

**§ 23-15-213. Election of county election commissioners**

(1) There shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or her duties. Such skills assessment shall only be required once every four (4) years. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2)

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

(b) At the general election in 2023 and every four (4) years thereafter, the qualified electors of the board of supervisors' Districts Two and Four shall elect in their district one (1) election commissioner.

(c) No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

(3) Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than February 1 of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which

shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

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

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

**Source:**

Derived from 1972 Code §§ 23-5-3 [Codes, 1871, §§ 340 et seq.; 1880, § 121; 1892, § 3602; 1906, § 4108; Hemingway's 1917, § 6742; 1930, § 6177; 1942, § 3205; Laws, 1968, ch. 568, § 2; Laws, 1978, ch. 431, § 1; Laws, 1979, ch. 359, § 1; repealed by Laws, 1986, ch. 495, § 335]; Laws, 1986, ch. 495, § 55; Laws, 2000, ch. 592, §2; Laws, 2009, ch. 437, §1, eff. 8/4/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).

**History:**

Amended by Laws, 2022, ch. 351, HB 1331,§1, eff. 1/1/2023. Amended by Laws, 2021, ch. 392, HB 1048,§2, eff. 7/1/2021. Amended by Laws, 2018, ch. 399, HB 937,§1, eff. 7/1/2018. Amended by Laws, 2017, ch. 441, HB 467,38, eff. 7/1/2017.

CERTIFICATION OF CANDIDATE PETITION  
SIGNATURES COUNTY REGISTRAR

STATE OF MISSISSIPPI  
COUNTY OF MADISON

I, Anita Wray, Circuit Clerk and County Registrar in for said State of County do hereby certify that:

**55** signatures on the attached petitions are the names of qualified electors of Madison County, Mississippi as it existed in the year 2024.

As identified in the Statewide Election Management System from Madison, County, Mississippi.

Given under my hand and seal of office, this the 29th day of January 2024.

  
Anita Wray

Madison County Circuit Clerk and County Registrar



**FILED**  
MADISON COUNTY

JAN 30 2024

RONNY LOTT, CHANCERY CLERK

BY  D.C.



FILED  
MADISON COUNTY

JAN 22 2024

ANITA WRAY, CIRCUIT CLERK

Qualifying Statement of Intent  
CANDIDATE FOR ELECTION COMMISSIONER

I, Joanne Pearson  
*(Please print name, as it will appear on the ballot)*

a qualified elector of the County of \_\_\_\_\_, State of Mississippi;

do hereby declare my candidacy for the office of COUNTY ELECTION COMMISSIONER,

District \_\_\_\_\_, at the General Election to be held on \_\_\_\_\_  
*(Date of General)*

In accordance with Miss. Code Ann. §23-15-213, I hereby declare my party affiliation, if any, as

\_\_\_\_\_, which shall appear by my name on the official ballot.

Name: PEARSON Joanne H. Date of Birth: 8 19 1948  
*Last First Middle Month Day Year*

Mailing Address: 630 Wendover Dr. Ridgeland, Ms 39157  
*City, State, Zip Code*

Residential Address: \_\_\_\_\_  
*City, State, Zip Code*

Phone Number: (713) 819-6800 Email Address: \_\_\_\_\_

I hereby certify that: (mark as applicable):

- I have never been convicted of bribery, perjury or other infamous crime, being defined as a crime punishable by confinement in the penitentiary.
- I have never been convicted of a felony in federal court after December 8, 1992, nor of a crime in the court of another state which is a felony in this state, after December 8, 1992, as provided in Section 44 of the Mississippi Constitution.
- I meet all constitutional, statutory and other legal requirements to hold said office.

Signature of Candidate Joanne H. Pearson 1-22-2024  
*Signature Title Date*

Received by: Aeresa Spears 1-22-24  
*Signature Title Date*

FILED  
MADISON COUNTY

JAN 30 2024

RONNY LOTT, CHANCERY CLERK  
BY: Kelsey Kellogg D.C.

