

By: Senator(s) Sojourner

To: Elections

SENATE BILL NO. 2503

1 AN ACT TO REQUIRE ALL CANDIDATES FOR ELECTED OFFICE TO FILE  
2 PROOF OF UNITED STATES CITIZENSHIP; TO AMEND SECTIONS 23-15-213,  
3 23-15-299, 23-15-309, 23-15-359, 23-15-361, 23-15-857 AND  
4 23-15-977, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** A candidate for any elected office in this state  
8 must provide proof of the candidate's citizenship in the United  
9 States, whether by birth or naturalization. The Secretary of  
10 State shall, by duly adopted rule, specify the documents that may  
11 be accepted to verify a candidate's citizenship, which at a  
12 minimum shall include: a birth certificate, social security card,  
13 driver's license, voter identification card or military  
14 identification card.

15 **SECTION 2.** Section 23-15-213, Mississippi Code of 1972, is  
16 amended as follows:

17 23-15-213. (1) There shall be elected five (5) election  
18 commissioners for each county whose terms of office shall commence  
19 on the first Monday of January following their election and who



20 shall serve for a term of four (4) years. Each of the  
21 commissioners shall be required to attend a training seminar  
22 provided by the Secretary of State and satisfactorily complete a  
23 skills assessment, and before acting, shall take and subscribe the  
24 oath of office prescribed by the Constitution. The oath shall be  
25 filed in the office of the clerk of the chancery court. Upon  
26 filing the oath of office, the election commissioner may be  
27 provided access to the Statewide Elections Management System for  
28 the purpose of performing his or her duties. Such skills  
29 assessment shall only be required once every four (4) years.  
30 While engaged in their duties, the commissioners shall be  
31 conservators of the peace in the county, with all the duties and  
32 powers of such.

33 (2) (a) At the general election in 2024 and every four (4)  
34 years thereafter, the qualified electors of the board of  
35 supervisors' Districts One, Three and Five shall elect in their  
36 district one (1) election commissioner.

37 (b) At the general election in 2023 and every four (4)  
38 years thereafter, the qualified electors of the board of  
39 supervisors' Districts Two and Four shall elect in their district  
40 one (1) election commissioner.

41 (c) No more than one (1) commissioner shall be a  
42 resident of and reside in each supervisor's district of the  
43 county; it being the purpose of this section that the county board  
44 of election commissioners shall consist of one (1) person from



45 each supervisor's district of the county and that each  
46 commissioner be elected from the supervisor's district in which he  
47 or she resides.

48 (3) Candidates for county election commissioner shall  
49 qualify by filing with the clerk of the board of supervisors of  
50 their respective counties proof of their United States citizenship  
51 and a petition personally signed by not less than fifty (50)  
52 qualified electors of the supervisor's district in which they  
53 reside, requesting that they be a candidate, by 5:00 p.m. not  
54 later than February 1 of the year in which the election occurs and  
55 unless the petition is filed within the required time, their names  
56 shall not be placed upon the ballot. All candidates shall declare  
57 in writing their party affiliation, if any, to the board of  
58 supervisors, and such party affiliation shall be shown on the  
59 official ballot.

60 (4) The petition shall have attached thereto a certificate  
61 of the county registrar showing the number of qualified electors  
62 on each petition, which shall be furnished by the registrar on  
63 request. The board shall determine the sufficiency of the  
64 petition, and if the petition contains the required number of  
65 signatures and is filed within the time required, the president of  
66 the board shall verify that the candidate is a resident of the  
67 supervisor's district in which he or she seeks election, that the  
68 candidate is a United States citizen and that the candidate is  
69 otherwise qualified as provided by law, and shall certify that the



70 candidate is qualified to the chair or secretary of the county  
71 election commission and the names of the candidates shall be  
72 placed upon the ballot for the ensuing election. No county  
73 election commissioner shall serve or be considered as elected  
74 until he or she has received a majority of the votes cast for the  
75 position or post for which he or she is a candidate. If a  
76 majority vote is not received in the first election, then the two  
77 (2) candidates receiving the most votes for each position or post  
78 shall be placed upon the ballot for a second election to be held  
79 three (3) weeks later in accordance with appropriate procedures  
80 followed in other elections involving runoff candidates.

81 (5) In the first meeting in January of each year, the county  
82 election commissioners shall organize by electing a chair and a  
83 secretary, who shall serve a one-year term. The county election  
84 commissioners shall provide the names of the chair and secretary  
85 to the Secretary of State and provide notice of any change in  
86 officers which may occur during the year.

87 (6) It shall be the duty of the chair to have the official  
88 ballot printed and distributed at each general or special  
89 election.

