

By: Representative Mims

To: Apportionment and
Elections

HOUSE BILL NO. 370

1 AN ACT TO PROHIBIT A PERSON FROM FILING MORE THAN ONE
2 PETITION TO QUALIFY AS A CANDIDATE FOR MORE THAN ONE OFFICE OR BE
3 QUALIFIED AS A CANDIDATE FOR MORE THAN ONE OFFICE DURING THE SAME
4 ELECTION OR ELECTIONS HELD AT THE SAME TIME; TO AMEND SECTIONS
5 23-15-359 AND 23-15-361, MISSISSIPPI CODE OF 1972, TO CONFORM TO
6 THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** No person may file more than one (1) petition to
9 qualify as a candidate for more than one (1) office or be
10 qualified as a candidate for more than one (1) office during the
11 same election or elections held at the same time. The name of any
12 person who files a petition to qualify as a candidate for more
13 than one (1) office or is qualified as a candidate for more than
14 one (1) office during the same election or elections held at the
15 same time shall not be placed on any ballot for such election or
16 elections.

17 **SECTION 2.** Section 23-15-359, Mississippi Code of 1972, is
18 amended as follows:

19 23-15-359. (1) The ballot shall contain the names of all
20 party nominees certified by the appropriate executive committee,
21 and independent and special election candidates who have timely
22 filed petitions containing the required signatures. A petition
23 requesting that an independent or special election candidate's
24 name be placed on the ballot for any office shall be filed as
25 provided for in subsection (3) or (4) of this section, as
26 appropriate, and shall be signed by not less than the following
27 number of qualified electors:

28 (a) For an office elected by the state at large, not
29 less than one thousand (1,000) qualified electors.

30 (b) For an office elected by the qualified electors of
31 a Supreme Court district, not less than three hundred (300)
32 qualified electors.

33 (c) For an office elected by the qualified electors of
34 a congressional district, not less than two hundred (200)
35 qualified electors.

36 (d) For an office elected by the qualified electors of
37 a circuit or chancery court district, not less than one hundred
38 (100) qualified electors.

39 (e) For an office elected by the qualified electors of
40 a senatorial or representative district, not less than fifty (50)
41 qualified electors.

42 (f) For an office elected by the qualified electors of
43 a county, not less than fifty (50) qualified electors.

44 (g) For an office elected by the qualified electors of
45 a supervisors district or justice court district, not less than
46 fifteen (15) qualified electors.

47 (2) Unless the petition required above shall be filed as
48 provided for in subsection (3) or (4) of this section, as
49 appropriate, the name of the person requested to be a candidate,
50 unless nominated by a political party, shall not be placed upon
51 the ballot. The ballot shall contain the names of each candidate
52 for each office, and such names shall be listed under the name of
53 the political party such candidate represents as provided by law
54 and as certified to the circuit clerk by the State Executive
55 Committee of such political party. In the event such candidate
56 qualifies as an independent as herein provided, he shall be listed
57 on the ballot as an independent candidate.

58 (3) Petitions for offices described in paragraphs (a), (b),
59 (c) and (d) of subsection (1) of this section, and petitions for
60 offices described in paragraph (e) of subsection (1) of this
61 section for districts composed of more than one (1) county or
62 parts of more than one (1) county, shall be filed with the State

63 Board of Election Commissioners by no later than 5:00 p.m. on the
64 same date by which candidates for nominations in the political
65 party primary elections are required to pay the fee provided for
66 in Section 23-15-297, Mississippi Code of 1972.

67 (4) Petitions for offices described in paragraphs (f) and
68 (g) of subsection (1) of this section, and petitions for offices
69 described in paragraph (e) of subsection (1) of this section for
70 districts composed of one (1) county or less, shall be filed with
71 the proper circuit clerk by no later than 5:00 p.m. on the same
72 date by which candidates for nominations in the political party
73 elections are required to pay the fee provided for in Section
74 23-15-297; provided, however, that no petition may be filed before
75 January 1 of the year in which the election for the office is
76 held. The circuit clerk shall notify the county commissioners of
77 election of all persons who have filed petitions with such clerk.
78 Such notification shall occur within two (2) business days and
79 shall contain all necessary information.