INTERNAL OFFICE USE:  
STMNT OF INT W SIG \_\_\_\_\_  
PETITION W CERT \_\_\_\_\_  
  
DATE STAMP



# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of MADISON County:

We, the undersigned qualified electors of \_\_\_\_\_,  
(County/District name and number, as applicable)  
 State of Mississippi, hereby petition that the name of Joanne Pearson be  
 placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)  
 as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

- |    |                                      |                                       |
|----|--------------------------------------|---------------------------------------|
| 1  | ✓ SIGNATURE <u>Dennis Schwarzman</u> | Printed Name <u>DENNIS SCHWARZMAN</u> |
|    | Address <u>6010 Madison Place</u>    | Precinct _____                        |
| 2  | ✓ SIGNATURE <u>Penelope Preshaw</u>  | Printed Name <u>Penelope Preshaw</u>  |
|    | Address <u>606 Madison Place</u>     | Precinct _____                        |
| 3  | ✓ SIGNATURE <u>Pshan Baine</u>       | Printed Name <u>Pshan Baine</u>       |
|    | Address <u>618 Turnberry Ln</u>      | Precinct <u>3</u>                     |
| 4  | ✓ SIGNATURE <u>Patricia A. White</u> | Printed Name <u>Patricia A. White</u> |
|    | Address <u>615 Kensington</u>        | Precinct <u>3</u>                     |
| 5  | ✓ SIGNATURE <u>Patricia Betts</u>    | Printed Name <u>Patricia Betts</u>    |
|    | Address <u>614 Kensington</u>        | Precinct <u>3</u>                     |
| 6  | ✓ SIGNATURE <u>Clinton McCray</u>    | Printed Name <u>CLINTON McCRAY</u>    |
|    | Address <u>603 Berridge Dr</u>       | Precinct <u>#3</u>                    |
| 7  | SIGNATURE _____                      | Printed Name _____                    |
|    | Address _____                        | Precinct _____                        |
| 8  | SIGNATURE _____                      | Printed Name _____                    |
|    | Address _____                        | Precinct _____                        |
| 9  | SIGNATURE _____                      | Printed Name _____                    |
|    | Address _____                        | Precinct _____                        |
| 10 | SIGNATURE _____                      | Printed Name _____                    |
|    | Address _____                        | Precinct _____                        |

**Copy this form for succeeding pages.**

The appropriate county registrar must certify signatures on this form.  
 The opening paragraph of each page of signatures MUST include:  
 (1) The name of the candidate, (2) office sought, AND (3) date of the election.

(10)



# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of MADISON County:

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(County/District name and number, as applicable)

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placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)

as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

- |  |  |
|--|--|
| ✓ 1. SIGNATURE <u>Dwight J. J.</u>       | Printed Name <u>Garshonleav Pugheden an.</u> |
| Address <u>610 Berridge Dr.</u>          | Precinct _____                               |
| ✓ 2. SIGNATURE <u>Jeffrey Rhoden</u>     | Printed Name <u>Jeffrey Rhoden</u>           |
| Address <u>612 Berridge Dr.</u>          | Precinct <u>3</u>                            |
| 3. SIGNATURE <u>Britton Rhoden</u>       | Printed Name <u>Britton Rhoden</u>           |
| ✓ Address <u>612 Berridge Dr.</u>        | Precinct <u>3</u>                            |
| 4. SIGNATURE <u>Russell Hawkins</u>      | Printed Name <u>Russell Hawkins</u>          |
| ✓ Address <u>614 Berridge Dr.</u>        | Precinct <u>3</u>                            |
| 5. SIGNATURE <u>Tina Wilkinson</u>       | Printed Name <u>Tina Wilkinson</u>           |
| Address <u>615 Berridge Dr.</u>          | Precinct <u>3</u>                            |
| 6. SIGNATURE <u>J. David Durham</u>      | Printed Name <u>J. David Durham</u>          |
| ✓ Address <u>617 Berridge Dr.</u>        | Precinct <u>3</u>                            |
| 7. SIGNATURE <u>Elizabeth Haney</u>      | Printed Name <u>Elizabeth HANEY</u>          |
| ✓ Address <u>620 Berridge Dr.</u>        | Precinct <u>3</u>                            |
| 8. SIGNATURE <u>Stephanie Freeze</u>     | Printed Name <u>Stephanie Freeze</u>         |
| ✓ Address <u>413 Berridge Drive</u>      | Precinct _____                               |
| 9. SIGNATURE <u>Christopher Freeze</u>   | Printed Name <u>Christopher Freeze</u>       |
| Address <u>613 Berridge Drive</u>        | Precinct _____                               |
| 10. SIGNATURE <u>Donna Love Sullivan</u> | Printed Name <u>Donna Love Sullivan</u>      |
| ✓ Address <u>609 Turnberry Lane</u>      | Precinct <u>3</u>                            |

