

By: Representatives Felsher, Yates

To: Apportionment and  
Elections

HOUSE BILL NO. 674

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT IN ORDER TO QUALIFY TO RUN FOR OFFICE, A CANDIDATE  
3 MUST SUBMIT, ALONG WITH THE QUALIFICATION FEES, A NOTARIZED  
4 WRITTEN STATEMENT AND A COPY OF THE CANDIDATE'S VALID, UNEXPIRED,  
5 MISSISSIPPI IDENTIFICATION CARD, VOTER REGISTRATION, HOMESTEAD  
6 EXEMPTION, IF ANY, AND A CURRENT UTILITY BILL; TO REQUIRE THE  
7 SECRETARY OF STATE TO ASSESS A FIVE HUNDRED DOLLAR FINE TO ANY  
8 STATE EXECUTIVE COMMITTEE THAT FAILS TO TRANSMIT ANY WRITTEN  
9 STATEMENTS AND OTHER REQUIRED DOCUMENTS AND ACCOMPANYING FEES TO  
10 THE SECRETARY OF STATE BY 6:00 P.M. ON THE DATE OF THE QUALIFYING  
11 DEADLINE; TO PROVIDE THAT THE FINE SHALL BE FOR EACH WRITTEN  
12 STATEMENT THAT IS SUBMITTED AFTER 6:00 P.M. ON THE DATE OF THE  
13 QUALIFYING DEADLINE; TO REQUIRE THE SECRETARY OF STATE TO DEPOSIT  
14 ANY FINES RECEIVED FROM ANY STATE EXECUTIVE COMMITTEE INTO THE  
15 ELECTIONS SUPPORT FUND; TO PROVIDE A THIRTY DAY TIMELINE FOR AN  
16 EXECUTIVE COMMITTEE OR THE SECRETARY OF STATE, WHICHEVER IS  
17 APPLICABLE, TO DETERMINE WHETHER A CANDIDATE MEETS THE  
18 QUALIFICATIONS TO HOLD THE OFFICE HE OR SHE SEEKS; TO PROVIDE THAT  
19 ONCE AN EXECUTIVE COMMITTEE HAS DETERMINED WHETHER A CANDIDATE IS  
20 QUALIFIED TO HOLD THE OFFICE HE OR SHE SEEKS, THE SECRETARY OF THE  
21 EXECUTIVE COMMITTEE SHALL TRANSMIT A LIST OF ALL OF THOSE  
22 CANDIDATES AND HOW THE EXECUTIVE COMMITTEE RULED ON THEIR  
23 QUALIFICATIONS TO THE SECRETARY OF STATE FOR REVIEW; TO PROVIDE  
24 THE SECRETARY OF STATE THIRTY DAYS TO DETERMINE IF THE CANDIDATES  
25 WERE PROPERLY QUALIFIED OR DISQUALIFIED; TO PROVIDE THAT IF THE  
26 SECRETARY OF STATE DISAGREES WITH A DECISION MADE BY AN EXECUTIVE  
27 COMMITTEE, THE SECRETARY OF STATE SHALL NOTIFY THE EXECUTIVE  
28 COMMITTEE AND CANDIDATE AND GIVE THE EXECUTIVE COMMITTEE AND  
29 CANDIDATE TEN DAYS TO APPEAL THAT DETERMINATION; TO PROVIDE THE  
30 SECRETARY OF STATE TEN DAYS TO CONSIDER THE APPEAL OF THE  
31 EXECUTIVE COMMITTEE OR CANDIDATE; TO PROVIDE THAT IF THE SECRETARY  
32 OF STATE UPHOLDS HIS DETERMINATION, THE CANDIDATE MAY APPEAL THAT  
33 DETERMINATION; TO AMEND SECTION 23-15-961, MISSISSIPPI CODE OF  
34 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD



35 SECTIONS 23-15-963 AND 23-15-359, MISSISSIPPI CODE OF 1972, FOR  
36 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is  
39 amended as follows:

40 23-15-299. (1) (a) Assessments made pursuant to subsection  
41 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by  
42 each candidate who seeks a nomination in the political party  
43 election to the secretary of the state executive committee with  
44 which the candidate is affiliated by 5:00 p.m. on February 1 of  
45 the year in which the primary election for the office is held or  
46 on the date of the qualifying deadline provided by statute for the  
47 office, whichever is earlier; however, no such assessments may be  
48 paid before January 1 of the year in which the primary election  
49 for the office is held. If February 1 or the date of the  
50 qualifying deadline provided by statute for the office occurs on a  
51 Saturday, Sunday or legal holiday, then the assessments required  
52 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
53 business day immediately following the Saturday, Sunday or legal  
54 holiday.

