

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2056: Elections; prohibit a person from qualifying as a candidate for more than one office at any election.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14        **SECTION 1.** (1) From and after July 1, 2008, no person may  
15 qualify as a candidate for more than one (1) office if the  
16 election for those offices occurs on the same day. If a person  
17 takes the steps necessary to qualify for more than one (1) office,  
18 the appropriate executive committee or election commissioner shall  
19 determine the last office for which the person qualified and the  
20 person shall be considered to be qualified as a candidate for that  
21 office only and the person shall be notified of this  
22 determination. The provisions of this subsection shall not apply  
23 to elections for municipal office.

24        (2) From and after July 1, 2008, no person may qualify as a  
25 candidate for more than one (1) municipal office if the election  
26 for those offices occurs on the same day. If a person takes the  
27 steps necessary to qualify for more than one (1) office, the  
28 appropriate executive committee or election commissioner shall  
29 determine the last office for which the person qualified and the  
30 person shall be considered to be qualified as a candidate for that  
31 office only and the person shall be notified of this  
32 determination.

33        **SECTION 2.** Section 23-15-299, Mississippi Code of 1972, is  
34 amended as follows:

35           **[Until July 1, 2008, this section shall read as follows:]**

36           23-15-299. (1) (a) Assessments made pursuant to paragraphs  
37 (a), (b) and (c) of Section 23-15-297 and assessments made  
38 pursuant to paragraph (d) of Section 23-15-297 for legislative  
39 offices shall be paid by each candidate to the Secretary of the  
40 State Executive Committee with which the candidate is affiliated  
41 by 5:00 p.m. on March 1 of the year in which the primary election  
42 for the office is held or on the date of the qualifying deadline  
43 provided by statute for the office, whichever is earlier; however,  
44 no such assessments may be paid before January 1 of the year in  
45 which the primary election for the office is held.

46           (b) If the 2010 census redistricting information that  
47 is provided to the state in accordance with federal Public Law  
48 94-171 has not been received from the United States Secretary of  
49 Commerce by the Governor of the State of Mississippi by January 1,  
50 2011, then the qualifying deadline for legislative offices shall  
51 be changed for the year 2011 only, as follows: Assessments made  
52 pursuant to paragraph (d) of Section 23-15-297 for legislative  
53 offices shall be paid by each candidate to the Secretary of the  
54 State Executive Committee with which the candidate is affiliated  
55 by 5:00 p.m. on June 1, 2011. This paragraph (b) shall stand  
56 repealed on July 1, 2012; however, no such assessments may be paid  
57 before January 1 of the year in which the election for the office  
58 is held.

59           (2) Assessments made pursuant to paragraphs (d) and (e) of  
60 Section 23-15-297, other than assessments made for legislative  
61 offices, shall be paid by each candidate to the circuit clerk of  
62 such candidate's county of residence by 5:00 p.m. on March 1 of  
63 the year in which the primary election for the office is held or  
64 on the date of the qualifying deadline provided by statute for the  
65 office, whichever is earlier; however, no such assessments may be  
66 paid before January 1 of the year in which the election for the

67 office is held. The circuit clerk shall forward the fee and all  
68 necessary information to the secretary of the proper county  
69 executive committee within two (2) business days.

70 (3) Assessments made pursuant to paragraphs (f) and (g) of  
71 Section 23-15-297 must be paid by each candidate to the Secretary  
72 of the State Executive Committee with which the candidate is  
73 affiliated by 5:00 p.m. sixty (60) days before the presidential  
74 preference primary in years in which a presidential preference  
75 primary is held; however, no such assessments may be paid before  
76 January 1 of the year in which the primary election for the office  
77 is held. Assessments made pursuant to paragraphs (f) and (g) of  
78 Section 23-15-297, in years when a presidential preference primary  
79 is not being held, shall be paid by each candidate to the  
80 Secretary of the State Executive Committee with which the  
81 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
82 which the primary election for the office is held; however, no  
83 such assessments may be paid before January 1 of the year in which  
84 the primary election for the office is held.

85 (4) (a) The fees paid pursuant to subsections (1), (2) and  
86 (3) of this section shall be accompanied by a written statement  
87 containing the name and address of the candidate, the party with  
88 which he or she is affiliated and the office for which he or she  
89 is a candidate.

