

By: Bowles

To: Apportionment and  
Elections

HOUSE BILL NO. 397

1 AN ACT TO PROVIDE THAT AN ELECTED PUBLIC OFFICIAL AND CERTAIN  
2 APPOINTED PUBLIC OFFICIALS MAY NOT QUALIFY AS A CANDIDATE FOR  
3 ANOTHER ELECTIVE PUBLIC OFFICE UNLESS HE RESIGNS FROM THE OFFICE  
4 THAT HE CURRENTLY HOLDS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. A person who holds an elective public office,  
7 whether state, county, district or municipal, or an appointed  
8 office for a definite term, whether state, county, district or  
9 municipal may not qualify as a candidate for a different elective  
10 public office, unless he resigns from the office that he holds not  
11 later than the earlier of (a) the date on which he would otherwise  
12 qualify for the other office that he intends to seek; or (b) the  
13 date he accepts or consents to the acceptance by another person of  
14 a contribution, as defined in Section 23-15-801, to be used for  
15 his benefit in seeking election to the different office. The  
16 resignation shall be executed by the official in writing,  
17 irrevocably resigning from the office that he holds, and shall be  
18 directed and presented to: the Governor, in the case of a state  
19 or multicounty district official; to the county board of  
20 supervisors, in the case of a county official; to the municipal  
21 governing authority, in the case of a municipal official; and to  
22 the Lieutenant Governor, in the case where the Governor resigns.

23 Any resignation shall create a vacancy in the office, and the  
24 vacancy shall be filled in the manner provided by law.

25 SECTION 2. The Attorney General of the State of Mississippi  
26 shall submit this act, immediately upon approval by the Governor,  
27 or upon approval by the Legislature subsequent to a veto, to the  
28 Attorney General of the United States or to the United States  
29 District Court for the District of Columbia in accordance with the  
30 provisions of the Voting Rights Act of 1965, as amended and  
31 extended.

32 SECTION 3. This act shall take effect and be in force from  
33 and after the date it is effectuated under Section 5 of the Voting  
34 Rights Act of 1965, as amended and extended.