90 **SECTION 3.** Section 23-15-299, Mississippi Code of 1972, is  
91 amended as follows:

92 23-15-299. (1) (a) Assessments made pursuant to subsection  
93 (1) (a), (b), (c) and (d) of Section 23-15-297 shall be paid by  
94 each candidate who seeks a nomination in the political party



95 election to the secretary of the state executive committee with  
96 which the candidate is affiliated by 5:00 p.m. on February 1 of  
97 the year in which the primary election for the office is held or  
98 on the date of the qualifying deadline provided by statute for the  
99 office, whichever is earlier; however, no such assessments may be  
100 paid before January 1 of the year in which the primary election  
101 for the office is held. If February 1 or the date of the  
102 qualifying deadline provided by statute for the office occurs on a  
103 Saturday, Sunday or legal holiday, then the assessments required  
104 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
105 business day immediately following the Saturday, Sunday or legal  
106 holiday.

107 (b) Assessments made pursuant to subsection (3)(a), (b)  
108 and (c) of Section 23-15-297 shall be paid by each independent  
109 candidate or special election candidate to the Secretary of State  
110 by 5:00 p.m. on February 1 of the year in which the primary  
111 election for the office is held or on the date of the qualifying  
112 deadline provided by statute for the office, whichever is earlier;  
113 however, no such assessments may be paid before January 1 of the  
114 year in which the primary election for the office is held. If  
115 February 1 or the date of the qualifying deadline provided by  
116 statute for the office occurs on a Saturday, Sunday or legal  
117 holiday, then the assessments required to be paid by this  
118 paragraph (b) shall be paid by 5:00 p.m. on the business day  
119 immediately following the Saturday, Sunday or legal holiday.



120           (2)   (a)   Assessments made pursuant to subsection (1)(e) and  
121   (f) of Section 23-15-297, shall be paid by each candidate who  
122   seeks a nomination in the political party election to the circuit  
123   clerk of that candidate's county of residence by 5:00 p.m. on  
124   February 1 of the year in which the primary election for the  
125   office is held or on the date of the qualifying deadline provided  
126   by statute for the office, whichever is earlier; however, no such  
127   assessments may be paid before January 1 of the year in which the  
128   election for the office is held. If February 1 or the date of the  
129   qualifying deadline provided by statute for the office occurs on a  
130   Saturday, Sunday or legal holiday, then the assessments required  
131   to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
132   business day immediately following the Saturday, Sunday or legal  
133   holiday. The circuit clerk shall forward the fee and all  
134   necessary information to the secretary of the proper county  
135   executive committee within two (2) business days. No candidate  
136   may attempt to qualify with any political party that does not have  
137   a duly organized county executive committee, and the circuit clerk  
138   shall not accept any assessments paid for nonlegislative offices  
139   pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the  
140   circuit clerk does not have contact information for the secretary  
141   of the county executive committee for that political party.

142           (b)   Assessments made pursuant to subsection (3)(d) and  
143   (e) of Section 23-15-297 shall be paid by each independent  
144   candidate or special election candidate to the circuit clerk of



145 that candidate's county of residence by 5:00 p.m. on February 1 of  
146 the year in which the primary election for the office is held or  
147 on the date of the qualifying deadline provided by statute for the  
148 office, whichever is earlier; however, no such assessments may be  
149 paid before January 1 of the year in which the primary election  
150 for the office is held. If February 1 or the date of the  
151 qualifying deadline provided by statute for the office occurs on a  
152 Saturday, Sunday or legal holiday, then the assessments required  
153 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the  
154 business day immediately following the Saturday, Sunday or legal  
155 holiday. The circuit clerk shall forward the fee and all  
156 necessary information to the secretary of the proper county  
157 election commission within two (2) business days.

158 (3) (a) Assessments made pursuant to subsection (1)(g) and  
159 (h) of Section 23-15-297 must be paid by each candidate who seeks  
160 a nomination in the political party election to the secretary of  
161 the state executive committee with which the candidate is  
162 affiliated by 5:00 p.m. sixty (60) days before the presidential  
163 preference primary in years in which a presidential preference  
164 primary is held; however, no such assessments may be paid before  
165 January 1 of the year in which the primary election for the office  
166 is held. Assessments made pursuant to subsection (1)(g) and (h)  
167 of Section 23-15-297, in years when a presidential preference  
168 primary is not being held, shall be paid by each candidate who  
169 seeks a nomination in the political party election to the



170 secretary of the state executive committee with which the  
171 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
172 which the primary election for the office is held; however, no  
173 such assessments may be paid before January 1 of the year in which  
174 the primary election for the office is held. If sixty (60) days  
175 before the presidential preference primary in years in which a  
176 presidential preference primary is held, March 1, or the date of  
177 the qualifying deadline provided by statute for the office occurs  
178 on a Saturday, Sunday or legal holiday, then the assessments  
179 required to be paid by this paragraph (a) shall be paid by 5:00  
180 p.m. on the business day immediately following the Saturday,  
181 Sunday or legal holiday.