90 (b) The State Executive Committee shall transmit to the  
91 Secretary of State a copy of the written statements accompanying  
92 the fees paid pursuant to subsections (1) and (2) of this section.  
93 All copies must be received by the Office of the Secretary of  
94 State by not later than 6:00 p.m. on the date of the qualifying  
95 deadline; provided, however, the failure of the Office of the  
96 Secretary of State to receive such copies by 6:00 p.m. on the date  
97 of the qualifying deadline shall not affect the qualification of a  
98 person who pays the required fee and files the required statement

99 by 5:00 p.m. on the date of the qualifying deadline. The name of  
100 any person who pays the required fee and files the required  
101 statement after 5:00 p.m. on the date of the qualifying deadline  
102 shall not be placed on the primary election ballot.

103 (5) The secretary or circuit clerk to whom such payments are  
104 made shall promptly receipt for same stating the office for which  
105 such candidate making payment is running and the political party  
106 with which he or she is affiliated, and he or she shall keep an  
107 itemized account in detail showing the exact time and date of the  
108 receipt of each payment received by him or her and, where  
109 applicable, the date of the postmark on the envelope containing  
110 the fee and from whom, and for what office the party paying same  
111 is a candidate.

112 (6) The secretaries of the proper executive committee shall  
113 hold said funds to be finally disposed of by order of their  
114 respective executive committees. Such funds may be used or  
115 disbursed by the executive committee receiving same to pay all  
116 necessary traveling or other necessary expenses of the members of  
117 the executive committee incurred in discharging their duties as  
118 committeemen, and of their secretary and may pay the secretary  
119 such salary as may be reasonable.

120 (7) Upon receipt of the proper fee and all necessary  
121 information, the proper executive committee shall then determine  
122 whether each candidate is a qualified elector of the state, state  
123 district, county or county district which they seek to serve, and  
124 whether each candidate meets all other qualifications to hold the  
125 office he is seeking or presents absolute proof that he will,  
126 subject to no contingencies, meet all qualifications on or before  
127 the date of the general or special election at which he could be  
128 elected to office. The committee also shall determine whether any  
129 candidate has been convicted of any felony in a court of this  
130 state, or has been convicted on or after December 8, 1992, of any

131 offense in another state which is a felony under the laws of this  
132 state, or has been convicted of any felony in a federal court on  
133 or after December 8, 1992. Excepted from the above are  
134 convictions of manslaughter and violations of the United States  
135 Internal Revenue Code or any violations of the tax laws of this  
136 state unless the offense also involved misuse or abuse of his  
137 office or money coming into his hands by virtue of his office. If  
138 the proper executive committee finds that a candidate either (a)  
139 is not a qualified elector, (b) does not meet all qualifications  
140 to hold the office he seeks and fails to provide absolute proof,  
141 subject to no contingencies, that he will meet the qualifications  
142 on or before the date of the general or special election at which  
143 he could be elected, or (c) has been convicted of a felony as  
144 described in this subsection, and not pardoned, then the name of  
145 such candidate shall not be placed upon the ballot.

146 Where there is but one (1) candidate for each office  
147 contested at the primary election, the proper executive committee  
148 when the time has expired within which the names of candidates  
149 shall be furnished shall declare such candidates the nominees.

150 (8) No candidate may qualify by filing the information  
151 required by this section by using the Internet.

152 **[From and after July 1, 2008, this section shall read as**  
153 **follows:]**

154 23-15-299. (1) (a) Assessments made pursuant to paragraphs  
155 (a), (b) and (c) of Section 23-15-297 and assessments made  
156 pursuant to paragraph (d) of Section 23-15-297 for legislative  
157 offices shall be paid by each candidate to the Secretary of the  
158 State Executive Committee with which the candidate is affiliated  
159 by 5:00 p.m. on March 1 of the year in which the primary election  
160 for the office is held or on the date of the qualifying deadline  
161 provided by statute for the office, whichever is earlier; however,

162 no such assessments may be paid before January 1 of the year in  
163 which the primary election for the office is held.

164 (b) If the 2010 census redistricting information that  
165 is provided to the state in accordance with Public Law 94-171 has  
166 not been received from the United States Secretary of Commerce by  
167 the Governor of the State of Mississippi by January 1, 2011, then  
168 the qualifying deadline for legislative offices shall be changed  
169 for the year 2011 only, as follows: Assessments made pursuant to  
170 paragraph (d) of Section 23-15-297 for legislative offices shall  
171 be paid by each candidate to the Secretary of the State Executive  
172 Committee with which the candidate is affiliated by 5:00 p.m. on  
173 June 1, 2011. This paragraph (b) shall stand repealed on July 1,  
174 2012; however, no such assessments may be paid before January 1 of  
175 the year in which the election for the office is held.

