MISSISSIPPI LEGISLATURE REGULAR SESSION 2026

By: Representative Scott

To: Apportionment and Elections; Municipalities

HOUSE BILL NO. 21

AN ACT TO AMEND SECTION 23-15-221, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCESS FOR MAKING APPOINTMENTS TO MUNICIPAL ELECTION COMMISSIONS; TO PROVIDE A TIMELINE OF WHEN EACH GOVERNING AUTHORITY MUST MAKE APPOINTMENTS TO THE MUNICIPAL ELECTION COMMISSION; TO REQUIRE EACH MUNICIPAL ELECTION COMMISSIONER TO ACCEPT HIS OR HER APPOINTMENT BY SUBMITTING A LETTER TO THE SECRETARY OF STATE; TO REQUIRE MUNICIPAL ELECTION COMMISSIONERS TO COMPLETE A TRAINING SEMINAR AND A SKILLS ASSESSMENT; TO AMEND SECTION 23-15-211, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTIONS 23-15-611, 23-15-361 AND 21-9-19, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-221, Mississippi Code of 1972, is amended as follows:

23-15-221. (1) (a) The governing authorities of municipalities having a population of less than twenty thousand (20,000) inhabitants according to the last federal decennial census shall appoint three (3) election commissioners; the governing authorities of municipalities having a population of twenty thousand (20,000) inhabitants or more and less than one hundred thousand (100,000) inhabitants according to the last federal decennial census shall appoint five (5) election

commissioners; and the governing authorities of municipalities having a population of one hundred thousand (100,000) or more according to the last federal decennial census shall appoint seven (7) election commissioners. No more than one (1) commissioner may be appointed from a ward of a municipality. The governing authority of each municipality shall make its appointments to the municipal election commission at least one (1) year before the year in which a municipal election is held. If a municipal election commissioner appointment remains vacant on January 31 of the year in which a municipal election is held, the State Board of Election Commissioners shall make the appointment, and the appointed commissioner shall remain in office as otherwise provided by law. Every person appointed to a municipal election commission shall submit a letter to the Secretary of State accepting the municipal election position and affirming that he or she will fulfill the duties of the position. The letter must be signed by the municipal election commissioner under penalty of perjury.

(b) The municipal election commissioners, in conjunction with the municipal clerk, shall perform all the duties in respect to the municipal election prescribed by law to be performed by the county election commissioners where not otherwise provided. The election commissioners shall, in case there be but one (1) election precinct in the municipality, act as poll managers themselves. Each of the commissioners must attend a

training seminar provided by the Secretary of State and satisfactorily complete a skills assessment.

(2) The city council or board of aldermen or other governing authority of any municipality desiring to avail itself of the provisions of the Mississippi Election Code regarding the duties of municipal election commissioners shall adopt an ordinance declaring its intention to enter into an agreement with the municipality's county to have the county election commissioners conduct municipal elections and other functions that are performed by municipal election commissioners for the benefit of the efficiency and conformity of elections, to be effective on and after a date fixed in the ordinance which must be at least thirty (30) days after the ordinance is adopted and on the first day of a month. If the municipality is located in more than one (1) county, the municipality shall choose which county it wants to conduct its elections and other duties of its municipal election commissioners and enter into an agreement with that county to have that county's election commissioners conduct the municipal elections and other functions that are performed by municipal election commissioners for the benefit of the efficiency and conformity of elections, to be effective on and after a date fixed in the ordinance which must be at least thirty (30) days after the ordinance is adopted and on the first day of a month. A certified copy of this ordinance shall be immediately forwarded to the Chair of the State Board of Election Commissioners. The municipal

authorities shall have a copy of the ordinance published once a week for three (3) consecutive weeks in at least one (1) newspaper published in the municipality and having a general circulation therein. The first publication shall be not less than twenty-eight (28) days before the effective date fixed in the ordinance, and the last publication shall be made not less than seven (7) days before such date. If no newspaper is published in the municipality, then notice shall be given by publishing the ordinance for the required time in some newspaper published in the same or an adjoining county having a general circulation in the municipality. A copy of the ordinance shall also be posted at three (3) public places in the municipality for a period of at least twenty-one (21) days during the time of its publication in a newspaper. The publication of the ordinance may be made as provided in Section 21-17-19. Proof of publication must also be furnished to the Chair of the State Board of Election Commissioners.