182 (b) Assessments made pursuant to subsection (3)(f) and  
183 (g) of Section 23-15-297 must be paid by each independent  
184 candidate or special election candidate to the Secretary of State  
185 by 5:00 p.m. sixty (60) days before the presidential preference  
186 primary in years in which a presidential preference primary is  
187 held; however, no such assessments may be paid before January 1 of  
188 the year in which the primary election for the office is held.  
189 Assessments made pursuant to subsection (3)(f) and (g) of Section  
190 23-15-297, in years when a presidential preference primary is not  
191 being held, shall be paid by each independent candidate or special  
192 election candidate to the Secretary of State by 5:00 p.m. on March  
193 1 of the year in which the primary election for the office is  
194 held; however, no such assessments may be paid before January 1 of



195 the year in which the primary election for the office is held. If  
196 sixty (60) days before the presidential preference primary in  
197 years in which a presidential preference primary is held, March 1,  
198 or the date of the qualifying deadline provided by statute for the  
199 office occurs on a Saturday, Sunday or legal holiday, then the  
200 assessments required to be paid by this paragraph (b) shall be  
201 paid by 5:00 p.m. on the business day immediately following the  
202 Saturday, Sunday or legal holiday.

203 (4) (a) The fees paid pursuant to subsections (1), (2) and  
204 (3) of this section shall be accompanied by proof of the  
205 candidate's United States citizenship and a written statement  
206 containing the name and address of the candidate, the party with  
207 which he or she is affiliated, if applicable, the email address of  
208 the candidate, if any, and the office for which he or she is a  
209 candidate.

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



220 any person who pays the required fee and files the required  
221 statement after 5:00 p.m. on the date of the qualifying deadline  
222 shall not be placed on the primary election ballot or the general  
223 election ballot.

224 (5) The Secretary of State or the secretary or circuit clerk  
225 to whom such payments are made shall promptly receipt for same  
226 stating the office for which the candidate making payment is  
227 running and the political party with which he or she is  
228 affiliated, if applicable, and he or she shall keep an itemized  
229 account in detail showing the exact time and date of the receipt  
230 of each payment received by him or her and, where applicable, the  
231 date of the postmark on the envelope containing the fee and from  
232 whom, and for what office the party paying same is a candidate.

233 (6) The secretaries of the proper executive committee shall  
234 hold the funds to be finally disposed of by order of their  
235 respective executive committees. The funds may be used or  
236 disbursed by the executive committee receiving same to pay all  
237 necessary traveling or other necessary expenses of the members of  
238 the executive committee incurred in discharging their duties as  
239 committee members, and of their secretary and may pay the  
240 secretary such salary as may be reasonable. The Secretary of  
241 State shall deposit any qualifying fees received from candidates  
242 into the Elections Support Fund established in Section 23-15-5.

243 (7) (a) Upon receipt of the proper fee and all necessary  
244 information, the proper executive committee or the Secretary of



245 State, whichever is applicable, shall then determine at the time  
246 of the qualifying deadline, unless otherwise provided by law,  
247 whether each candidate is a qualified elector of the state, state  
248 district, county or county district which they seek to serve, and  
249 whether each candidate meets all other qualifications to hold the  
250 office he or she is seeking or presents absolute proof that he or  
251 she will, subject to no contingencies, meet all qualifications on  
252 or before the date of the general or special election at which he  
253 or she could be elected to office. The proper executive committee  
254 or the Secretary of State, whichever is applicable, shall  
255 determine whether the candidate has taken the steps necessary to  
256 qualify for more than one (1) office at the election. The  
257 committee or the Secretary of State, whichever is applicable,  
258 shall also determine whether any candidate has been convicted (i)  
259 of any felony in a court of this state, (ii) on or after December  
260 8, 1992, of any offense in another state which is a felony under  
261 the laws of this state, (iii) of any felony in a federal court on  
262 or after December 8, 1992, or (iv) of any offense that involved  
263 the misuse or abuse of his or her office or money coming into his  
264 or her hands by virtue of the office. Excepted from the above are  
265 convictions of manslaughter and violations of the United States  
266 Internal Revenue Code or any violations of the tax laws of this  
267 state. The committee shall also determine whether each candidate  
268 is a United States citizen.



269 (b) If the proper executive committee or the Secretary  
270 of State, whichever is applicable, finds that a candidate either  
271 (i) is not a qualified elector, (ii) does not meet all  
272 qualifications to hold the office he or she seeks and fails to  
273 provide absolute proof, subject to no contingencies, that he or  
274 she will meet the qualifications on or before the date of the  
275 general or special election at which he or she could be  
276 elected, \* \* \* (iii) has been convicted of a felony or other  
277 disqualifying offense as described in paragraph (a) of this  
278 subsection, and not pardoned, or (iv) is not a United States  
279 citizen, then the executive committee shall notify the candidate  
280 and give the candidate an opportunity to be heard. The executive  
281 committee shall mail notice to the candidate at least three (3)  
282 business days before the hearing to the address provided by the  
283 candidate on the qualifying forms, and the committee shall attempt  
284 to contact the candidate by telephone, email and facsimile if the  
285 candidate provided this information on the forms. If the  
286 candidate fails to appear at the hearing or to prove that he or  
287 she meets all qualifications to hold the office subject to no  
288 contingencies, then the name of that candidate shall not be placed  
289 upon the ballot.