176 (2) Assessments made pursuant to paragraphs (d) and (e) of  
177 Section 23-15-297, other than assessments made for legislative  
178 offices, shall be paid by each candidate to the circuit clerk of  
179 such candidate's county of residence by 5:00 p.m. on March 1 of  
180 the year in which the primary election for the office is held or  
181 on the date of the qualifying deadline provided by statute for the  
182 office, whichever is earlier; however, no such assessments may be  
183 paid before January 1 of the year in which the election for the  
184 office is held. The circuit clerk shall forward the fee and all  
185 necessary information to the secretary of the proper county  
186 executive committee within two (2) business days.

187 (3) Assessments made pursuant to paragraphs (f) and (g) of  
188 Section 23-15-297 must be paid by each candidate to the Secretary  
189 of the State Executive Committee with which the candidate is  
190 affiliated by 5:00 p.m. sixty (60) days before the presidential  
191 preference primary in years in which a presidential preference  
192 primary is held; however, no such assessments may be paid before  
193 January 1 of the year in which the primary election for the office

194 is held. Assessments made pursuant to paragraphs (f) and (g) of  
195 Section 23-15-297, in years when a presidential preference primary  
196 is not being held, shall be paid by each candidate to the  
197 Secretary of the State Executive Committee with which the  
198 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
199 which the primary election for the office is held; however, no  
200 such assessments may be paid before January 1 of the year in which  
201 the primary election for the office is held.

202 (4) (a) The fees paid pursuant to subsections (1), (2) and  
203 (3) of this section shall be accompanied by a written statement  
204 containing the name and address of the candidate, the party with  
205 which he or she is affiliated and the office for which he or she  
206 is a candidate.

207 (b) The State Executive Committee shall transmit to the  
208 Secretary of State a copy of the written statements accompanying  
209 the fees paid pursuant to subsections (1) and (2) of this section.  
210 All copies must be received by the Office of the Secretary of  
211 State by not later than 6:00 p.m. on the date of the qualifying  
212 deadline; provided, however, the failure of the Office of the  
213 Secretary of State to receive such copies by 6:00 p.m. on the date  
214 of the qualifying deadline shall not affect the qualification of a  
215 person who pays the required fee and files the required statement  
216 by 5:00 p.m. on the date of the qualifying deadline. The name of  
217 any person who pays the required fee and files the required  
218 statement after 5:00 p.m. on the date of the qualifying deadline  
219 shall not be placed on the primary election ballot.

220 (5) The secretary or circuit clerk to whom such payments are  
221 made shall promptly receipt for same stating the office for which  
222 such candidate making payment is running and the political party  
223 with which he or she is affiliated, and he or she shall keep an  
224 itemized account in detail showing the exact time and date of the  
225 receipt of each payment received by him or her and, where

226 applicable, the date of the postmark on the envelope containing  
227 the fee and from whom, and for what office the party paying same  
228 is a candidate.

229 (6) The secretaries of the proper executive committee shall  
230 hold said funds to be finally disposed of by order of their  
231 respective executive committees. Such funds may be used or  
232 disbursed by the executive committee receiving same to pay all  
233 necessary traveling or other necessary expenses of the members of  
234 the executive committee incurred in discharging their duties as  
235 committeemen, and of their secretary and may pay the secretary  
236 such salary as may be reasonable.

237 (7) Upon receipt of the proper fee and all necessary  
238 information, the proper executive committee shall then determine  
239 whether each candidate is a qualified elector of the state, state  
240 district, county or county district which they seek to serve, and  
241 whether each candidate meets all other qualifications to hold the  
242 office he is seeking or presents absolute proof that he will,  
243 subject to no contingencies, meet all qualifications on or before  
244 the date of the general or special election at which he could be  
245 elected to office. The executive committee shall determine  
246 whether the candidate has taken the steps necessary to qualify for  
247 more than one (1) office at the election. The committee also  
248 shall determine whether any candidate has been convicted of any  
249 felony in a court of this state, or has been convicted on or after  
250 December 8, 1992, of any offense in another state which is a  
251 felony under the laws of this state, or has been convicted of any  
252 felony in a federal court on or after December 8, 1992. Excepted  
253 from the above are convictions of manslaughter and violations of  
254 the United States Internal Revenue Code or any violations of the  
255 tax laws of this state unless the offense also involved misuse or  
256 abuse of his office or money coming into his hands by virtue of  
257 his office. If the proper executive committee finds that a



258 candidate either (a) is not a qualified elector, (b) does not meet  
259 all qualifications to hold the office he seeks and fails to  
260 provide absolute proof, subject to no contingencies, that he will  
261 meet the qualifications on or before the date of the general or  
262 special election at which he could be elected, or (c) has been  
263 convicted of a felony as described in this subsection, and not  
264 pardoned, then the name of such candidate shall not be placed upon  
265 the ballot. If the proper executive committee determines that the  
266 candidate has taken the steps necessary to qualify for more than  
267 one (1) office at the election, the action required by Section 1  
268 of Senate Bill No. 2056, 2007 Regular Session, shall be taken.