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# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of MADISON County:

We, the undersigned qualified electors of \_\_\_\_\_,  
(County/District name and number, as applicable)

State of Mississippi, hereby petition that the name of Joanne Pearson be  
placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)

as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

1. SIGNATURE Roddy L. Krakos Printed Name Roddy L. Krakos  
Address 603 Jason Court Precinct 3
2. SIGNATURE Bert Williams Printed Name Bert Williams  
Address 615 Berridge Dr, Ridgeland Precinct 3
3. SIGNATURE Terrel L. Algood Printed Name \_\_\_\_\_  
Address 644 Wendover Way Precinct 3
4. SIGNATURE Terrel L. Algood Printed Name TERREL L ALGOOD  
Address 601 Abbots Lane, Ridgeland, MS Precinct 3
5. SIGNATURE Charlotte Algood Printed Name Charlotte Algood  
Address 601 Abbots Ln. Precinct 3
6. SIGNATURE Shirley Hartman Printed Name \_\_\_\_\_  
Address 609 Abbots Lane - Ridgeland Precinct 3
7. SIGNATURE Virginia Hartman Printed Name \_\_\_\_\_  
Address 609 Abbots Lane, Ridgeland Precinct 3
8. SIGNATURE Alvin L. Cox Printed Name ALVIN L. COX  
Address 605 Berridge Dr Precinct \_\_\_\_\_
9. SIGNATURE Brenda Walley Printed Name \_\_\_\_\_  
Address 610 Wendover Dr. Ridgeland, MS Precinct \_\_\_\_\_
10. SIGNATURE Durata Janshaw Printed Name DURATA JANSIAWICKA  
Address 610 Berridge Drive Precinct 6

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- (1) The name of the candidate, (2) office sought, AND (3) date of the election.

10



# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of Madison County:

We, the undersigned qualified electors of \_\_\_\_\_,  
(County/District name and number, as applicable)

State of Mississippi, hereby petition that the name of Joanne Pearson be  
placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)

