

Senate Amendments to House Bill No. 1040

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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 such 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 such candidate
47 qualifies as an independent as * * * provided in this section, he
48 shall be listed 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. Such
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, * * * there shall be
88 printed on the ballot the name of any candidate who, not having
89 been nominated by a political party, shall have been requested to
90 be a candidate for any office by a petition filed with the State
91 Board of Election Commissioners for districts composed of more
92 than one (1) county or parts of more than one (1) county, or the
93 proper circuit clerk for districts composed of one (1) county or
94 less, by 5:00 p.m. not less than ten (10) working days prior to
95 the election, and signed by not less than fifty (50) qualified
96 electors; however, if the writ of election issued by the Governor
97 specifies that the election to fill the vacancy shall be held on a
98 date that is forty-five (45) days or more from the date the writ
99 is issued, the petition shall be filed with the State Board of
100 Election Commissioners or the proper circuit clerk, as
101 appropriate, by 5:00 p.m. not less than thirty (30) days prior to
102 the election.

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

129 (9) If after the deadline to qualify as a candidate for an
130 office or after the time for holding any party primary for an
131 office, there shall be only one (1) person who has duly qualified
132 to be a candidate for the office in the general election, the name
133 of such person shall be placed on the ballot; * * * however, * * *
134 if there shall be not more than one (1) person duly qualified to
135 be a candidate for each office on the general election ballot, the
136 election for all offices on the ballot shall be dispensed with and
137 the appropriate election commission shall declare each candidate

138 elected without opposition if the candidate meets all the
139 qualifications to hold the office as determined pursuant to a
140 review by the commission in accordance with the provisions of
141 subsection (8) of this section and if the candidate has filed all
142 required campaign finance disclosure reports as required by
143 Section 23-15-807.

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

146 **SECTION 2.** The Attorney General of the State of Mississippi
147 shall submit this act, immediately upon approval by the Governor,
148 or upon approval by the Legislature subsequent to a veto, to the
149 Attorney General of the United States or to the United States
150 District Court for the District of Columbia in accordance with the
151 provisions of the Voting Rights Act of 1965, as amended and
152 extended.

153 **SECTION 3.** This act shall take effect and be in force from
154 and after the date it is effectuated under Section 5 of the Voting
155 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 23-15-359, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF DAYS PRIOR TO THE ELECTION THAT A PERSON
3 MUST QUALIFY AS A CANDIDATE FOR A VACANCY IN LEGISLATIVE OFFICE IN
4 CASES IN WHICH THE WRIT OF ELECTION ISSUED BY THE GOVERNOR SETS
5 THE DATE OF THE ELECTION TO FILL THE VACANCY 45 DAYS OR MORE FROM
6 THE DATE THE WRIT IS ISSUED; AND FOR RELATED PURPOSES.

SS26\HB1040A.J

John O. Gilbert
Secretary of the Senate