269 Where there is but one (1) candidate for each office  
270 contested at the primary election, the proper executive committee  
271 when the time has expired within which the names of candidates  
272 shall be furnished shall declare such candidates the nominees.

273 (8) No candidate may qualify by filing the information  
274 required by this section by using the Internet.

275 **SECTION 3.** Section 23-15-309, Mississippi Code of 1972, is  
276 amended as follows:

277 **[Until July 1, 2008, this section shall read as follows:]**

278 23-15-309. (1) Nominations for all municipal officers which  
279 are elective shall be made at a primary election, or elections, to  
280 be held in the manner prescribed by law. All persons desiring to  
281 be candidates for the nomination in the primary elections shall  
282 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
283 at least sixty (60) days prior to the first primary election, no  
284 later than 5:00 p.m. on such deadline day.

285 (2) The fee paid pursuant to subsection (1) of this section  
286 shall be accompanied by a written statement containing the name  
287 and address of the candidate, the party with which he is  
288 affiliated, and the office for which he is a candidate.

289 (3) The clerk shall promptly receipt the payment, stating  
290 the office for which the person making the payment is running and  
291 the political party with which such person is affiliated. The  
292 clerk shall keep an itemized account in detail showing the time  
293 and date of the receipt of such payment received by him, from whom  
294 such payment was received, the party with which such person is  
295 affiliated and for what office the person paying the fee is a  
296 candidate. The clerk shall promptly supply all necessary  
297 information and pay over all fees so received to the secretary of  
298 the proper municipal executive committee. Such funds may be used  
299 and disbursed in the same manner as is allowed in Section  
300 23-15-299 in regard to other executive committees.

301 (4) Upon receipt of the above information, the proper  
302 municipal executive committee shall then determine whether each  
303 candidate is a qualified elector of the municipality, and of the  
304 ward if the office sought is a ward office, shall determine  
305 whether each candidate either meets all other qualifications to  
306 hold the office he is seeking or presents absolute proof that he  
307 will, subject to no contingencies, meet all qualifications on or  
308 before the date of the general or special election at which he  
309 could be elected to office. The committee also shall determine  
310 whether any candidate has been convicted of any felony in a court  
311 of this state, or has been convicted on or after December 8, 1992,  
312 of any offense in another state which is a felony under the laws  
313 of this state, or has been convicted of any felony in a federal  
314 court on or after December 8, 1992. Excepted from the above are  
315 convictions of manslaughter and violations of the United States  
316 Internal Revenue Code or any violations of the tax laws of this  
317 state unless such offense also involved misuse or abuse of his  
318 office or money coming into his hands by virtue of his office. If  
319 the proper municipal executive committee finds that a candidate  
320 either (a) does not meet all qualifications to hold the office he

321 seeks and fails to provide absolute proof, subject to no  
322 contingencies, that he will meet the qualifications on or before  
323 the date of the general or special election at which he could be  
324 elected, or (b) has been convicted of a felony as described in  
325 this subsection and not pardoned, then the name of such candidate  
326 shall not be placed upon the ballot.

327 (5) Where there is but one (1) candidate, the proper  
328 municipal executive committee when the time has expired within  
329 which the names of candidates shall be furnished shall declare  
330 such candidate the nominee.

331 **[From and after July 1, 2008, this section shall read as**  
332 **follows:]**

333 23-15-309. (1) Nominations for all municipal officers  
334 which are elective shall be made at a primary election, or  
335 elections, to be held in the manner prescribed by law. All  
336 persons desiring to be candidates for the nomination in the  
337 primary elections shall first pay Ten Dollars (\$10.00) to the  
338 clerk of the municipality, at least sixty (60) days prior to the  
339 first primary election, no later than 5:00 p.m. on such deadline  
340 day.

341 (2) The fee paid pursuant to subsection (1) of this section  
342 shall be accompanied by a written statement containing the name  
343 and address of the candidate, the party with which he is  
344 affiliated, and the office for which he is a candidate.