as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

- |  |  |
|--|--|
| ✓ 1. SIGNATURE <u>Kathryn McGee</u>              | Printed Name <u>Kathryn McGee</u>      |
| Address <u>613 Kingsington Court</u>             | Precinct <u>3</u>                      |
| <u>Ridgeland, MS 39157</u>                       |  |
| 2. SIGNATURE <u>Jan Richardson</u>               | Printed Name <u>Jan Richardson</u>     |
| Address <u>322 Indian Mesto Cir</u>              | Precinct <u>3</u>                      |
| <u>Ridgeland, MS 39157</u>                       |  |
| 3. SIGNATURE <u>Melvin Bonds</u>                 | Printed Name <u>MELVIN BONDS</u>       |
| Address <u>4104 ASHSTEAD CT RIDGELAND MS</u>     | Precinct <u>3</u>                      |
| 4. SIGNATURE <u>Richard E. Nix Jr</u>            | Printed Name <u>Richard E. Nix Jr</u>  |
| Address <u>624 WENDOVER WAY Ridgeland, MS</u>    | Precinct <u>3</u>                      |
| 5. SIGNATURE <u>Karen Kassner</u>                | Printed Name <u>Kassner, Karen</u>     |
| Address <u>414 Idlewoods Lane, Ridgeland, MS</u> | Precinct _____                         |
| 6. SIGNATURE <u>Eugene F. McGee</u>              | Printed Name <u>EUGENE F. MCGEE</u>    |
| Address <u>613 Kingsington Ct</u>                | Precinct <u>3</u>                      |
| 7. SIGNATURE <u>Sharon Jennigan</u>              | Printed Name <u>Sharon Jennigan</u>    |
| Address <u>608 Wendover Dr.</u>                  | Precinct <u>3</u>                      |
| 8. SIGNATURE <u>Shirley Williams</u>             | Printed Name <u>SHIRLEY WILLIAMS</u>   |
| Address <u>607 Turnberry Ln Ridgeland</u>        | Precinct <u>3</u>                      |
| 9. SIGNATURE <u>Mary R Isbell</u>                | Printed Name <u>Mary R Isbell</u>      |
| Address <u>718 Versailles Dr.</u>                | Precinct <u>3</u>                      |
| 10. SIGNATURE <u>Patricia M. Krakos</u>          | Printed Name <u>Patricia M. Krakos</u> |
| Address <u>602 Janson Court</u>                  | Precinct <u>3</u>                      |

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# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of MADISON County:

We, the undersigned qualified electors of \_\_\_\_\_,  
(County/District name and number, as applicable)

State of Mississippi, hereby petition that the name of Joanne Pearson be  
placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)

as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

- |       |   |  |
|-------|---|--|
| ✓ 1.  | SIGNATURE <u>Patricia Caskay</u>              | Printed Name <u>Patricia Caskay</u>      |
|       | Address <u>310 Semoia Lane Ridgeland MS</u>   | Precinct <u>3</u>                        |
| ✓ 2.  | SIGNATURE <u>Pam Stephens</u>                 | Printed Name <u>Pam Stephens</u>         |
|       | Address <u>318 Indian Gate Circle</u>         | Precinct <u>3</u>                        |
| ✓ 3.  | SIGNATURE <u>Peggy B. Peterson</u>            | Printed Name <u>Peggy B. Peterson</u>    |
|       | Address <u>604 Abbots Lane, Ridgeland</u>     | Precinct <u>3</u>                        |
| ✓ 4.  | SIGNATURE <u>Evelyn Greenwood</u>             | Printed Name <u>Evelyn Greenwood</u>     |
|       | Address <u>Ridgeland MS 39157</u>             | Precinct <u>3</u>                        |
| ✓ 5.  | SIGNATURE <u>Lynda Alman</u>                  | Printed Name <u>Lynda Alman</u>          |
|       | Address <u>292 Longmeadow Dr.</u>             | Precinct <u>4</u>                        |
| ✓ 6.  | SIGNATURE <u>Mary Janet Henderson</u>         | Printed Name <u>Mary Janet Henderson</u> |
|       | Address <u>104 Alicetown Cv. Ridgeland MS</u> | Precinct <u>3</u>                        |
| ✓ 7.  | SIGNATURE <u>Virginia Edison</u>              | Printed Name <u>VIRGINIA EDISON</u>      |
|       | Address <u>116 W. Florida Blvd.</u>           | Precinct _____                           |
| ✓ 8.  | SIGNATURE <u>Lynn Hunt</u>                    | Printed Name <u>Lynn Hunt</u>            |
|       | Address <u>241 N. Maple St.</u>               | Precinct <u>3</u>                        |
| ✓ 9.  | SIGNATURE <u>Joy Ellis</u>                    | Printed Name <u>Joy ELLIS</u>            |
|       | Address <u>243 N. Maple St. 39157</u>         | Precinct <u>3</u>                        |
| ✓ 10. | SIGNATURE <u>Dobora Suedel</u>                | Printed Name <u>Dobora Suedel</u>        |
|       | Address <u>436 Autumn Creek Dr.</u>           | Precinct _____                           |

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# Candidate Petition County Election Commissioner