80 (5) The commissioners may also have printed upon the ballot
81 any local issue election matter that is authorized to be held on
82 the same date as the regular or general election pursuant to
83 Section 23-15-375; provided, however, that the ballot form of such
84 local issue must be filed with the commissioners of election by
85 the appropriate governing authority not less than sixty (60) days
86 previous to the date of the election.

87 (6) The provisions of this section shall not apply to
88 municipal elections or to the election of the offices of justice
89 of the Supreme Court, judge of the Court of Appeals, circuit
90 judge, chancellor, county court judge and family court judge.

91 (7) Nothing in this section shall prohibit special elections
92 to fill vacancies in either house of the Legislature from being
93 held as provided in Section 23-15-851. In all elections conducted
94 under the provisions of Section 23-15-851, the commissioner shall
95 have printed on the ballot the name of any candidate who, not

96 having been nominated by a political party, shall have been
97 requested to be a candidate for any office by a petition filed
98 with said commissioner by 5:00 p.m. not less than ten (10) working
99 days prior to the election, and signed by not less than fifty (50)
100 qualified electors.

101 (8) The appropriate election commission shall determine
102 whether each candidate is a qualified elector of the state, state
103 district, county or county district they seek to serve, and
104 whether each candidate meets all other qualifications to hold the
105 office he is seeking or presents absolute proof that he will,
106 subject to no contingencies, meet all qualifications on or before
107 the date of the general or special election at which he could be
108 elected to office. The election commission also shall determine
109 whether any candidate has been convicted of any felony in a court
110 of this state, or has been convicted on or after December 8, 1992,
111 of any offense in another state which is a felony under the laws
112 of this state, or has been convicted of any felony in a federal
113 court on or after December 8, 1992. Excepted from the above are
114 convictions of manslaughter and violations of the United States
115 Internal Revenue Code or any violations of the tax laws of this
116 state, unless the offense also involved misuse or abuse of his
117 office or money coming into his hands by virtue of his office.
118 If the appropriate election commission finds that a candidate
119 either (a) is not a qualified elector, (b) does not meet all
120 qualifications to hold the office he seeks and fails to provide
121 absolute proof, subject to no contingencies, that he will meet the
122 qualifications on or before the date of the general or special
123 election at which he could be elected, * * * (c) has been
124 convicted of a felony as described in this subsection, and not
125 pardoned, or (d) has qualified to be a candidate for more than one
126 (1) office on the ballot provided for by this section for the same
127 election, or has qualified to be a candidate for an office on the
128 ballot provided for by this section and qualified to be a

129 candidate for an office on the ballot provided for by any other
130 provision of law for other elections held at the same time, then
131 the name of such candidate shall not be placed upon the ballot.

132 (9) If after the deadline to qualify as a candidate for an
133 office or after the time for holding any party primary for an
134 office, there shall be only one (1) person who has duly qualified
135 to be a candidate for the office in the general election, the name
136 of such person shall be placed on the ballot; provided, however,
137 that if there shall be not more than one (1) person duly qualified
138 to be a candidate for each office on the general election ballot,
139 the election for all offices on the ballot shall be dispensed with
140 and the appropriate election commission shall declare each
141 candidate elected without opposition if the candidate meets all
142 the qualifications to hold the office as determined pursuant to a
143 review by the commission in accordance with the provisions of
144 subsection (8) of this section and if the candidate has filed all
145 required campaign finance disclosure reports as required by
146 Section 23-15-807.

147 (10) The petition required by this section may not be filed
148 by using the Internet.