345 (3) The clerk shall promptly receipt the payment, stating  
346 the office for which the person making the payment is running and  
347 the political party with which such person is affiliated. The  
348 clerk shall keep an itemized account in detail showing the time  
349 and date of the receipt of such payment received by him, from whom  
350 such payment was received, the party with which such person is  
351 affiliated and for what office the person paying the fee is a  
352 candidate. The clerk shall promptly supply all necessary

353 information and pay over all fees so received to the secretary of  
354 the proper municipal executive committee. Such funds may be used  
355 and disbursed in the same manner as is allowed in Section  
356 23-15-299 in regard to other executive committees.

357 (4) Upon receipt of the above information, the proper  
358 municipal executive committee shall then determine whether each  
359 candidate is a qualified elector of the municipality, and of the  
360 ward if the office sought is a ward office, shall determine  
361 whether each candidate either meets all other qualifications to  
362 hold the office he is seeking or presents absolute proof that he  
363 will, subject to no contingencies, meet all qualifications on or  
364 before the date of the general or special election at which he  
365 could be elected to office. The executive committee shall  
366 determine whether the candidate has taken the steps necessary to  
367 qualify for more than one (1) office at the election. The  
368 committee also shall determine whether any candidate has been  
369 convicted of any felony in a court of this state, or has been  
370 convicted on or after December 8, 1992, of any offense in another  
371 state which is a felony under the laws of this state, or has been  
372 convicted of any felony in a federal court on or after December 8,  
373 1992. Excepted from the above are convictions of manslaughter and  
374 violations of the United States Internal Revenue Code or any  
375 violations of the tax laws of this state unless such offense also  
376 involved misuse or abuse of his office or money coming into his  
377 hands by virtue of his office. If the proper municipal executive  
378 committee finds that a candidate either (a) does not meet all  
379 qualifications to hold the office he seeks and fails to provide  
380 absolute proof, subject to no contingencies, that he will meet the  
381 qualifications on or before the date of the general or special  
382 election at which he could be elected, or (b) has been convicted  
383 of a felony as described in this subsection and not pardoned, then  
384 the name of such candidate shall not be placed upon the ballot.

385 If the executive committee determines that the candidate has taken  
386 the steps necessary to qualify for more than one (1) office at the  
387 election, the action required by Section 1 of Senate Bill No.  
388 2056, 2007 Regular Session, shall be taken.

389 (5) Where there is but one (1) candidate, the proper  
390 municipal executive committee when the time has expired within  
391 which the names of candidates shall be furnished shall declare  
392 such candidate the nominee.

393 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is  
394 amended as follows:

395 **[Until July 1, 2008, this section shall read as follows:]**

396 23-15-359. (1) The ballot shall contain the names of all  
397 party nominees certified by the appropriate executive committee,  
398 and independent and special election candidates who have timely  
399 filed petitions containing the required signatures. A petition  
400 requesting that an independent or special election candidate's  
401 name be placed on the ballot for any office shall be filed as  
402 provided for in subsection (3) or (4) of this section, as  
403 appropriate, and shall be signed by not less than the following  
404 number of qualified electors:

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

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

410 (c) For an office elected by the qualified electors of  
411 a congressional district, not less than two hundred (200)  
412 qualified electors.

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

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

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

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

424 (2) Unless the petition required above shall be filed as  
425 provided for in subsection (3) or (4) of this section, as  
426 appropriate, the name of the person requested to be a candidate,  
427 unless nominated by a political party, shall not be placed upon  
428 the ballot. The ballot shall contain the names of each candidate  
429 for each office, and such names shall be listed under the name of  
430 the political party such candidate represents as provided by law  
431 and as certified to the circuit clerk by the State Executive  
432 Committee of such political party. In the event such candidate  
433 qualifies as an independent as herein provided, he shall be listed  
434 on the ballot as an independent candidate.

435 (3) Petitions for offices described in paragraphs (a), (b),  
436 (c) and (d) of subsection (1) of this section, and petitions for  
437 offices described in paragraph (e) of subsection (1) of this  
438 section for districts composed of more than one (1) county or  
439 parts of more than one (1) county, shall be filed with the State  
440 Board of Election Commissioners by no later than 5:00 p.m. on the  
441 same date by which candidates for nominations in the political  
442 party primary elections are required to pay the fee provided for  
443 in Section 23-15-297, Mississippi Code of 1972; however, no  
444 petition may be filed before January 1 of the year in which the  
445 election for the office is held.