TO THE BOARD OF SUPERVISORS of MADISON County:

We, the undersigned qualified electors of \_\_\_\_\_,  
(County/District name and number, as applicable)

State of Mississippi, hereby petition that the name of Joanne Pearson be  
placed upon the ballot of the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_\_\_,  
(General/Special)

as a candidate for the office of County Election Commissioner, District 3.  
(District Number)

- |      |   |                                      |
|------|---|--------------------------------------|
| ✓ 1. | SIGNATURE <u>Janice Miksad</u>                | Printed Name <u>Janice Miksad</u>    |
|      | Address <u>816 Berridge Dr Ridgeland, MS</u>  | Precinct <u>3</u>                    |
| ✓ 2. | SIGNATURE <u>John R Miksad</u>                | Printed Name <u>John R. Miksad</u>   |
|      | Address <u>816 Berridge Dr, Ridgeland MS</u>  | Precinct <u>3</u>                    |
| 3.   | SIGNATURE <u>Tracy Greenfell</u>              | Printed Name <u>Tracy Greenfell</u>  |
| ✓    | Address <u>609 Wendover Dr. Ridgeland</u>     | Precinct <u>3</u>                    |
| 4.   | SIGNATURE <u>Ric Greenfell</u>                | Printed Name <u>Ric Greenfell</u>    |
| ✓    | Address <u>619 Wendover Dr Ridgeland</u>      | Precinct <u>3</u>                    |
| 5.   | SIGNATURE <u>Jamie Hanry</u>                  | Printed Name <u>JAMIE HANRY</u>      |
| ✓    | Address <u>680 Berridge Dr Ridgeland</u>      | Precinct <u>3</u>                    |
| 6.   | SIGNATURE <u>Stephanie P Nix</u>              | Printed Name <u>Stephanie P. Nix</u> |
| ✓    | Address <u>624 Wendover Way, Ridgeland</u>    | Precinct <u>3</u>                    |
| 7.   | SIGNATURE <u>Chauncey Godwin</u>              | Printed Name <u>CHAUNCEY GODWIN</u>  |
| ✓    | Address <u>617 Wendover Dr, Ridgeland, MS</u> | Precinct <u>3</u>                    |
| 8.   | SIGNATURE <u>Justin Jernigan</u>              | Printed Name _____                   |
| ✓    | Address <u>617 Wendover</u>                   | Precinct _____                       |
| 9.   | SIGNATURE <u>Anne Jernigan</u>                | Printed Name <u>Anne Jernigan</u>    |
| ✓    | Address <u>640 Berridge Drive</u>             | Precinct <u>3</u>                    |
| 10.  | SIGNATURE <u>Justin Jernigan</u>              | Printed Name <u>Justin Jernigan</u>  |
| ✓    | Address <u>640 Berridge Dr</u>                | Precinct <u>3</u>                    |

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- (1) The name of the candidate, (2) office sought, AND (3) date of the election.

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Wade White, Esq.

AGO 2016-371

No. 2016-00371

Mississippi Attorney General Opinions

August 26, 2016

AUTH: Reese Partridge

RQNM: Wade White

SUBJ: Elections - Commissioners

SBCD: 64

TEXT: Wade White, Esq.

Board Attorney, Neshoba County Board of Supervisors

501 Main Street

Philadelphia, Mississippi 39350

Re: Election commissioner qualifying petition

Dear Mr. White:

Attorney General Jim Hood has received your request and assigned it to me for research and reply.

#### Question Presented

A candidate submits to the Board of Supervisors a petition to qualify for the office of County Election Commissioner District 1, but the petition states the petition is for District 3. The qualified electors signing the petition reside in District 1, and the petition was certified by the county registrar. The candidate, also the incumbent for District 1, is a resident of District 1. May the Board of Supervisors accept the petition as being valid for District 1 County Election Commissioner?

#### Response

Yes.

#### Applicable Law

Miss. Code Ann. Section 23-15-213 (1972) reads, in pertinent part, as follows:

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

Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than the first Monday in June of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

The petition shall have attached thereto a certificate of the registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chairman or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election.

