

AN ORDINANCE ABOLISHING THE MUNICIPAL ELECTION COMMISSION AND TO ALLOW THE ESTABLISHMENT OF AN AGREEMENT WITH THE HANCOCK COUNTY CIRCUIT CLERK'S OFFICE TO HAVE THE COUNTY ELECTION COMMISSIONERS CONDUCT MUNICIPAL ELECTIONS AND OTHER FUNCTIONS PERFORMED BY MUNICIPAL ELECTION COMMISSIONERS FOR THE BENEFIT OF THE VOTERS OF THE CITY OF BAY ST. LOUIS AND TO IMPROVE THE EFFICIENCY AND CONFORMITY OF FUTURE ELECTIONS TO THE CODE OF ORDINANCES OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI

WHEREAS, pursuant to MS Code Section 23-15-221, the City of Bay St. Louis, Mississippi has appointed municipal elections commissioners as provided for therein; and

WHEREAS, the City of Bay St. Louis, despite having an established election commission with appointed commissioners, is authorized by law to contract with the Hancock County Circuit Clerk's Office to handle many, if not all, aspects of municipal elections; and

WHEREAS, on July 1, 2017, an Amendment to MS Code Section 23-15-221 became effective, which mandated that any municipality desiring to avail itself of the provisions of the MS Election Code (i.e., use the county election commission) 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; and

WHEREAS, this Amendment has been interpreted by the Attorney General's office to compel all municipalities that wish to use their respective county election commission in conducting elections, to adopt an Ordinance stating their intention to solely use the services of the county election commission, and if the municipalities fail to do so, then the municipalities shall be required to conduct all municipal election functions on their own with no ability to enter into a contract with their county election commission for assistance with any aspect of a municipal election; and

WHEREAS, the Mayor and City Council of the City of Bay St. Louis understand the City of Bay St. Louis's need for the services of the Hancock County Circuit Clerk's Office and the Hancock County Election Commission for municipal elections, and therefore finds that entering into an agreement with the Hancock County Circuit Clerk's Office to have the Hancock County Election Commission conduct municipal elections and other functions that are performed by municipal election commissioners will benefit the City, and all of its citizens, by making the elections more efficient and affordable.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI AS FOLLOWS:

SECTION I. It is the Mayor and City Council's intent and desire to abolish the City of Bay St. Louis's Municipal Election Commission and to authorize the Hancock County Circuit Clerk's Office, along with the Hancock County Election Commission, to conduct the municipal election commissioner's duties. By adoption of this Ordinance, it is the City's intent to enter into an Agreement with the Hancock County Circuit Clerk to have the Hancock County Election Commission conduct municipal elections and other functions that are performed by municipal elections commissioners, which will benefit the City, and all of its citizens, by making the elections more efficient and affordable. As a result of this Ordinance, all current members of the municipal election commission are removed.

Pursuant to MS Code Section 23-15-221, the Hancock County Circuit Clerk's Office, along with the Hancock County Election Commission, 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 City Council and within (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 or general elections within (10) days after any special or general election;
- (d) Revise the primary pollbooks for municipalities at the time and in the manner in accordance with the laws now fixed and in force for revising pollbooks, except that 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 if require;
- (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);
- (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 candidate 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 23-152-611 to the Secretary of State certifying the name or names of the person or persons elected at municipal elections, and such person or person 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 as prescribed by law.

SECTION II. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION III. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately, or as provided by law. The City Clerk shall cause the ordinance to be published in a local newspaper of general circulation, the *Sea Coast Echo*.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Council Member _____ moved for its adoption, and after a second by Council Member _____, the following roll call vote was had:

Council Member Doug Seal	YEA/NAY
Council Member Gene Hoffman	YEA/NAY
Council Member Jeffrey Reed	YEA/NAY
Council Member Kyle Lewis	YEA/NAY
Council Member Linda Kay Davis	YEA/NAY
Council Member Josh DeSalvo	YEA/NAY
Council Member Gary Knoblock	YEA/NAY

Passed by the City Council of the City of Bay Saint Louis on the ____ day of December 2024.

CERTIFICATION

I, Michael Reso, City Clerk for the City of Bay Saint Louis, Mississippi, do hereby certify that the foregoing Ordinance was approved and adopted in the public meeting of the City Council held on _____, 2024, a quorum being present, in the City Council Conference Chambers and to be recorded in the Minute Books, said Council being the duly elected, qualified, and acting governing body of Bay Saint Louis, Mississippi.

Presented by me to the Mayor on this, the __ day of _____ 2024.

Michael Reso, City Clerk

Approved/Disapproved, and signed by me on this, the _____ day of _____ 2024.

Michael J. Favre, Mayor