290 (c) If the proper executive committee or the Secretary  
291 of State, whichever is applicable, determines that the candidate  
292 has taken the steps necessary to qualify for more than one (1)



293 office at the election, the action required by Section 23-15-905,  
294 shall be taken.

295 (d) Where there is but one (1) candidate for each  
296 office contested at the primary election, the proper executive  
297 committee or the Secretary of State, whichever is applicable, when  
298 the time has expired within which the names of candidates shall be  
299 furnished shall declare such candidates the nominees.

300 (8) No candidate may qualify by filing the information  
301 required by this section by using the internet.

302 **SECTION 4.** Section 23-15-309, Mississippi Code of 1972, is  
303 amended as follows:

304 23-15-309. (1) Nominations for all municipal officers which  
305 are elective shall be made at a primary election, or elections, to  
306 be held in the manner prescribed by law. All persons desiring to  
307 be candidates for the nomination in the primary elections shall  
308 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
309 at least sixty (60) days before the first primary election, no  
310 later than 5:00 p.m. on such deadline day. If the sixtieth day to  
311 file the fee and written statement before an election falls on a  
312 Sunday or legal holiday, the fees and written statements submitted  
313 on the business day immediately following the Sunday or legal  
314 holiday shall be accepted.

315 (2) The fee paid pursuant to subsection (1) of this section  
316 shall be accompanied by proof of United States citizenship and a  
317 written statement containing the name and address of the



318 candidate, the party with which he or she is affiliated, the email  
319 address of the candidate, if any, and the office for which he or  
320 she is a candidate.

321 (3) The clerk shall promptly receipt the payment, stating  
322 the office for which the person making the payment is running and  
323 the political party with which such person is affiliated. The  
324 clerk shall keep an itemized account in detail showing the time  
325 and date of the receipt of such payment received by him or her,  
326 from whom such payment was received, the party with which such  
327 person is affiliated and for what office the person paying the fee  
328 is a candidate. No candidate may attempt to qualify with any  
329 political party that does not have a duly organized municipal  
330 executive committee, and the municipal clerk shall not accept any  
331 assessments made pursuant to subsection (1) if the municipal clerk  
332 does not have contact information for the secretary of the  
333 municipal executive committee for that political party. The clerk  
334 shall promptly supply all necessary information and pay over all  
335 fees so received to the secretary of the proper municipal  
336 executive committee. The funds may be used and disbursed in the  
337 same manner as is allowed in Section 23-15-299 in regard to other  
338 executive committees.

339 (4) Upon receipt of the above information, the proper  
340 municipal executive committee shall then determine, at the time of  
341 the qualifying deadline, whether each candidate is a United States  
342 citizen, is a qualified elector of the municipality, and of the



343 ward if the office sought is a ward office, shall determine  
344 whether each candidate either meets all other qualifications to  
345 hold the office he or she is seeking or presents absolute proof  
346 that he or she will, subject to no contingencies, meet all  
347 qualifications on or before the date of the general or special  
348 election at which he or she could be elected to office. The  
349 executive committee shall determine whether the candidate has  
350 taken the steps necessary to qualify for more than one (1) office  
351 at the election. The committee also shall determine whether any  
352 candidate has been convicted of any felony in a court of this  
353 state, or has been convicted on or after December 8, 1992, of any  
354 offense in another state which is a felony under the laws of this  
355 state, or has been convicted of any felony in a federal court on  
356 or after December 8, 1992. Excepted from the above are  
357 convictions of manslaughter and violations of the United States  
358 Internal Revenue Code or any violations of the tax laws of this  
359 state unless such offense also involved misuse or abuse of his or  
360 her office or money coming into his or her hands by virtue of the  
361 office. If the proper municipal executive committee finds that a  
362 candidate either (a) does not meet all qualifications to hold the  
363 office he or she seeks and fails to provide absolute proof,  
364 subject to no contingencies, that he or she will meet the  
365 qualifications on or before the date of the general or special  
366 election at which he or she could be elected, or (b) has been  
367 convicted of a felony as described in this subsection and not



368 pardoned, then the executive committee shall notify the candidate  
369 and give the candidate an opportunity to be heard. The executive  
370 committee shall mail notice to the candidate at least three (3)  
371 business days before the hearing to the address provided by the  
372 candidate on the qualifying forms, and the committee shall attempt  
373 to contact the candidate by telephone, email and facsimile if the  
374 candidate provided this information on the forms. If the  
375 candidate fails to appear at the hearing or to prove he or she  
376 meets all qualifications to hold the office subject to no  
377 contingencies, then the name of such candidate shall not be placed  
378 upon the ballot. If the executive committee determines that the  
379 candidate has taken the steps necessary to qualify for more than  
380 one (1) office at the election, the action required by Section  
381 23-15-905, shall be taken.