446 (4) Petitions for offices described in paragraphs (f) and  
447 (g) of subsection (1) of this section, and petitions for offices

448 described in paragraph (e) of subsection (1) of this section for  
449 districts composed of one (1) county or less, shall be filed with  
450 the proper circuit clerk by no later than 5:00 p.m. on the same  
451 date by which candidates for nominations in the political party  
452 elections are required to pay the fee provided for in Section  
453 23-15-297; however, no petition may be filed before January 1 of  
454 the year in which the election for the office is held. The  
455 circuit clerk shall notify the county commissioners of election of  
456 all persons who have filed petitions with such clerk. Such  
457 notification shall occur within two (2) business days and shall  
458 contain all necessary information.

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

466 (6) The provisions of this section shall not apply to  
467 municipal elections or to the election of the offices of justice  
468 of the Supreme Court, judge of the Court of Appeals, circuit  
469 judge, chancellor, county court judge and family court judge.

470 (7) Nothing in this section shall prohibit special elections  
471 to fill vacancies in either house of the Legislature from being  
472 held as provided in Section 23-15-851. In all elections conducted  
473 under the provisions of Section 23-15-851, the commissioner shall  
474 have printed on the ballot the name of any candidate who, not  
475 having been nominated by a political party, shall have been  
476 requested to be a candidate for any office by a petition filed  
477 with said commissioner by 5:00 p.m. not less than ten (10) working  
478 days prior to the election, and signed by not less than fifty (50)  
479 qualified electors.

480 (8) The appropriate election commission shall determine  
481 whether each candidate is a qualified elector of the state, state  
482 district, county or county district they seek to serve, and  
483 whether each candidate meets all other qualifications to hold the  
484 office he is seeking or presents absolute proof that he will,  
485 subject to no contingencies, meet all qualifications on or before  
486 the date of the general or special election at which he could be  
487 elected to office. The election commission also shall determine  
488 whether any candidate has been convicted of any felony in a court  
489 of this state, or has been convicted on or after December 8, 1992,  
490 of any offense in another state which is a felony under the laws  
491 of this state, or has been convicted of any felony in a federal  
492 court on or after December 8, 1992. Excepted from the above are  
493 convictions of manslaughter and violations of the United States  
494 Internal Revenue Code or any violations of the tax laws of this  
495 state, unless the offense also involved misuse or abuse of his  
496 office or money coming into his hands by virtue of his office. If  
497 the appropriate election commission finds that a candidate either  
498 (a) is not a qualified elector, (b) does not meet all  
499 qualifications to hold the office he seeks and fails to provide  
500 absolute proof, subject to no contingencies, that he will meet the  
501 qualifications on or before the date of the general or special  
502 election at which he could be elected, or (c) has been convicted  
503 of a felony as described in this subsection, and not pardoned,  
504 then the name of such candidate shall not be placed upon the  
505 ballot.

506 (9) If after the deadline to qualify as a candidate for an  
507 office or after the time for holding any party primary for an  
508 office, there shall be only one (1) person who has duly qualified  
509 to be a candidate for the office in the general election, the name  
510 of such person shall be placed on the ballot; provided, however,  
511 that if there shall be not more than one (1) person duly qualified



512 to be a candidate for each office on the general election ballot,  
513 the election for all offices on the ballot shall be dispensed with  
514 and the appropriate election commission shall declare each  
515 candidate elected without opposition if the candidate meets all  
516 the qualifications to hold the office as determined pursuant to a  
517 review by the commission in accordance with the provisions of  
518 subsection (8) of this section and if the candidate has filed all  
519 required campaign finance disclosure reports as required by  
520 Section 23-15-807.

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

523 **[From and after July 1, 2008, this section shall read as**  
524 **follows:]**

525 23-15-359. (1) The ballot shall contain the names of all  
526 party nominees certified by the appropriate executive committee,  
527 and independent and special election candidates who have timely  
528 filed petitions containing the required signatures. A petition  
529 requesting that an independent or special election candidate's  
530 name be placed on the ballot for any office shall be filed as  
531 provided for in subsection (3) or (4) of this section, as  
532 appropriate, and shall be signed by not less than the following  
533 number of qualified electors:

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

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

539 (c) For an office elected by the qualified electors of  
540 a congressional district, not less than two hundred (200)  
541 qualified electors.

