

By: Representative Rotenberry

To: Apportionment and
Elections

HOUSE BILL NO. 386

1 AN ACT TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972,
2 TO REVISE QUALIFICATION REQUIREMENTS FOR ELECTION COMMISSIONER
3 CANDIDATES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-213, Mississippi Code of 1972, is
6 amended as follows:

7 23-15-213. At the general election in 1984 and every four
8 (4) years thereafter there shall be elected five (5) commissioners
9 of election for each county whose terms of office shall commence
10 on the first Monday of January following their election and who
11 shall serve for a term of four (4) years. Each of the
12 commissioners, before acting, shall take and subscribe the oath of
13 office prescribed by the Constitution and file the same in the
14 office of the clerk of the chancery court, there to remain. While
15 engaged in their duties, the commissioners shall be conservators
16 of the peace in the county, with all the duties and powers of
17 such.

18 The qualified electors of each supervisors district shall
19 elect, at the general election in 1984 and every four (4) years
20 thereafter, in their district one (1) commissioner of election.
21 No more than one (1) commissioner shall be a resident of and
22 reside in each supervisors district of the county; it being the
23 purpose of this section that the county board of election
24 commissioners shall consist of one (1) person from each
25 supervisors district of the county and that each such commissioner
26 be elected from the supervisors district in which he resides.

27 Candidates for county election commissioner shall qualify by
28 filing with the clerk of the board of supervisors of their
29 respective counties a form designed by the Secretary of State,
30 requesting that they be a candidate, by 5:00 p.m. not less than
31 sixty (60) days before the election and unless such form is filed
32 within said time, their names shall not be placed upon the ballot.
33 All candidates shall declare in writing their party affiliation,
34 if any, to the board of supervisors, and such party affiliation
35 shall be shown on the official ballot.

36 * * * The board shall determine the sufficiency of the form,
37 and if the same shall * * * be filed within the time required, the
38 president of the board shall verify that such candidate is a
39 resident of the supervisors district in which he seeks election
40 and that such candidate is otherwise qualified as provided by law,
41 and shall certify the same to the chairman or secretary of the
42 county election commission and the names of the candidates shall
43 be placed upon the ballot for the ensuing election. No county
44 election commissioner shall serve or be considered as elected
45 unless and until he has received a majority of the votes cast for
46 the position or post for which he is a candidate. If such
47 majority vote is not received in the first election, then the two
48 (2) candidates receiving the most votes for each position or post
49 shall be placed upon the ballot for a second election to be held
50 two (2) weeks later in accordance with appropriate procedures
51 followed in other elections involving runoff candidates.

52 Upon taking office, the county board of election
53 commissioners shall organize by electing a chairman and a
54 secretary.

55 It shall be the duty of the chairman to have the official
56 ballot printed and distributed at each general or special
57 election.

58 **SECTION 2.** The Attorney General of the State of Mississippi
59 shall submit this act, immediately upon approval by the Governor,

60 or upon approval by the Legislature subsequent to a veto, to the
61 Attorney General of the United States or to the United States
62 District Court for the District of Columbia in accordance with the
63 provisions of the Voting Rights Act of 1965, as amended and
64 extended.

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