MISSISSIPPI LEGISLATURE   REGULAR SESSION 2002

By: Senator(s) Bryan   To: Judiciary

SENATE BILL NO. 2970

1   AN ACT TO AMEND SECTION 23-15-951, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE MANNER IN WHICH CIRCUIT JUDGES OR CHANCELLORS ARE
3 SELECTED TO HEAR CONTESTS OF ELECTIONS; AND FOR RELATED PURPOSES.

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

5   **SECTION 1.** Section 23-15-951, Mississippi Code of 1972, is

6 amended as follows:

7   23-15-951. Except as otherwise provided by Section 23-15-955

8 or 23-15-961, a person desiring to contest the election of another

9 person returned as elected to any office within any county, may,

10 within twenty (20) days after the election, file a petition in the

11 office of the clerk of the circuit court of the county, setting

12 forth the grounds upon which the election is contested; *** * *** upon

13 the filing of the petition the circuit clerk shall immediately, by

14 registered letter or by telegraph or by telephone, or personally,

15 notify the Chief Justice of the Supreme Court, or in his absence,

16 or disability, some other judge of the Supreme Court, who shall

17 forthwith designate and notify a circuit judge or chancellor of a

18 district other than that which embraces the district, subdistrict,

19 county or any of the counties, involved in the contest or

20 complaint, to proceed to the county in which the contest or

21 complaint has been filed to hear and determine the contest or

22 complaint. Before any election the Supreme Court shall compile a

23 list of judges throughout the state to hear such disputes. It

24 shall be the official duty of the circuit judge or chancellor to

25 proceed to the discharge of the designated duty at the earliest

26 possible date to be fixed by the judge or chancellor and of which

27 the contestant and contestee shall have reasonable notice. The

28 <u>contestant and contestee are to be served in a reasonable manner</u>

29 <u>as the judge or chancellor may direct, in response to which notice</u>

30 <u>the contestee shall promptly file his answer, and also his</u>

31 <u>cross-complaint if he has a cross-complaint</u>. The court

32 shall *** * *** cause an issue to be made up and tried by a jury, and

33 the verdict of the jury shall find the person having the greatest

34 number of legal votes at the election. If the jury shall find

35 against the person returned elected, the clerk shall issue a

36 certificate thereof; and the person in whose favor the jury shall

37 find shall be commissioned by the Governor, and shall qualify and

38 enter upon the duties of his office. Each party shall be allowed

39 ten (10) peremptory challenges, and new trials shall be granted

40 and costs awarded as in other cases. In case the election of

41 district attorney or other state district election be contested,

42 the petition may be filed in any county of the district or in any

43 county of an adjoining district within twenty (20) days after the

44 election, and like proceedings shall be had thereon as in the case

45 of county officers, and the person found to be entitled to the

46 office shall qualify as required by law and enter upon the duties

47 of his office.

48   A person desiring to contest the election of another person

49 returned as elected to any seat in the Mississippi Legislature

50 shall comply with the provisions of Section 23-15-955. A person

51 desiring to contest the qualifications of a candidate for

52 nomination in a political party primary election shall comply with

53 the provisions of Section 23-15-961.

54   **SECTION 2.** The Attorney General of the State of Mississippi

55 shall submit this act, immediately upon approval by the Governor,

56 or upon approval by the Legislature subsequent to a veto, to the

57 Attorney General of the United States or to the United States

58 District Court for the District of Columbia in accordance with the

59 provisions of the Voting Rights Act of 1965, as amended and

60 extended.

61   **SECTION 3.** This act shall take effect and be in force from
62 and after the date it is effectuated under Section 5 of the Voting
63 Rights Act of 1965, as amended and extended.

S. B. No. 2970 |||||||||||||||||||||||||||||||||||||||
02/SS02/R939   ST: Election contests; clarify the manner of
PAGE 3   selecting judges to hear.