and be in force from and after July 1, 2025.