(3) If a city council or board of aldermen or other governing authority of any municipality adopts an ordinance to abolish municipal election commissioners in the municipality's county and authorize county election commissioners to conduct the municipal election commissioners' duties, the county election commissioners shall conduct all of the duties of the municipal election commissioners including, but not limited to:

(a) Canvass the results of bond elections in a municipality;

(b) Canvass the returns of special and general elections for mayor and councilmen and within five (5) days after any special or general election, deliver to each person receiving the highest number of votes a certificate of election;

(c) Certify to the Secretary of State the name or names of the person or persons elected at special and general elections within ten (10) days after any special or general election;

(d) Revise the primary pollbooks for municipalities at the time and in the manner and in accordance with the laws now fixed and in force for revising pollbooks, except they shall not remove from the pollbook any person who is qualified to participate in primary elections;

(e) Print the pollbooks that are to be used in municipal elections;

(f) Print and distribute the "official ballots";

(g) Perform the duties of poll managers in the event there is only one (1) election precinct in the municipality;

(h) Perform any of the duties required of the municipal executive committee pursuant to Section 23-15-239 if the municipal executive committee has entered into a written agreement with the municipal clerk or the municipal or county election commission that gives such authorization;

(i) Determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office, whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office, and whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992;

(j) Declare each candidate elected without opposition, if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the commission in accordance with the provisions of paragraph (i) of this subsection (3);

(k) Canvass the returns for municipal elections received from all voting precincts and within ten (10) days after the election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear that any two (2) or more of the candidates receiving the highest number of votes shall have received an equal number of votes, the election shall be decided by the toss of a coin or by lot, fairly and publicly drawn by the election commissioners;

(l) Transmit the statement provided in Section 23-15-611 to the Secretary of State certifying the name or names of the person or persons elected at municipal elections, and such person or persons shall be issued commissions by the Governor;

(m) Receiving the filed document by any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-361 as a candidate for municipal office elected on the date designated by law for regular municipal elections that specifically sets forth the grounds of the challenge no later than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-309; and

(n) Perform all other duties with respect to the municipal election prescribed by law.

(4) If the city council or board of aldermen or other governing authority of any municipality does not desire to avail itself of the provisions of the Mississippi Election Code regarding the duties of municipal election commissioners, then nothing in this section shall be construed in any way to affect, alter or modify the existence of those municipal election commissioners now operating under the laws relating to municipal election commissioners provided in the Mississippi Code of 1972. Those municipalities shall continue to enjoy the form of election commissions and the conduct of the respective elections that are now enjoyed by them, and each shall possess all rights, powers, privileges and immunities granted and conferred under the laws

relating to municipal election commissioners provided in the Mississippi Code of 1972.

SECTION 2. Section 23-15-211, Mississippi Code of 1972, is amended as follows:

23-15-211. (1) There shall be a State Board of Election Commissioners to consist of the following members:

(a) The Governor, who shall serve as chair;

(b) The Secretary of State, who shall serve as secretary, maintain minutes of all meetings and accept service of process on behalf of the board; and

(c) The Attorney General.

Any two (2) of the members of the State Board of Election Commissioners may perform the duties required of the board.

(2) The duties of the board shall include, but not be limited to, the following:

(a) Ruling on a candidate's qualifications to run for statewide, Supreme Court, Court of Appeals, congressional district, circuit and chancery court district, and other state district offices;

(b) Approving the state ballot for the offices stated in paragraph (a) of this subsection (2); *** * ***

(c) Appointing members of a municipal election commission, if necessary, as provided in Section 23-15-221; and

(* * *d) Adopting any administrative rules and regulations as are necessary to carry out the statutory duties of the board.

(3) The board of supervisors of each county shall pay members of the county election commission for attending training events a per diem in the amount provided in Section 23-15-153; however, except as otherwise provided in this section, the per diem shall not be paid to an election commissioner for more than twelve (12) days of training per year and shall only be paid to election commissioners who actually attend and complete a training event and obtain a training certificate.

(4) Included in this twelve (12) days shall be an elections seminar, conducted and sponsored by the Secretary of State. Election commissioners and chairpersons of each political party executive committee, or their designee, shall be required to attend. An election commissioner shall be certified by the Secretary of State only after attending the annual elections seminar and satisfactorily completing the skills assessment provided for in Section 23-15-213. Such skills assessment shall only be required once every four (4) years.

(5) Each participant shall receive a certificate from the Secretary of State indicating that the named participant has received the elections training seminar instruction and satisfactorily completed the skills assessment provided for in Section 23-15-213. Election commissioners shall annually file the

certificate with the chancery clerk. If any election commissioner shall fail to file the certificate by April 30 of each year, his or her office shall be vacated, absent exigent circumstances as determined by the board of supervisors and consistent with the facts. The vacancy shall be declared by the board of supervisors and the vacancy shall be filled in the manner described by law. Before declaring the office vacant, the board of supervisors shall give the election commissioner notice and the opportunity for a hearing.

(6) The Secretary of State, upon approval of the board of supervisors, may authorize not more than eight (8) additional training days per year for election commissioners in one or more counties. The board of supervisors of each county shall pay members of the county election commission for attending training on these days a per diem in the amount provided in Section 23-15-153.

SECTION 3. Section 23-15-611, Mississippi Code of 1972, is brought forward as follows:

23-15-611. (1) In municipal elections, poll managers shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each voting precinct for each of the candidates or ballot measures and make a return thereof to the municipal election commissioners. On the day following the election, the election commissioners shall canvass the returns so received from all voting precincts and shall,

within six (6) days after the election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear that any two (2) or more of the candidates receiving the highest number of votes shall have received an equal number of votes, the election shall be decided by a toss of a coin or by lot fairly and publicly drawn under the direction of the election commissioners.