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

386 **SECTION 5.** Section 23-15-359, Mississippi Code of 1972, is  
387 amended as follows:

388 23-15-359. (1) Except as provided in this section, the  
389 ballot shall contain the names of all party nominees certified by  
390 the appropriate executive committee, and independent and special  
391 election candidates who have timely filed proof of their United  
392 States citizenship and petitions containing the required



393 signatures and assessments that must be paid pursuant to Section  
394 23-15-297, if the candidates and nominees meet all of the  
395 qualifications to hold the office sought. A petition requesting  
396 that an independent or special election candidate's name be placed  
397 on the ballot for any office shall be filed as provided for in  
398 subsection (3) or (4) of this section, as appropriate, and shall  
399 be signed by not less than the following number of qualified  
400 electors:

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

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

406           (c) For an office elected by the qualified electors of  
407 a congressional district, not less than two hundred (200)  
408 qualified electors.

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

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

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



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

420 (h) For the Office of President of the United States, a  
421 party nominee or independent candidate shall pay an assessment in  
422 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

423 (2) (a) Unless proof of United States citizenship and the  
424 petition or fee, whichever is applicable, required above shall be  
425 filed as provided for in subsection (3), (4) or (5) of this  
426 section, as appropriate, the name of the person requested to be a  
427 candidate, unless nominated by a political party, shall not be  
428 placed upon the ballot. The ballot shall contain the names of  
429 each candidate for each office, and the names shall be listed  
430 under the name of the political party that candidate represents as  
431 provided by law and as certified to the circuit clerk by the state  
432 executive committee of the political party. In the event the  
433 candidate qualifies as an independent as provided in this section,  
434 he or she shall be listed on the ballot as an independent  
435 candidate.

436 (b) The name of an independent or special election  
437 candidate who dies before the printing of the ballots, shall not  
438 be placed on the ballots.

439 (3) Petitions for offices described in paragraphs (a), (b),  
440 (c), (d) and (e) of subsection (1) of this section and proof of  
441 United States citizenship shall be filed with the Secretary of



442 State by no later than 5:00 p.m. on the same date or business day,  
443 as applicable, by which candidates are required to pay the fee  
444 provided for in Section 23-15-297; however, no petition may be  
445 filed before January 1 of the year in which the election for the  
446 office is held.

447 (4) Petitions for offices described in paragraphs (f) and  
448 (g) of subsection (1) of this section and proof of United States  
449 citizenship shall be filed with the proper circuit clerk by no  
450 later than 5:00 p.m. on the same date by which candidates are  
451 required to pay the fee provided for in Section 23-15-297;  
452 however, no petition may be filed before January 1 of the year in  
453 which the election for the office is held. The circuit clerk  
454 shall notify the county election commissioners of all persons who  
455 have filed petitions with the clerk. The notification shall occur  
456 within two (2) business days and shall contain all necessary  
457 information.

458 (5) The assessment for the office described in paragraph (h)  
459 of subsection (1) of this section shall be paid to the Secretary  
460 of State. The Secretary of State shall deposit any qualifying  
461 fees received from candidates into the Elections Support Fund  
462 established in Section 23-15-5.

463 (6) The election commissioners may also have printed upon  
464 the ballot any local issue election matter that is authorized to  
465 be held on the same date as the regular or general election  
466 pursuant to Section 23-15-375; however, the ballot form of the



467 local issue must be filed with the election commissioners by the  
468 appropriate governing authority not less than sixty (60) days  
469 before the date of the election.

470 (7) The provisions of this section shall not apply to  
471 municipal elections or to the election of the offices of justice  
472 of the Supreme Court, judge of the Court of Appeals, circuit  
473 judge, chancellor, county court judge and family court judge.

474 (8) Nothing in this section shall prohibit special elections  
475 to fill vacancies in either house of the Legislature from being  
476 held as provided in Section 23-15-851. In all elections conducted  
477 under the provisions of Section 23-15-851, there shall be printed  
478 on the ballot the name of any candidate who, not having been  
479 nominated by a political party, shall have been requested to be a  
480 candidate for any office by a petition filed with the Secretary of  
481 State and signed by not less than fifty (50) qualified electors.

482 (9) (a) The appropriate election commission shall determine  
483 whether each candidate is a qualified elector of the state, state  
484 district, county or county district they seek to serve, and  
485 whether each candidate meets all other qualifications to hold the  
486 office he or she is seeking or presents absolute proof that he or  
487 she will, subject to no contingencies, meet all qualifications on  
488 or before the date of the general or special election at which he  
489 or she could be elected to office. The election commission shall  
490 determine whether the candidate is a United States citizen. The  
491 election commission shall determine whether the candidate has



492 taken the steps necessary to qualify for more than one (1) office  
493 at the election. The election commission also shall determine  
494 whether any candidate has been convicted (i) of any felony in a  
495 court of this state, (ii) on or after December 8, 1992, of any  
496 offense in another state which is a felony under the laws of this  
497 state, (iii) of any felony in a federal court on or after December  
498 8, 1992, \* \* \* (iv) of any offense that involved the misuse or  
499 abuse of his or her office or money coming into his or her hands  
500 by virtue of the office, or (v) is not a United States citizen.