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

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

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

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

553 (2) Unless the petition required above shall be filed as  
554 provided for in subsection (3) or (4) of this section, as  
555 appropriate, the name of the person requested to be a candidate,  
556 unless nominated by a political party, shall not be placed upon  
557 the ballot. The ballot shall contain the names of each candidate  
558 for each office, and such names shall be listed under the name of  
559 the political party such candidate represents as provided by law  
560 and as certified to the circuit clerk by the State Executive  
561 Committee of such political party. In the event such candidate  
562 qualifies as an independent as herein provided, he shall be listed  
563 on the ballot as an independent candidate.

564 (3) Petitions for offices described in paragraphs (a), (b),  
565 (c) and (d) of subsection (1) of this section, and petitions for  
566 offices described in paragraph (e) of subsection (1) of this  
567 section for districts composed of more than one (1) county or  
568 parts of more than one (1) county, shall be filed with the State  
569 Board of Election Commissioners by no later than 5:00 p.m. on the  
570 same date by which candidates for nominations in the political  
571 party primary elections are required to pay the fee provided for  
572 in Section 23-15-297, Mississippi Code of 1972; however, no

573 petition may be filed before January 1 of the year in which the  
574 election for the office is held.

575 (4) Petitions for offices described in paragraphs (f) and  
576 (g) of subsection (1) of this section, and petitions for offices  
577 described in paragraph (e) of subsection (1) of this section for  
578 districts composed of one (1) county or less, shall be filed with  
579 the proper circuit clerk by no later than 5:00 p.m. on the same  
580 date by which candidates for nominations in the political party  
581 elections are required to pay the fee provided for in Section  
582 23-15-297; however, no petition may be filed before January 1 of  
583 the year in which the election for the office is held. The  
584 circuit clerk shall notify the county commissioners of election of  
585 all persons who have filed petitions with such clerk. Such  
586 notification shall occur within two (2) business days and shall  
587 contain all necessary information.

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

595 (6) The provisions of this section shall not apply to  
596 municipal elections or to the election of the offices of justice  
597 of the Supreme Court, judge of the Court of Appeals, circuit  
598 judge, chancellor, county court judge and family court judge.

599 (7) Nothing in this section shall prohibit special elections  
600 to fill vacancies in either house of the Legislature from being  
601 held as provided in Section 23-15-851. In all elections conducted  
602 under the provisions of Section 23-15-851, the commissioner shall  
603 have printed on the ballot the name of any candidate who, not  
604 having been nominated by a political party, shall have been

605 requested to be a candidate for any office by a petition filed  
606 with said commissioner by 5:00 p.m. not less than ten (10) working  
607 days prior to the election, and signed by not less than fifty (50)  
608 qualified electors.

609 (8) The appropriate election commission shall determine  
610 whether each candidate is a qualified elector of the state, state  
611 district, county or county district they seek to serve, and  
612 whether each candidate meets all other qualifications to hold the  
613 office he is seeking or presents absolute proof that he will,  
614 subject to no contingencies, meet all qualifications on or before  
615 the date of the general or special election at which he could be  
616 elected to office. The election commission shall determine  
617 whether the candidate has taken the steps necessary to qualify for  
618 more than one (1) office at the election. The election commission  
619 also shall determine whether any candidate has been convicted of  
620 any felony in a court of this state, or has been convicted on or  
621 after December 8, 1992, of any offense in another state which is a  
622 felony under the laws of this state, or has been convicted of any  
623 felony in a federal court on or after December 8, 1992. Excepted  
624 from the above are convictions of manslaughter and violations of  
625 the United States Internal Revenue Code or any violations of the  
626 tax laws of this state, unless the offense also involved misuse or  
627 abuse of his office or money coming into his hands by virtue of  
628 his office. If the appropriate election commission finds that a  
629 candidate either (a) is not a qualified elector, (b) does not meet  
630 all qualifications to hold the office he seeks and fails to  
631 provide absolute proof, subject to no contingencies, that he will  
632 meet the qualifications on or before the date of the general or  
633 special election at which he could be elected, or (c) has been  
634 convicted of a felony as described in this subsection, and not  
635 pardoned, then the name of such candidate shall not be placed upon  
636 the ballot. If the appropriate election commission determines

637 that the candidate has taken the steps necessary to qualify for  
638 more than one (1) office at the election, the action required by  
639 Section 1 of Senate Bill No. 2056, 2007 Regular Session, shall be  
640 taken.

