

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2233**

**BY: Committee**

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

7           **SECTION 1.** Section 23-15-851, Mississippi Code of 1972, is  
8 amended as follows:

9           23-15-851. When vacancies happen in either House of the  
10 Legislature, the Governor shall issue writs of election to fill  
11 such vacancies on a day therein to be specified; and at least  
12 forty (40) days' notice shall be given of such election in each  
13 county or part of a county in which such election shall be held.  
14 Notice of the election shall be posted at the courthouse and in  
15 each supervisors district in the county or part of county in which  
16 such election shall be held for as near forty (40) days as may be  
17 practicable; and the election shall be prepared for and held as in  
18 the case of a general election.

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

21           23-15-359. (1) The ballot shall contain the names of all  
22 party nominees certified by the appropriate executive committee,  
23 and independent and special election candidates who have timely  
24 filed petitions containing the required signatures. A petition  
25 requesting that an independent or special election candidate's

26 name be placed on the ballot for any office shall be filed as  
27 provided for in subsection (3) or (4) of this section, as  
28 appropriate, and shall be signed by not less than the following  
29 number of qualified electors:

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

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

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

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

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

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

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

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

58 qualifies as an independent as \* \* \* provided in this section, he  
59 shall be listed on the ballot as an independent candidate.

60 (3) Petitions for offices described in paragraphs (a), (b),  
61 (c) and (d) of subsection (1) of this section, and petitions for  
62 offices described in paragraph (e) of subsection (1) of this  
63 section for districts composed of more than one (1) county or  
64 parts of more than one (1) county, shall be filed with the State  
65 Board of Election Commissioners by no later than 5:00 p.m. on the  
66 same date by which candidates for nominations in the political  
67 party primary elections are required to pay the fee provided for  
68 in Section 23-15-297, Mississippi Code of 1972; however, no  
69 petition may be filed before January 1 of the year in which the  
70 election for the office is held.

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

84 (5) The commissioners may also have printed upon the ballot  
85 any local issue election matter that is authorized to be held on  
86 the same date as the regular or general election pursuant to  
87 Section 23-15-375; however, the ballot form of such local issue  
88 must be filed with the commissioners of election by the

89 appropriate governing authority not less than sixty (60) days  
90 previous to the date of the election.

91 (6) The provisions of this section shall not apply to  
92 municipal elections or to the election of the offices of justice  
93 of the Supreme Court, judge of the Court of Appeals, circuit  
94 judge, chancellor, county court judge and family court judge.

95 (7) Nothing in this section shall prohibit special elections  
96 to fill vacancies in either house of the Legislature from being  
97 held as provided in Section 23-15-851. In all elections conducted  
98 under the provisions of Section 23-15-851, there shall be printed  
99 on the ballot the name of any candidate who, not having been  
100 nominated by a political party, shall have been requested to be a  
101 candidate for any office by a petition filed with the State Board  
102 of Election Commissioners for districts composed of more than one  
103 (1) county or parts of more than one (1) county, or the proper  
104 circuit clerk for districts composed of one (1) county or less, by  
105 5:00 p.m. not less than thirty (30) working days prior to the  
106 election, and signed by not less than fifty (50) qualified  
107 electors.

108 (8) The appropriate election commission shall determine  
109 whether each candidate is a qualified elector of the state, state  
110 district, county or county district they seek to serve, and  
111 whether each candidate meets all other qualifications to hold the  
112 office he is seeking or presents absolute proof that he will,  
113 subject to no contingencies, meet all qualifications on or before  
114 the date of the general or special election at which he could be  
115 elected to office. The election commission also shall determine  
116 whether any candidate has been convicted of any felony in a court  
117 of this state, or has been convicted on or after December 8, 1992,  
118 of any offense in another state which is a felony under the laws  
119 of this state, or has been convicted of any felony in a federal  
120 court on or after December 8, 1992. Excepted from the above are

121 convictions of manslaughter and violations of the United States  
122 Internal Revenue Code or any violations of the tax laws of this  
123 state, unless the offense also involved misuse or abuse of his  
124 office or money coming into his hands by virtue of his office. If  
125 the appropriate election commission finds that a candidate either  
126 (a) is not a qualified elector, (b) does not meet all  
127 qualifications to hold the office he seeks and fails to provide  
128 absolute proof, subject to no contingencies, that he will meet the  
129 qualifications on or before the date of the general or special  
130 election at which he could be elected, or (c) has been convicted  
131 of a felony as described in this subsection, and not pardoned,  
132 then the name of such candidate shall not be placed upon the  
133 ballot.

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

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

151 **SECTION 3.** The Attorney General of the State of Mississippi  
152 shall submit this act, immediately upon approval by the Governor,

153 or upon approval by the Legislature subsequent to a veto, to the  
154 Attorney General of the United States or to the United States  
155 District Court for the District of Columbia in accordance with the  
156 provisions of the Voting Rights Act of 1965, as amended and  
157 extended.

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

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

1       AN ACT TO AMEND SECTION 23-15-851, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE NOTICE REQUIREMENT FOR LEGISLATIVE VACANCIES; TO  
3 AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO REVISE THE  
4 QUALIFYING DEADLINE FOR LEGISLATIVE VACANCIES; AND FOR RELATED  
5 PURPOSES.