149 **SECTION 3.** Section 23-15-361, Mississippi Code of 1972, is
150 amended as follows:

151 23-15-361. (1) The municipal general election ballot shall
152 contain the names of all candidates who have been put in
153 nomination by the municipal primary election of any political
154 party. There shall be printed on the ballots the names of all
155 persons so nominated, whether the nomination be otherwise known or
156 not, upon the written request of one or more of the candidates so
157 nominated, or of any qualified elector who will make oath that he
158 was a participant in the primary election, and that the person
159 whose name is presented by him was nominated by such primary
160 election. The municipal election commissioner designated to have
161 the ballots printed shall also have printed on the ballot in any

162 municipal general election the name of any candidate who, not
163 having been nominated by a political party, shall have been
164 requested to be a candidate for any office by a petition filed
165 with the clerk of the municipality no later than 5:00 p.m. on the
166 same date by which candidates for nomination in the municipal
167 primary elections are required to pay the fee provided for in
168 Section 23-15-309, and signed by not less than the following
169 number of qualified electors:

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

173 (b) For an office elected by the qualified electors of
174 a municipality having a population of less than one thousand
175 (1,000), not less than fifteen (15) qualified electors.

176 (2) Unless the petition required above shall be filed no
177 later than 5:00 p.m. on the same date by which candidates for
178 nomination in the municipal primary election are required to pay
179 the fee provided for in Section 23-15-309, the name of the person
180 requested to be a candidate, unless nominated by a political
181 party, shall not be placed upon the ballot. The ballot shall
182 contain the names of each candidate for each municipal office, and
183 such names shall be listed under the name of the political party
184 such candidate represents as provided by law and as certified to
185 the municipal clerk by the municipal executive committee of such
186 political party. Provided further, however, that nothing in this
187 section shall prohibit a person from qualifying as a nominee of a
188 political party, or from requesting to be a candidate for the
189 office by filing a petition, in the event of the death of a
190 candidate for the office which makes it impossible to have an
191 election contest. In the event such candidate qualifies as an
192 independent as herein provided, he shall be listed on the ballot
193 as an independent candidate.

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

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

201 (5) The municipal commission shall determine whether each
202 party candidate in the municipal general election is a qualified
203 elector of the municipality, and of the ward if the office sought
204 is a ward office and shall determine whether each candidate either
205 meets all other qualifications to hold the office he is seeking or
206 presents absolute proof that he will, subject to no contingencies,
207 meet all qualifications on or before the date of the general or
208 special election at which he could be elected to office. The
209 municipal election commission also shall determine whether any
210 candidate has been convicted of any felony in a court of this
211 state, or has been convicted on or after December 8, 1992, of any
212 offense in another state which is a felony under the laws of this
213 state, or has been convicted of any felony in a federal court on
214 or after December 8, 1992. Excepted from the above are
215 convictions of manslaughter and violations of the United States
216 Internal Revenue Code or any violations of the tax laws of this
217 state unless such offense also involved misuse or abuse of his
218 office or money coming into his hands by virtue of his office. If
219 the municipal election commission finds that a candidate either
220 (a) is not a qualified elector, (b) does not meet all
221 qualifications to hold the office he seeks and fails to provide
222 absolute proof, subject to no contingencies, that he will meet the
223 qualifications on or before the date of the general or special
224 election at which he could be elected, * * * (c) has been
225 convicted of a felony as described above and not pardoned, or (d)
226 has qualified to be a candidate for more than one (1) office on

227 the ballot provided for by this section for the same election, or
228 has qualified to be a candidate for an office on the ballot
229 provided for by this section and qualified to be a candidate for
230 an office on the ballot provided for by any other provision of law
231 for other elections held at the same time, then the name of the
232 candidate shall not be placed upon the ballot.

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

248 **SECTION 4.** The Attorney General of the State of Mississippi
249 shall submit this act, immediately upon approval by the Governor,
250 or upon approval by the Legislature subsequent to a veto, to the
251 Attorney General of the United States or to the United States
252 District Court for the District of Columbia in accordance with the
253 provisions of the Voting Rights Act of 1965, as amended and
254 extended.

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