

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.

