

By: Representative Sanford

To: Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 922

1 AN ACT TO PROVIDE THAT THE OFFICE OF ELECTION COMMISSIONER  
2 SHALL BE A NONPARTISAN OFFICE; TO PROVIDE THAT THE NAMES OF  
3 CANDIDATES FOR THE OFFICE OF ELECTION COMMISSIONER SHALL BE LISTED  
4 AS NONPARTISAN ON A BALLOT; TO AMEND SECTION 23-15-213,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
6 REVISE THE STAGGERED TERMS OF ELECTION COMMISSIONERS IN DISTRICTS  
7 TWO AND FOUR; TO PROVIDE THAT THOSE ELECTION COMMISSIONERS FROM  
8 DISTRICTS TWO AND FOUR ELECTED IN THE 2027 ELECTION SHALL BE  
9 ELECTED FOR A THREE-YEAR TERM; TO PROVIDE THAT THOSE ELECTION  
10 COMMISSIONERS FROM DISTRICTS TWO AND FOUR ELECTED IN THE 2030  
11 ELECTION SHALL SERVE A FOUR-YEAR TERM AND EVERY FOUR YEARS  
12 THEREAFTER; TO AMEND SECTIONS 23-15-367 AND 23-15-511, MISSISSIPPI  
13 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR  
14 RELATED PURPOSES.

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

16 **SECTION 1.** The office of election commissioner is a  
17 nonpartisan office and a candidate for election to the office is  
18 prohibited from campaigning or qualifying for the office based on  
19 party affiliation. To ensure that campaigns for the nonpartisan  
20 office of election commissioner remain nonpartisan and without any  
21 connection to a political party, political parties and any  
22 committee or political committee affiliated with a political party  
23 shall not engage in fundraising on behalf of a candidate or  
24 officeholder of the nonpartisan office of election commissioner,



25 and a political party or any committee or political committee  
26 affiliated with a political party shall not make any contribution  
27 to a candidate for the nonpartisan office of election commissioner  
28 or the political committee of a candidate for the nonpartisan  
29 office of election commissioner. A political party or any  
30 committee or political committee affiliated with a political party  
31 shall not publicly endorse a candidate for the nonpartisan office  
32 of election commissioner. A candidate or the political committee  
33 of a candidate for the nonpartisan office of election commissioner  
34 shall not accept a contribution from a political party or any  
35 committee or political committee affiliated with a political  
36 party.

37 **SECTION 2.** (1) The names of candidates for the office of  
38 election commissioner which appear on the ballot at the general  
39 election shall be grouped together on a separate portion of the  
40 ballot and clearly identified as nonpartisan.

41 (2) The names of all candidates for the office of election  
42 commissioner shall be listed in alphabetical order on any ballot,  
43 and no reference to political party affiliation shall appear on  
44 any ballot with respect to the nonpartisan office of election  
45 commissioner or the candidate for the nonpartisan office of  
46 election commissioner.

47 **SECTION 3.** Section 23-15-213, Mississippi Code of 1972, is  
48 amended as follows:



49 [Until December 31, 2027, this section shall read as

50 follows:]

51 23-15-213. (1) Except as provided in subsection (2) of this  
52 section, there shall be elected five (5) election commissioners  
53 for each county whose terms of office shall commence on the first  
54 Monday of January following their election and who shall serve for  
55 a term of four (4) years. Each of the commissioners shall be  
56 required to attend a training seminar provided by the Secretary of  
57 State and satisfactorily complete a skills assessment, and before  
58 acting, shall take and subscribe the oath of office prescribed by  
59 the Constitution. The oath shall be filed in the office of the  
60 clerk of the chancery court. Upon filing the oath of office, the  
61 election commissioner may be provided access to the Statewide  
62 Elections Management System for the purpose of performing his or  
63 her duties. Such skills assessment shall only be required once  
64 every four (4) years. While engaged in their duties, the  
65 commissioners shall be conservators of the peace in the county,  
66 with all the duties and powers of such.

67 (2) (a) At the general election in 2024 and every four (4)  
68 years thereafter, the qualified electors of the board of  
69 supervisors' Districts One, Three and Five shall elect in their  
70 district one (1) election commissioner.

71 (b) At the general election in \* \* \* 2027, the  
72 qualified electors of the board of supervisors' Districts Two and



73 Four shall elect in their district one (1) election commissioner,  
74 who shall serve for a term of three (3) years.

75 (c) No more than one (1) commissioner shall be a  
76 resident of and reside in each supervisor's district of the  
77 county; it being the purpose of this section that the county board  
78 of election commissioners shall consist of one (1) person from  
79 each supervisor's district of the county and that each  
80 commissioner be elected from the supervisor's district in which he  
81 or she resides.

