

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2832

1 AN ACT TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A PERSON MUST QUALIFY AS A CANDIDATE FOR A VACANCY  
3 IN LEGISLATIVE OFFICE THIRTY WORKING DAYS PRIOR TO THE ELECTION;  
4 TO AMEND SECTION 23-15-851, MISSISSIPPI CODE OF 1972, TO PROVIDE  
5 THAT FORTY DAYS' NOTICE SHALL BE GIVEN OF ELECTIONS TO FILL A  
6 VACANCY IN LEGISLATIVE OFFICE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-359, Mississippi Code of 1972, is  
9 amended as follows:

10 23-15-359. (1) The ballot shall contain the names of all  
11 party nominees certified by the appropriate executive committee,  
12 and independent and special election candidates who have timely  
13 filed petitions containing the required signatures. A petition  
14 requesting that an independent or special election candidate's  
15 name be placed on the ballot for any office shall be filed as  
16 provided for in subsection (3) or (4) of this section, as  
17 appropriate, and shall be signed by not less than the following  
18 number of qualified electors:

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

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

24 (c) For an office elected by the qualified electors of  
25 a congressional district, not less than two hundred (200)  
26 qualified electors.

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

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

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

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

38 (2) Unless the petition required above shall be filed as  
39 provided for in subsection (3) or (4) of this section, as  
40 appropriate, the name of the person requested to be a candidate,  
41 unless nominated by a political party, shall not be placed upon  
42 the ballot. The ballot shall contain the names of each candidate  
43 for each office, and the names shall be listed under the name of  
44 the political party such candidate represents as provided by law  
45 and as certified to the circuit clerk by the State Executive  
46 Committee of such political party. In the event the candidate  
47 qualifies as an independent as herein provided, he shall be listed  
48 on the ballot as an independent candidate.

49 (3) Petitions for offices described in paragraphs (a), (b),  
50 (c) and (d) of subsection (1) of this section, and petitions for  
51 offices described in paragraph (e) of subsection (1) of this  
52 section for districts composed of more than one (1) county or  
53 parts of more than one (1) county, shall be filed with the State  
54 Board of Election Commissioners by no later than 5:00 p.m. on the  
55 same date by which candidates for nominations in the political  
56 party primary elections are required to pay the fee provided for  
57 in Section 23-15-297, Mississippi Code of 1972; however, no  
58 petition may be filed before January 1 of the year in which the  
59 election for the office is held.

60 (4) Petitions for offices described in paragraphs (f) and  
61 (g) of subsection (1) of this section, and petitions for offices  
62 described in paragraph (e) of subsection (1) of this section for

63 districts composed of one (1) county or less, shall be filed with  
64 the proper circuit clerk by no later than 5:00 p.m. on the same  
65 date by which candidates for nominations in the political party  
66 elections are required to pay the fee provided for in Section  
67 23-15-297; however, no petition may be filed before January 1 of  
68 the year in which the election for the office is held. The  
69 circuit clerk shall notify the county commissioners of election of  
70 all persons who have filed petitions with such clerk. The  
71 notification shall occur within two (2) business days and shall  
72 contain all necessary information.

73 (5) The commissioners may also have printed upon the ballot  
74 any local issue election matter that is authorized to be held on  
75 the same date as the regular or general election pursuant to  
76 Section 23-15-375; however, the ballot form of such local issue  
77 must be filed with the commissioners of election by the  
78 appropriate governing authority not less than sixty (60) days  
79 previous to the date of the election.

80 (6) The provisions of this section shall not apply to  
81 municipal elections or to the election of the offices of justice  
82 of the Supreme Court, judge of the Court of Appeals, circuit  
83 judge, chancellor, county court judge and family court judge.

84 (7) Nothing in this section shall prohibit special elections  
85 to fill vacancies in either house of the Legislature from being  
86 held as provided in Section 23-15-851. In all elections conducted  
87 under the provisions of Section 23-15-851, the commissioner shall  
88 have printed on the ballot the name of any candidate who, not  
89 having been nominated by a political party, shall have been  
90 requested to be a candidate for any office by a petition filed  
91 with said commissioner by 5:00 p.m. not less than thirty (30)  
92 working days prior to the election, and signed by not less than  
93 fifty (50) qualified electors.

94 (8) The appropriate election commission shall determine  
95 whether each candidate is a qualified elector of the state, state

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

120 (9) If after the deadline to qualify as a candidate for an  
121 office or after the time for holding any party primary for an  
122 office, there shall be only one (1) person who has duly qualified  
123 to be a candidate for the office in the general election, the name  
124 of the person shall be placed on the ballot; however, if there  
125 shall be not more than one (1) person duly qualified to be a  
126 candidate for each office on the general election ballot, the  
127 election for all offices on the ballot shall be dispensed with and  
128 the appropriate election commission shall declare each candidate

129 elected without opposition if the candidate meets all the  
130 qualifications to hold the office as determined pursuant to a  
131 review by the commission in accordance with the provisions of  
132 subsection (8) of this section and if the candidate has filed all  
133 required campaign finance disclosure reports as required by  
134 Section 23-15-807.

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

137 **SECTION 2.** Section 23-15-851, Mississippi Code of 1972, is  
138 amended as follows:

139 23-15-851. When vacancies happen in either House of the  
140 Legislature, the Governor shall issue writs of election to fill  
141 such vacancies on a day therein to be specified; and at least  
142 forty (40) days' notice shall be given of such election in each  
143 county or part of a county in which such election shall be held.  
144 Notice of the election shall be posted at the courthouse and in  
145 each supervisors district in the county or part of county in which  
146 such election shall be held for as near twenty (20) days as may be  
147 practicable; and the election shall be prepared for and held as in  
148 the case of a general election.

149 **SECTION 3.** The Attorney General of the State of Mississippi  
150 shall submit this act, immediately upon approval by the Governor,  
151 or upon approval by the Legislature subsequent to a veto, to the  
152 Attorney General of the United States or to the United States  
153 District Court for the District of Columbia in accordance with the  
154 provisions of the Voting Rights Act of 1965, as amended and  
155 extended.

156 **SECTION 4.** This act shall take effect and be in force from  
157 and after the date it is effectuated under Section 5 of the Voting  
158 Rights Act of 1965, as amended and extended.