501 Excepted from the above are convictions of manslaughter and  
502 violations of the United States Internal Revenue Code or any  
503 violations of the tax laws of this state.

504 (b) If the appropriate election commission finds that a  
505 candidate either (i) is not a qualified elector, (ii) does not  
506 meet all qualifications to hold the office he or she seeks and  
507 fails to provide absolute proof, subject to no contingencies, that  
508 he or she will meet the qualifications on or before the date of  
509 the general or special election at which he or she could be  
510 elected, or (iii) has been convicted of a felony or other  
511 disqualifying offense as described in paragraph (a) of this  
512 subsection, and not pardoned, then the election commission shall  
513 notify the candidate and give the candidate an opportunity to be  
514 heard. The election commission shall mail notice to the candidate  
515 at least three (3) business days before the hearing to the address  
516 provided by the candidate on the qualifying forms, and the



517 committee shall attempt to contact the candidate by telephone,  
518 email and facsimile if the candidate provided this information on  
519 the forms. If the candidate fails to appear at the hearing or to  
520 prove that he or she meets all qualifications to hold the office  
521 subject to no contingencies, then the name of such candidate shall  
522 not be placed upon the ballot. If the appropriate election  
523 commission determines that the candidate has taken the steps  
524 necessary to qualify for more than one (1) office at the election,  
525 the action required by Section 23-15-905, shall be taken.

526 (10) If after the deadline to qualify as a candidate for an  
527 office or after the time for holding any party primary for an  
528 office, only one (1) person has duly qualified to be a candidate  
529 for the office in the general election, the name of that person  
530 shall be placed on the ballot; provided, however, that if not more  
531 than one (1) person duly qualified to be a candidate for each  
532 office on the general election ballot, the election for all  
533 offices on the ballot shall be dispensed with and the appropriate  
534 election commission shall declare each candidate elected without  
535 opposition if the candidate meets all the qualifications to hold  
536 the office as determined pursuant to a review by the election  
537 commission in accordance with the provisions of subsection (9) of  
538 this section and if the candidate has filed all required campaign  
539 finance disclosure reports as required by Section 23-15-807.

540 (11) The petition required by this section may not be filed  
541 by using the internet.



542           **SECTION 6.** Section 23-15-361, Mississippi Code of 1972, is  
543 amended as follows:

544           23-15-361. (1) The municipal general election ballot shall  
545 contain the names of all candidates who have been put in  
546 nomination by the municipal primary election of any political  
547 party. There shall be printed on the ballots the names of all  
548 persons so nominated, whether the nomination be otherwise known or  
549 not, upon the written request of one or more of the candidates so  
550 nominated, or of any qualified elector who will make oath that he  
551 or she was a participant in the primary election, and that the  
552 person whose name is presented by him or her was nominated by such  
553 primary election. The municipal election commissioners who are  
554 required to have the ballots printed, shall also have printed on  
555 the ballot in any municipal general election the name of any  
556 candidate who, not having been nominated by a political party,  
557 shall have been requested to be a candidate for any office by  
558 filing proof of the candidate's United States citizenship and by  
559 filing a petition filed with the clerk of the municipality no  
560 later than 5:00 p.m. on the same date by which candidates for  
561 nomination in the municipal primary elections are required to pay  
562 the fee provided for in Section 23-15-309, and signed by not less  
563 than the following number of qualified electors:

564           (a) For an office elected by the qualified electors of  
565 a municipality or a municipal district having a population of one



566 thousand (1,000) or more, not less than fifty (50) qualified  
567 electors.

568 (b) For an office elected by the qualified electors of  
569 a municipality or a municipal district having a population of less  
570 than one thousand (1,000), not less than fifteen (15) qualified  
571 electors.

572 (2) Unless the petition required above shall be filed no  
573 later than 5:00 p.m. on the same date by which candidates for  
574 nomination in the municipal primary election are required to pay  
575 the fee provided for in Section 23-15-309, the name of the person  
576 requested to be a candidate, unless nominated by a political  
577 party, shall not be placed upon the ballot. The ballot shall  
578 contain the names of each candidate for each municipal office, and  
579 the names shall be listed under the name of the political party  
580 the candidate represents as provided by law and as certified to  
581 the municipal clerk by the municipal executive committee of such  
582 political party. In the event such candidate qualifies as an  
583 independent as herein provided, he or she shall be listed on the  
584 ballot as an independent candidate.