641 (9) If after the deadline to qualify as a candidate for an  
642 office or after the time for holding any party primary for an  
643 office, there shall be only one (1) person who has duly qualified  
644 to be a candidate for the office in the general election, the name  
645 of such person shall be placed on the ballot; provided, however,  
646 that if there shall be not more than one (1) person duly qualified  
647 to be a candidate for each office on the general election ballot,  
648 the election for all offices on the ballot shall be dispensed with  
649 and the appropriate election commission shall declare each  
650 candidate elected without opposition if the candidate meets all  
651 the qualifications to hold the office as determined pursuant to a  
652 review by the commission in accordance with the provisions of  
653 subsection (8) of this section and if the candidate has filed all  
654 required campaign finance disclosure reports as required by  
655 Section 23-15-807.

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

658 **SECTION 5.** Section 23-15-853, Mississippi Code of 1972, is  
659 amended as follows:

660 23-15-853. (1) If a vacancy happens in the representation  
661 in Congress, the vacancy shall be filled for the unexpired term by  
662 a special election, to be ordered by the Governor, within sixty  
663 (60) days after such vacancy occurs, and to be held at a time  
664 fixed by his order, and which time shall be not less than sixty  
665 (60) days after the issuance of the order of the Governor, which  
666 shall be directed to the commissioners of election of the several  
667 counties of the district, who shall, immediately on the receipt of  
668 the order, give notice of the election by publishing the same in

669 some newspaper having a general circulation in the county and by  
670 posting notice thereof at the front door of the courthouse. The  
671 order shall also be directed to the State Board of Election  
672 Commissioners. The election shall be prepared for and conducted,  
673 and returns shall be made, in all respects as provided for a  
674 special election to fill vacancies.

675 (2) Candidates for the office in such an election must  
676 qualify with the Secretary of State by 5:00 p.m. not less than  
677 forty-five (45) days previous to the date of the election. The  
678 commissioners of election shall have printed on the ballot in such  
679 special election the name of any candidate who shall have been  
680 requested to be a candidate for the office by a petition filed  
681 with the Secretary of State and personally signed by not less than  
682 one thousand (1,000) qualified electors of the district. The  
683 petition shall be filed by 5:00 p.m. not less than forty-five (45)  
684 days previous to the date of the election.

685 There shall be attached to each petition above provided for,  
686 upon the time of filing with said Secretary of State, a  
687 certificate from the appropriate registrar or registrars showing  
688 the number of qualified electors appearing upon each such petition  
689 which the registrar shall furnish to the petitioner upon request.

690 **SECTION 6.** The Attorney General of the State of Mississippi  
691 shall submit this act, immediately upon approval by the Governor,  
692 or upon approval by the Legislature subsequent to a veto, to the  
693 Attorney General of the United States or to the United States  
694 District Court for the District of Columbia in accordance with the  
695 provisions of the Voting Rights Act of 1965, as amended and  
696 extended.

697 **SECTION 7.** This act shall take effect and be in force from  
698 and after the date it is effectuated under Section 5 of the Voting  
699 Rights Act of 1965, or July 1, 2007, whichever occurs later, as  
700 amended and extended.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO PROHIBIT PERSONS FROM QUALIFYING AS A CANDIDATE FOR  
2 MORE THAN ONE OFFICE FOR THE SAME ELECTION IF THE LAW PROHIBITS A  
3 PERSON FROM SIMULTANEOUSLY HOLDING BOTH POSITIONS; TO PROVIDE THAT  
4 THE APPROPRIATE EXECUTIVE COMMITTEES OR ELECTION COMMISSIONERS  
5 SHALL DETERMINE WHETHER A PERSON HAS QUALIFIED AS A CANDIDATE FOR  
6 MORE THAN ONE OFFICE AT AN ELECTION; TO PROVIDE THE OFFICE FOR  
7 WHICH THE PERSON SHALL BE QUALIFIED IN THE EVENT THAT SUCH PERSON  
8 HAS QUALIFIED FOR MORE THAN ONE OFFICE AT AN ELECTION; TO AMEND  
9 SECTIONS 23-15-299, 23-15-309 AND 23-15-359, MISSISSIPPI CODE OF  
10 1972, IN CONFORMITY THERETO; TO AMEND SECTION 23-15-853,  
11 MISSISSIPPI CODE OF 1972, TO REVISE WHEN CONGRESSIONAL SPECIAL  
12 ELECTION HELD; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
Burton

X (SIGNED)  
Jordan

X (SIGNED)  
Ross

CONFEREES FOR THE HOUSE

X (SIGNED)  
Reynolds

X (SIGNED)  
Dedeaux

X (SIGNED)  
Smith (59th)