82 (3) Candidates for county election commissioner shall  
83 qualify by filing with the clerk of the board of supervisors of  
84 their respective counties a petition personally signed by not less  
85 than fifty (50) qualified electors of the supervisor's district in  
86 which they reside, requesting that they be a candidate, by 5:00  
87 p.m. not later than February 1 of the year in which the election  
88 occurs and unless the petition is filed within the required time,  
89 their names shall not be placed upon the ballot. \* \* \*

90 (4) The petition shall have attached thereto a certificate  
91 of the county registrar showing the number of qualified electors  
92 on each petition, which shall be furnished by the registrar on  
93 request. The board shall determine the sufficiency of the  
94 petition, and if the petition contains the required number of  
95 signatures and is filed within the time required, the president of  
96 the board shall verify that the candidate is a resident of the  
97 supervisor's district in which he or she seeks election and that



98 the candidate is otherwise qualified as provided by law, and shall  
99 certify that the candidate is qualified to the chair or secretary  
100 of the county election commission and the names of the candidates  
101 shall be placed upon the ballot for the ensuing election. No  
102 county election commissioner shall serve or be considered as  
103 elected until he or she has received a majority of the votes cast  
104 for the position or post for which he or she is a candidate. If a  
105 majority vote is not received in the first election, then the two  
106 (2) candidates receiving the most votes for each position or post  
107 shall be placed upon the ballot for a second election to be held  
108 three (3) weeks later in accordance with appropriate procedures  
109 followed in other elections involving runoff candidates.

110 (5) In the first meeting in January of each year, the county  
111 election commissioners shall organize by electing a chair and a  
112 secretary, who shall serve a one-year term. The county election  
113 commissioners shall provide the names of the chair and secretary  
114 to the Secretary of State and provide notice of any change in  
115 officers which may occur during the year.

116 (6) It shall be the duty of the chair to have the official  
117 ballot printed and distributed at each general or special  
118 election.

119 **[From and after January 1, 2028, this section shall read as**  
120 **follows:]**

121 23-15-213. (1) There shall be elected five (5) election  
122 commissioners for each county whose terms of office shall commence



123 on the first Monday of January following their election and who  
124 shall serve for a term of four (4) years. Each of the  
125 commissioners shall be required to attend a training seminar  
126 provided by the Secretary of State and satisfactorily complete a  
127 skills assessment, and before acting, shall take and subscribe the  
128 oath of office prescribed by the Constitution. The oath shall be  
129 filed in the office of the clerk of the chancery court. Upon  
130 filing the oath of office, the election commissioner may be  
131 provided access to the Statewide Elections Management System for  
132 the purpose of performing his or her duties. Such skills  
133 assessment shall only be required once every four (4) years.  
134 While engaged in their duties, the commissioners shall be  
135 conservators of the peace in the county, with all the duties and  
136 powers of such.

137 (2) (a) At the general election in 2028 and every four (4)  
138 years thereafter, the qualified electors of the board of  
139 supervisors' Districts One, Three and Five shall elect in their  
140 district one (1) election commissioner.

141 (b) At the general election in 2030 and every four (4)  
142 years thereafter, the qualified electors of the board of  
143 supervisors' Districts Two and Four shall elect in their district  
144 one (1) election commissioner.

145 (c) No more than one (1) commissioner shall be a  
146 resident of and reside in each supervisor's district of the  
147 county; it being the purpose of this section that the county board



148 of election commissioners shall consist of one (1) person from  
149 each supervisor's district of the county and that each  
150 commissioner be elected from the supervisor's district in which he  
151 or she resides.

152 (3) Candidates for county election commissioner shall  
153 qualify by filing with the clerk of the board of supervisors of  
154 their respective counties a petition personally signed by not less  
155 than fifty (50) qualified electors of the supervisor's district in  
156 which they reside, requesting that they be a candidate, by 5:00  
157 p.m. not later than February 1 of the year in which the election  
158 occurs and unless the petition is filed within the required time,  
159 their names shall not be placed upon the ballot.

160 (4) The petition shall have attached thereto a certificate  
161 of the county registrar showing the number of qualified electors  
162 on each petition, which shall be furnished by the registrar on  
163 request. The board shall determine the sufficiency of the  
164 petition, and if the petition contains the required number of  
165 signatures and is filed within the time required, the president of  
166 the board shall verify that the candidate is a resident of the  
167 supervisor's district in which he or she seeks election and that  
168 the candidate is otherwise qualified as provided by law, and shall  
169 certify that the candidate is qualified to the chair or secretary  
170 of the county election commission and the names of the candidates  
171 shall be placed upon the ballot for the ensuing election. No  
172 county election commissioner shall serve or be considered as



173 elected until he or she has received a majority of the votes cast  
174 for the position or post for which he or she is a candidate. If a  
175 majority vote is not received in the first election, then the two  
176 (2) candidates receiving the most votes for each position or post  
177 shall be placed upon the ballot for a second election to be held  
178 three (3) weeks later in accordance with appropriate procedures  
179 followed in other elections involving runoff candidates.

180 (5) In the first meeting in January of each year, the county  
181 election commissioners shall organize by electing a chair and a  
182 secretary, who shall serve a one-year term. The county election  
183 commissioners shall provide the names of the chair and secretary  
184 to the Secretary of State and provide notice of any change in  
185 officers which may occur during the year.

186 (6) It shall be the duty of the chair to have the official  
187 ballot printed and distributed at each general or special  
188 election.