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



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

592 (5) The municipal election commission shall determine  
593 whether each party candidate in the municipal general election is  
594 a qualified elector of the municipality, and of the ward if the  
595 office sought is a ward office and shall determine whether each  
596 candidate either meets all other qualifications to hold the office  
597 he or she is seeking or presents absolute proof that he or she  
598 will, subject to no contingencies, meet all qualifications on or  
599 before the date of the general or special election at which he or  
600 she could be elected to office. The municipal election commission  
601 also shall determine whether any candidate has been convicted of  
602 any felony in a court of this state, or has been convicted on or  
603 after December 8, 1992, of any offense in another state which is a  
604 felony under the laws of this state, or has been convicted of any  
605 felony in a federal court on or after December 8, 1992. Excepted  
606 from the above are convictions of manslaughter and violations of  
607 the United States Internal Revenue Code or any violations of the  
608 tax laws of this state unless such offense also involved misuse or  
609 abuse of his or her office or money coming into his or her hands  
610 by virtue of the office. The municipal election commission shall  
611 also determine whether each candidate is a United States citizen.  
612 If the municipal election commission finds that a candidate either  
613 (a) is not a qualified elector, (b) does not meet all



614 qualifications to hold the office he or she seeks and fails to  
615 provide absolute proof, subject to no contingencies, that he or  
616 she will meet the qualifications on or before the date of the  
617 general or special election at which he or she could be  
618 elected, \* \* \* (c) has been convicted of a felony as described  
619 above and not pardoned, or (d) is not a United States citizen,  
620 then the election commission shall notify the candidate and give  
621 the candidate an opportunity to be heard. The election commission  
622 shall mail notice to the candidate at least three (3) business  
623 days before the hearing to the address provided by the candidate  
624 on the qualifying forms, and the committee shall attempt to  
625 contact the candidate by telephone, email and facsimile if the  
626 candidate provided this information on the forms. If the  
627 candidate fails to appear at the hearing or to prove he or she  
628 meets all qualifications to hold the office subject to no  
629 contingencies, then the name of the candidate shall not be placed  
630 upon the ballot.

631 (6) If after the deadline to qualify as a candidate for an  
632 office or after the time for holding any party primary election  
633 for an office, only one (1) person has duly qualified to be a  
634 candidate for the office in the general election the name of that  
635 person shall be placed on the ballot; provided, however, that if  
636 not more than one (1) person has duly qualified to be a candidate  
637 for each office on the general election ballot, the election for  
638 all offices on the ballot shall be dispensed with and the



639 municipal election commission shall declare each candidate elected  
640 without opposition if the candidate meets all the qualifications  
641 to hold the office as determined pursuant to a review by the  
642 election commission in accordance with the provisions of  
643 subsection (5) of this section and if the candidate has filed all  
644 required campaign finance disclosure reports as required by  
645 Section 23-15-807.

646         **SECTION 7.** Section 23-15-857, Mississippi Code of 1972, is  
647 amended as follows:

648         23-15-857. (1) When there is a vacancy in an elective  
649 office in a city, town or village, the unexpired term of which  
650 shall not exceed six (6) months, the same shall be filled by  
651 appointment by the governing authority or remainder of the  
652 governing authority of the city, town or village. The municipal  
653 clerk shall certify the appointment to the Secretary of State and  
654 the appointed person or persons shall be commissioned by the  
655 Governor.

656         (2) When there is a vacancy in an elective office in a city,  
657 town or village, the unexpired term of which shall exceed six (6)  
658 months, the governing authority or remainder of the governing  
659 authority of the city, town or village shall make and enter on the  
660 minutes an order for an election to be held in the city, town or  
661 village to fill the vacancy and fix a date upon which the election  
662 shall be held. The order shall be made and entered upon the  
663 minutes at the next regular meeting of the governing authority



664 after the vacancy occurs, or at a special meeting to be held not  
665 later than ten (10) days after the vacancy occurs, Saturdays,  
666 Sundays and legal holidays excluded, whichever shall occur first.  
667 The election shall be held on a date not less than thirty (30)  
668 days nor more than forty-five (45) days after the date upon which  
669 the order is adopted.

670 Notice of the election shall be given by the municipal clerk  
671 by notice published in a newspaper published in the municipality.  
672 The notice shall be published once each week for three (3)  
673 successive weeks preceding the date of the election. The first  
674 notice shall be published at least thirty (30) days before the  
675 date of the election. Notice shall also be given by posting a  
676 copy of the notice at three (3) public places in the municipality  
677 not less than twenty-one (21) days before the date of the  
678 election. One (1) of the notices shall be posted at the city,  
679 town or village hall. In the event that there is no newspaper  
680 published in the municipality, such notice shall be published as  
681 provided for above in a newspaper that has a general circulation  
682 within the municipality and by posting as provided for above.  
683 Additionally, the governing authority may publish the notice in  
684 that newspaper for as many additional times as may be deemed  
685 necessary by the governing authority.

686 Each candidate shall qualify by filing proof of United States  
687 citizenship and by filing a petition \* \* \* with the municipal  
688 clerk by 5:00 p.m. at least twenty (20) days before the date of



689 the election. If the twentieth day to file the petition before  
690 the election falls on a Sunday or legal holiday, the petition  
691 filed on the business day immediately following the Sunday or  
692 legal holiday shall be accepted. The petition shall be signed by  
693 not less than the following number of qualified electors:

694 (a) For an office of a city, town, village or municipal  
695 district having a population of one thousand (1,000) or more, not  
696 less than fifty (50) qualified electors.