(2) (a) Within six (6) days after any election, the municipal election commissioners shall transmit a statement to the Secretary of State certifying the name or names of the person or persons elected, and such person or persons shall be issued commissions by the Governor. The statement shall also include vote totals for each candidate for each office and vote totals for and against ballot measures, if any, including the vote totals for each candidate and ballot measure in each precinct in the municipality.

(b) The statements required by this subsection (2) shall contain a certification, signed and dated by a majority of the municipal election commissioners, which shall read as follows:

"We, the undersigned municipal election commissioners, do hereby certify that this statement contains the official vote for the election reflected therein."

(c) The statements required by this subsection (2) shall be transmitted to the Secretary of State on such forms and

by such methods as may be required by rules and regulations promulgated by the Secretary of State.

(d) If the statement certifying the names of the persons elected is not transmitted to the Secretary of State as required by this subsection (2), the Secretary of State may issue a show cause order directing the municipal election commissioners to provide to the Secretary of State written response containing the reasons for their failure to transmit the statement. The municipal election commissioners shall file their response to the show cause order with the Secretary of State within five (5) working days after the issuance of the show cause order. If the statement certifying the names of the persons elected is not transmitted to the Secretary of State within five (5) working days after the issuance of the show cause order, the Secretary of State may petition a court of competent jurisdiction to compel the municipal election commissioners to comply with this subsection (2). If the statement certifying the names of the persons elected is received by the Secretary of State within five (5) days after the issuance of the show cause order, a response to the show cause order shall not be required.

SECTION 4. Section 23-15-361, Mississippi Code of 1972, is brought forward as follows:

23-15-361. (1) The municipal general election ballot shall contain the names of all candidates who have been put in nomination by the municipal primary election of any political

party. There shall be printed on the ballots the names of all persons so nominated, whether the nomination be otherwise known or not, upon the written request of one or more of the candidates so nominated, or of any qualified elector who will make oath that he or she was a participant in the primary election, and that the person whose name is presented by him or her was nominated by such primary election. The municipal election commissioners who are required to have the ballots printed, shall also have printed on the ballot in any municipal general election the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the clerk of the municipality no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary elections are required to pay the fee provided for in Section 23-15-309, and signed by not less than the following number of qualified electors:

(a) For an office elected by the qualified electors of a municipality or a municipal district having a population of one thousand (1,000) or more, not less than fifty (50) qualified electors.

(b) For an office elected by the qualified electors of a municipality or a municipal district having a population of less than one thousand (1,000), not less than fifteen (15) qualified electors.

(2) Unless the petition required above shall be filed no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary election are required to pay the fee provided for in Section 23-15-309, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each municipal office, and the names shall be listed under the name of the political party the candidate represents as provided by law and as certified to the municipal clerk by the municipal executive committee of such political party. In the event such candidate qualifies as an independent as herein provided, he or she shall be listed on the ballot as an independent candidate.

(3) The clerk of the municipality shall notify the municipal election commissioners of all persons who have filed petitions pursuant to subsection (1) of this section within two (2) business days of the date of filing.

(4) The ballot in elections to fill vacancies in municipal elective office shall contain the names of all persons who have qualified as required by Section 23-15-857.

(5) The municipal election commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office and shall determine whether each candidate either meets all other qualifications to hold the office

he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The municipal election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. If the municipal election commission finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date of the general or special election at which he or she could be elected, or (c) has been convicted of a felony as described above and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and

the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove he or she meets all qualifications to hold the office subject to no contingencies, then the name of the candidate shall not be placed upon the ballot.

(6) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary election for an office, only one (1) person has duly qualified to be a candidate for the office in the general election the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person has duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the municipal election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (5) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

SECTION 5. Section 21-9-19, Mississippi Code of 1972, is brought forward as follows:

21-9-19. At all elections held to choose a mayor and councilmen, or any of them, the choice of the person or persons

voting shall be indicated and the ballots shall be marked in like manner as is provided by law for general state and county elections.

The poll managers at all special and general elections for mayor and councilmen, or any of them, shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in each voting precinct for each of the candidates and make return thereof to the municipal election commissioners. On the day following any special or general election, the municipal election commissioners shall canvass the returns so received from all the voting precincts, and shall within six (6) business days after such special or general election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear by the returns that any two (2) candidates for mayor or councilmen, have received an equal number of votes, the election shall be decided by a toss of a coin or by lot, fairly and publicly drawn under the direction of the election commissioners, with the aid of a friend of each such candidates, and a certificate of election shall be given accordingly.

The election commissioners shall, within ten (10) business days after any special or general election, certify to the Secretary of State the name or names of the person or persons elected at such special or general election, and the Secretary of State shall, immediately upon receiving such certificates, deliver

the same to the Governor, who shall immediately issue commissions to the persons mentioned in certificate.

SECTION 6. This act shall take effect and be in force from and after July 1, 2026.

ST: Municipal election commissioners; revise appointments of.