#### **Discussion and Conclusion**

The statutory requirements for qualifying for the office of county election commissioner are contained in Miss. Code Ann. Section 23-15-213. Candidates run by board of supervisor districts. All candidates, whether running under a party label or as an independent, must file with the clerk of the board of supervisors a qualifying petition containing the names of at least 50 qualified electors who reside in the district which the candidate seeks to represent. There are no at-large positions.

In *City of Clinton v. Smith*, 493 So. 2d 331 (Miss. 1986), the Mississippi Supreme Court set out the minimum which must appear on a petition for a referendum:

(W)e hold that each signature of a registered voter, before that signature may be validated and counted toward the number of signatures required by statute, must appear upon a page which contains language expressing in an intelligible manner the desire of the signing party that a particular referendum election be called, that is, language sufficient that one reading it before signing would not likely be misled as to the effect and import of his or her signature.

Consequently, this office has routinely advised that signatures on candidate petitions, in order to be valid, must appear on a page which contains the candidate's name, the office sought, and the date of the election. Our understanding of the facts here is that the petition pages had the candidate's name and the date of the election, and further that the office sought is correct but the district number is not correct. The facts also indicate that the qualified electors who have already signed the petition and had their petition signatures certified are residents of the correct district.

Our office has previously opined on the sufficiency of candidate qualifying petitions. In MS AG Op., Wolfe (July 13, 2012), citing *City of Clinton v. Smith*, we opined that the candidate's name must appear on a petition page in order for signatures on that page to be valid.

In MS AG Op., Sorrel (March 23, 2009), again citing *City of Clinton v. Smith*, we advised the City of Southaven that if a signature page of a candidate petition lacks either the candidate's name or the ward number of a candidate for alderman, then the signatures on that page may not be counted. However, Southaven has aldermen elected by

ward as well as an at-large alderman; therefore, voters could be mistaken as to which office the candidate sought election, since he would have been qualified to run in only one ward alderman office, the ward in which he resided for electoral purposes.

Since there is no at-large county election commission office, voters signing the candidate petition are "not likely to be misled" if the district number on the petition is incorrect, as evidenced by the fact the requisite number of signatures on the petition are by qualified electors of the district in which the candidate resides. Therefore, the board of supervisors, exercising its authority to determine the sufficiency of the petition, may find that the petition is valid, subject to judicial review.

In situations which necessitate the correction of candidate petitions, we have opined that the office having authority to certify a petition may make the required correction. See MS AG Op., Ezell (January 16, 1991) and MS AG Op., McMullin (April 18, 2003). Those opinions concerned redistricting but would have applicability in this fact situation as well. Accordingly, for a county election commissioner candidate petition, the board of supervisors may make the required notation on the petition.

Please let me know if you would like to discuss this matter or if I can be of further assistance.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

Reese Partridge, Special Assistant Attorney General

## Mississippi Attorney General Opinions

2012.

No. 2012-00355.

July 13, 2012

2012-00355  
AUTH:Phil Carter  
DATE:20120713  
RQNM:Crystal Martin  
SUBJ:Elections  
SBCD:71

Crystal Martin, Esquire  
Attorney for Hinds County Board of Supervisors  
Post Office Box 686  
Jackson, Mississippi 39205-0686

Re: Qualifying as Candidate(s) for County Election Commissioner Dear Ms. Martin:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

### Issues Presented

You state that two potential candidates for the office of Hinds County Election Commissioner submitted their petitions to the Circuit Clerk prior to the June 4, 2012 5:00 p.m. deadline, but did not submit their petitions to the Chancery Clerk until June 5, 2012 which was after the statutory deadline. You cite two cases in which circuit courts in Simpson and Washington Counties addressed similar situations and permitted the names of the candidates in question to be placed on the ballot. You then present three (3) questions.

### Preface

Our opinion is based on our understanding that the Hinds County Board of Supervisors has not yet ruled on the qualifications of the candidates in question.