697 (b) For an office of a city, town, village or municipal  
698 district having a population of less than one thousand (1,000),  
699 not less than fifteen (15) qualified electors.

700 No qualifying fee shall be required of any candidate, and the  
701 election shall be held as far as practicable in the same manner as  
702 municipal general elections.

703 The candidate receiving a majority of the votes cast in the  
704 election shall be elected. If no candidate receives a majority  
705 vote at the election, the two (2) candidates receiving the highest  
706 number of votes shall have their names placed on the ballot for  
707 the election to be held three (3) weeks thereafter. The candidate  
708 receiving a majority of the votes cast in the election shall be  
709 elected. However, if no candidate receives a majority and there  
710 is a tie in the election of those receiving the next highest vote,  
711 those receiving the next highest vote and the candidate receiving  
712 the highest vote shall have their names placed on the ballot for



713 the election to be held three (3) weeks thereafter, and whoever  
714 receives the most votes cast in the election shall be elected.

715 Should the election held three (3) weeks thereafter result in  
716 a tie vote, the prevailing candidate shall be decided by a toss of  
717 a coin or by lot fairly and publicly drawn under the supervision  
718 of the election commission.

719 The clerk of the election commission shall then give a  
720 certificate of election to the person elected, and return to the  
721 Secretary of State a copy of the order of holding the election and  
722 runoff election results, certified by the clerk of the governing  
723 authority. The person elected shall be commissioned by the  
724 Governor.

725 However, if nineteen (19) days before the date of the  
726 election only one (1) person shall have qualified as a candidate,  
727 the governing authority, or remainder of the governing authority,  
728 shall dispense with the election and appoint that one (1)  
729 candidate in lieu of an election. In the event no person shall  
730 have qualified by 5:00 p.m. at least twenty (20) days before the  
731 date of the election, the governing authority or remainder of the  
732 governing authority shall dispense with the election and fill the  
733 vacancy by appointment. The clerk of the governing authority  
734 shall certify the appointment to the Secretary of State, and the  
735 appointed person shall be commissioned by the Governor.

736 **SECTION 8.** Section 23-15-977, Mississippi Code of 1972, is  
737 amended as follows:



738           23-15-977. (1) Except as otherwise provided in this  
739 section, all candidates for judicial office as defined in Section  
740 23-15-975 of this subarticle shall file their proof of United  
741 States citizenship and intent to be a candidate with the proper  
742 officials and pay the proper assessment by not later than 5:00  
743 p.m. on February 1 of the year in which the general election for  
744 the judicial office is held. If February 1 occurs on a Saturday,  
745 Sunday or legal holiday, candidates shall file their intent to be  
746 a candidate and pay the proper assessment by 5:00 p.m. on the  
747 business day immediately following the Saturday, Sunday or legal  
748 holiday. Candidates shall pay to the proper officials the  
749 following amounts:

750           (a) Candidates for Supreme Court justice and Court of  
751 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

752           (b) Candidates for circuit judge and chancellor, the  
753 sum of One Hundred Dollars (\$100.00).

754           (c) Candidates for county judge and family court judge,  
755 the sum of Fifteen Dollars (\$15.00).

756           Candidates for judicial office may not file their intent to  
757 be a candidate and pay the proper assessment before January 1 of  
758 the year in which the election for the judicial office is held.

759           (2) Candidates for judicial offices listed in paragraphs (a)  
760 and (b) of subsection (1) of this section shall file their intent  
761 to be a candidate with, and pay the proper assessment made



762 pursuant to subsection (1) of this section to, the State Board of  
763 Election Commissioners.

764 (3) Candidates for judicial offices listed in paragraph (c)  
765 of subsection (1) of this section shall file their intent to be a  
766 candidate with, and pay the proper assessment made pursuant to  
767 subsection (1) of this section to, the circuit clerk of the proper  
768 county. The circuit clerk shall notify the county election  
769 commissioners of all persons who have filed their intent to be a  
770 candidate with, and paid the proper assessment to, such clerk.  
771 The notification shall occur within two (2) business days and  
772 shall contain all necessary information.

773 (4) If only one (1) person files his or her intent to be a  
774 candidate for a judicial office and that person later dies,  
775 resigns or is otherwise disqualified from holding the judicial  
776 office after the deadline provided for in subsection (1) of this  
777 section but more than seventy (70) days before the date of the  
778 general election, the Governor, upon notification of the death,  
779 resignation or disqualification of the person, shall issue a  
780 proclamation authorizing candidates to file their intent to be a  
781 candidate for that judicial office for a period of not less than  
782 seven (7) nor more than ten (10) days from the date of the  
783 proclamation.

784 (5) If only one (1) person qualifies as a candidate for a  
785 judicial office and that person later dies, resigns or is  
786 otherwise disqualified from holding the judicial office within



787 seventy (70) days before the date of the general election, the  
788 judicial office shall be considered vacant for the new term and  
789 the vacancy shall be filled as provided in by law.

790         **SECTION 9.** This act shall take effect and be in force from  
791 and after July 1, 2023.