189 **SECTION 4.** Section 23-15-367, Mississippi Code of 1972, is  
190 amended as follows:

191 23-15-367. (1) Except as otherwise provided by Sections  
192 23-15-974 through 23-15-985 \* \* \*, subsection (2) of this section  
193 and the provisions of Sections 1 and 2 of this act, the size,  
194 print and quality of paper of the official ballot is left to the  
195 discretion of the officer charged with printing the official  
196 ballot.





197           (2) The titles for the various offices shall be listed in  
198 the following order:

199           (a) Candidates, electors or delegates for the following  
200 national offices:

201                   (i) President;

202                   (ii) United States Senator or United States  
203 Representative;

204           (b) Candidates for the following statewide office:  
205 Governor, Lieutenant Governor, Secretary of State, Attorney  
206 General, State Treasurer, Auditor of Public Accounts, Commissioner  
207 of Agriculture and Commerce, Commissioner of Insurance;

208           (c) Candidates for the following state district  
209 offices: Mississippi Transportation Commissioner, Public Service  
210 Commissioner, District Attorney;

211           (d) Candidates for the following legislative offices:  
212 Senate and House of Representatives;

213           (e) Candidates for countywide office;

214           (f) Candidates for county district office.

215           The order in which the titles for the various offices are  
216 listed within paragraphs (e) and (f) is left to the discretion of  
217 the county election commissioners. Nominees of the political  
218 parties, qualified to conduct primary elections as defined in  
219 Section 23-15-291, shall be listed first alphabetically by the  
220 candidate's last name, followed by any other candidates listed  
221 alphabetically by last name.



222 (3) It is the duty of the Secretary of State, with the  
223 approval of the Governor, to furnish the designated election  
224 commissioner of each county a sample of the official ballot, not  
225 less than fifty-five (55) days before the election, the general  
226 form of which shall be followed as nearly as practicable.

227 **SECTION 5.** Section 23-15-511, Mississippi Code of 1972, is  
228 amended as follows:

229 23-15-511. The ballots shall, as far as practicable, be in  
230 the same order of arrangement as provided for paper ballots that  
231 are to be counted manually, except that the information may be  
232 printed in vertical or horizontal rows. Nothing in this chapter  
233 shall \* \* \* prohibit the information being presented to the voters  
234 from being printed on both sides of a single ballot. In those  
235 years when a special election \* \* \* occurs on the same day as the  
236 general election, the names of candidates in any special election  
237 and the general election shall be placed on the same ballot by the  
238 election commissioners or officials in charge of the election, but  
239 the general election candidates shall be clearly distinguished  
240 from the special election candidates. At any time a special  
241 election is held on the same day as a party primary election, the  
242 names of the candidates in the special election may be placed on  
243 the same ballot by the officials in charge of the election, but  
244 shall be clearly distinguished as special election candidates or  
245 primary election candidates.



246 Ballots shall be printed in plain clear type in black ink and  
247 upon clear white materials of such size and arrangement as to be  
248 compatible with the OMR equipment. Absentee ballots shall be  
249 prepared and printed in the same form and shall be on the same  
250 size and texture as the regular official ballots, except that they  
251 shall be printed on tinted paper; or the ink used to print the  
252 ballots shall be of a color different from that of the ink used to  
253 print the regular official ballots. Arrows may be printed on the  
254 ballot to indicate the place to mark the ballot, which may be to  
255 the right or left of the names of candidates and propositions.  
256 Except as otherwise provided in Sections 1 and 2 of this act, the  
257 titles of offices may be arranged in vertical columns on the  
258 ballot and shall be printed above or at the side of the names of  
259 candidates so as to indicate clearly the candidates for each  
260 office and the number to be elected. In case there are more  
261 candidates for an office than can be printed in one (1) column,  
262 the ballot shall be clearly marked that the list of candidates is  
263 continued on the following column. Except as otherwise provided  
264 in Sections 1 and 2 of this act, the names of candidates for each  
265 office shall be printed in vertical columns, grouped by the  
266 offices that they seek. In partisan elections, the party  
267 designation of each candidate, which may be abbreviated, shall be  
268 printed following his or her name.

269 One (1) sample ballot, which shall be a facsimile of the  
270 official ballot and instructions to the voters, shall be provided



271 for each precinct and shall be posted in each polling place on  
272 election day.

273 A separate ballot security envelope or suitable equivalent in  
274 which the voter can place his or her ballot after voting, shall be  
275 provided to conceal the choices the voter has made. Absentee  
276 voters will receive a similar ballot security envelope provided by  
277 the county in which the absentee voter will insert their voted  
278 ballot, which then can be inserted into a return envelope to be  
279 mailed back to the election official. Absentee ballots will not  
280 be required to be folded when a ballot security envelope is  
281 provided.

282 **SECTION 6.** Sections 1 and 2 of this act shall be codified as  
283 new sections in Chapter 15, Title 23, Mississippi Code of 1972.

284 **SECTION 7.** This act shall take effect and be in force from  
285 and after July 1, 2024.