### Questions and Responses

Question One: Is the Board of Supervisors required to formally vote on the sufficiency of the petitions for potential candidates for election commissioner to ultimately determine which candidates will appear on the ballot in the November election?

Response: Yes. See *Mcintosh v. Sanders*, 831 So.2d 1111 (2002)

Question Two: If the Board is required to vote on the sufficiency of the petitions, may the Board consider a "substantial compliance" as opposed to a "strict compliance" of the requirements of Miss. Code Ann. Section 23-15-213 to permit the two potential candidates to be placed on the ballot consistent with the court opinions enclosed herewith?

Response: While the Board may consider whether there has been substantial compliance with certain provisions of the qualifying procedure set forth in Section 2315-213, the deadline for filing the required petition with the Chancery Clerk requires strict compliance.

Question Three: May a member of the Board of Supervisors whose spouse is a candidate for the office of election commissioner be permitted to vote on the sufficiency of the petitions for his spouse and for his spouse's potential opponent?

Response: We defer to the Mississippi State Ethics Commission on whether such participation would be in violation of the Conflict of Interest Laws.

**Applicable Law and Discussion**

With regard to Question One, the Mississippi Supreme Court in *McIntosh* said that "the board of supervisors takes on the role of the board of election commissioners when the election commissioners themselves run for election." Section 23-15-213 specifically states in part:

\* \* \*

....The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chairman or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election....

\*\*\*

With regard to Question Two, Section 23-15-213 specifically states in part:

\*\*\*

Candidates for county election commissioner shall qualify **by filing with the clerk of the board of supervisors** of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than the first Monday in June of the year in which the election occurs and **unless the petition is filed within the required time, their names shall not be placed upon the ballot....**

The petition shall have attached thereto a certificate of the registrar showing the number of qualified elector on each petition, which shall be furnished by the registrar on request.... (Emphasis added)

\*\*\*

It is the responsibility of the candidate to see that the petition is filed with the Chancery Clerk prior to the statutory deadline. If the candidate fails to meet that responsibility, the statute specifically requires the Board of Supervisors to refuse to place the candidate's name on the ballot.

The Circuit Clerk's role in the qualifying procedure is a purely ministerial one. That is, the Circuit Clerk checks the signatures on the candidate's petition and executes a certificate stating the number of signatures of qualified electors that appear on the petition. There is nothing in the statute that indicates that it is permissible for a

candidate for county election commissioner to file his or her petition with the Circuit Clerk.

We emphasize that it is the candidate's responsibility to know where his or her petition is required to be filed and to insure that the petition is filed with the proper official and is filed **with that official** prior to the statutory deadline.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:

Phil Carter

Special Assistant Attorney General



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## Mississippi Attorney General Opinions

2012.

No. 2012-00442.

September 21, 2012

12-00442  
AUTH:Liz Bolin  
DATE:20120921  
RQNM:Robert Clark  
SUBJ:Elections  
SBCD:71

Robert G. Clark, III  
Board Attorney, Holmes County  
Clark and Clark, PLLC  
P.O. Box 179  
Lexington, MS 39095

Re: Candidate qualifying procedure

Dear Mr. Clark:

Attorney General Hood is in receipt of your request for an official opinion and it has been assigned to me for research and reply.

### Background and Questions Presented

Your letter states in part:

On May 18, 2012, a potential candidate for the office of Holmes County Election Commissioner appeared in the Holmes County Chancery Clerk's office and presented his Qualifying Petition and Certificate of the Registrar showing the number of qualified electors on his petition. The Chancery Clerk acknowledges that the potential candidate was the very first candidate for Election Commissioner to present his qualification paperwork in his office. The Chancery Clerk (a newly elected clerk) inspected the Qualifying Petition and Certificate of the Registrar. The Chancery Clerk stamped the Certificate of the Registrar "Filed" for May 18, 2012 and retained it; however, the Qualifying Petition was returned to the potential candidate. [The deadline was June 4.] On June 5, 2012, the Chancery Clerk realized that he failed to keep the potential candidate's Qualifying Petition as he should have done and as he has done for all remaining candidates. Therefore, the Chancery Clerk called the potential candidate whose petition he failed to keep to obtain the petition. The petition was provided by the potential candidate and was in the Chancery Clerk's office before 12:00 pm on June 5, 2012.

The question has been raised as to whether the potential candidate's name should be included on the November 6, 2012 ballot since his qualifying petition was not retained by the Chancery Clerk until after the qualifying deadline.

The Chancery Clerk acknowledges that the potential candidate presented the Qualifying Petition and Registrar's Certificate on May 18, 2012; however it was the Clerk's admitted failure which resulted in only the Registrar's Certificate being retained and not the Qualifying Petition.

1. Based on the facts set forth above, the Holmes County Board of Supervisors requests an opinion from the Attorney General regarding the sufficiency of the steps taken by the potential candidate in attempting to qualify prior to the deadline?

2. Based on the facts set forth above, does the strict compliance deadline requirement for Section 23-15-213 require that the board of supervisors not include the potential candidate's name on the ballot ?

**Brief Response**

Based on the facts presented, it appears the candidate is in compliance with Mississippi Code Section 23-15-213 in that he filed his qualifying petition with the chancery clerk prior to the qualifying deadline. It is the duty of the Holmes County Board of Supervisors to make such a factual determination.

**Analysis and Conclusion**

Regarding the process for qualifying to run for election commissioner, Miss. Code Ann. Section 23-15-213 states in part:

Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than the first Monday in June of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot.

The petition shall have attached thereto a certificate of the registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he seeks election and that the candidate is otherwise qualified as provided by law , and shall certify that the candidate is qualified to the chairman or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. (Emphasis added.)

We have previously opined that the requirement for filing a potential candidate's petition with the chancery clerk by the statutory deadline requires strict compliance. MS AG Op., Chiles (August 10, 2012).

You present a factual scenario involving an irregularity in the candidate qualifying process. With regard to cases involving ballot irregularities, the Mississippi Supreme Court has stated "Although the general rule is that mere technical irregularities will not render a ballot invalid, the rule only applies in cases in which there is no evidence of fraud or intentional wrongdoing. *Wilbourn v. Hobson*, 608 So.2d 1187 (Miss. 1992); *Campbell v. Whittington*, 733 So.2d 820 (Miss. 1999). The Court has further noted that "mere technical irregularities will not vitiate the validity of an election where there is no evidence of fraud or intentional wrongdoing." *Hobson* at 1192.

In an opinion to the Honorable Percy L. Reese and the Honorable Russell Smart, we were presented with facts similar to this request. Specifically, a candidate for county school board submitted a qualifying petition to the clerk prior to the commencement of the filing period. Being unaware of the deadline, the clerk accepted the petition. We opined that the decision as to whether or not the name of the individual in question should be placed on the ballot

must be made by the election commission consistent with the facts. We further recognized that the commission should give the candidate the "benefit of the doubt" since the ultimate decision of who holds the office will be made by the voters. MS AG Op., Reese and Smart (September 19, 1986).

In this instance, you represent that the candidate filed qualifying documents with the chancery clerk on May 18, 2012. The documents submitted included the candidate's qualifying petition and a certification from the circuit clerk (registrar) documenting the number of qualified electors who signed the petition. The chancery clerk stamped the certification "filed" and, we presume, mistakenly returned the petition to the candidate. The facts, including the chancery clerk's own statement, indicate the candidate complied with filing his petition on or before the June 4, 2012 deadline. The facts you present do not make any allegation of intentional wrongdoing or fraud by the parties involved. Thus, it appears the candidate's name should be placed on the ballot if he is otherwise qualified under the law. However, we note that the appropriate body to make this determination is the Holmes County Board of Supervisors - the body charged with determining the sufficiency of the petition pursuant to Miss. Code Ann. Section 23-15213.

Please let us know if this office can be of further assistance.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:

Elizabeth S. Bolin

Special Assistant Attorney General