55 (b) Assessments made pursuant to subsection (3)(a), (b)  
56 and (c) of Section 23-15-297 shall be paid by each independent  
57 candidate or special election candidate to the Secretary of State  
58 by 5:00 p.m. on February 1 of the year in which the primary  
59 election for the office is held or on the date of the qualifying  
60 deadline provided by statute for the office, whichever is earlier;



61 however, no such assessments may be paid before January 1 of the  
62 year in which the primary election for the office is held. If  
63 February 1 or the date of the qualifying deadline provided by  
64 statute for the office occurs on a Saturday, Sunday or legal  
65 holiday, then the assessments required to be paid by this  
66 paragraph (b) shall be paid by 5:00 p.m. on the business day  
67 immediately following the Saturday, Sunday or legal holiday.

68 (2) (a) Assessments made pursuant to subsection (1)(e) and  
69 (f) of Section 23-15-297, shall be paid by each candidate who  
70 seeks a nomination in the political party election to the circuit  
71 clerk of that candidate's county of residence by 5:00 p.m. on  
72 February 1 of the year in which the primary election for the  
73 office is held or on the date of the qualifying deadline provided  
74 by statute for the office, whichever is earlier; however, no such  
75 assessments may be paid before January 1 of the year in which the  
76 election for the office is held. If February 1 or the date of the  
77 qualifying deadline provided by statute for the office occurs on a  
78 Saturday, Sunday or legal holiday, then the assessments required  
79 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
80 business day immediately following the Saturday, Sunday or legal  
81 holiday. The circuit clerk shall forward the fee and all  
82 necessary information to the secretary of the proper county  
83 executive committee within two (2) business days. No candidate  
84 may attempt to qualify with any political party that does not have  
85 a duly organized county executive committee, and the circuit clerk



86 shall not accept any assessments paid for nonlegislative offices  
87 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the  
88 circuit clerk does not have contact information for the secretary  
89 of the county executive committee for that political party.

90 (b) Assessments made pursuant to subsection (3)(d) and  
91 (e) of Section 23-15-297 shall be paid by each independent  
92 candidate or special election candidate to the circuit clerk of  
93 that candidate's county of residence by 5:00 p.m. on February 1 of  
94 the year in which the primary election for the office is held or  
95 on the date of the qualifying deadline provided by statute for the  
96 office, whichever is earlier; however, no such assessments may be  
97 paid before January 1 of the year in which the primary election  
98 for the office is held. If February 1 or the date of the  
99 qualifying deadline provided by statute for the office occurs on a  
100 Saturday, Sunday or legal holiday, then the assessments required  
101 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the  
102 business day immediately following the Saturday, Sunday or legal  
103 holiday. The circuit clerk shall forward the fee and all  
104 necessary information to the secretary of the proper county  
105 election commission within two (2) business days.

106 (3) (a) Assessments made pursuant to subsection (1)(g) and  
107 (h) of Section 23-15-297 must be paid by each candidate who seeks  
108 a nomination in the political party election to the secretary of  
109 the state executive committee with which the candidate is  
110 affiliated by 5:00 p.m. sixty (60) days before the presidential



111 preference primary in years in which a presidential preference  
112 primary is held; however, no such assessments may be paid before  
113 January 1 of the year in which the primary election for the office  
114 is held. Assessments made pursuant to subsection (1)(g) and (h)  
115 of Section 23-15-297, in years when a presidential preference  
116 primary is not being held, shall be paid by each candidate who  
117 seeks a nomination in the political party election to the  
118 secretary of the state executive committee with which the  
119 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
120 which the primary election for the office is held; however, no  
121 such assessments may be paid before January 1 of the year in which  
122 the primary election for the office is held. If sixty (60) days  
123 before the presidential preference primary in years in which a  
124 presidential preference primary is held, March 1, or the date of  
125 the qualifying deadline provided by statute for the office occurs  
126 on a Saturday, Sunday or legal holiday, then the assessments  
127 required to be paid by this paragraph (a) shall be paid by 5:00  
128 p.m. on the business day immediately following the Saturday,  
129 Sunday or legal holiday.

130 (b) Assessments made pursuant to subsection (3)(f) and  
131 (g) of Section 23-15-297 must be paid by each independent  
132 candidate or special election candidate to the Secretary of State  
133 by 5:00 p.m. sixty (60) days before the presidential preference  
134 primary in years in which a presidential preference primary is  
135 held; however, no such assessments may be paid before January 1 of



136 the year in which the primary election for the office is held.  
137 Assessments made pursuant to subsection (3)(f) and (g) of Section  
138 23-15-297, in years when a presidential preference primary is not  
139 being held, shall be paid by each independent candidate or special  
140 election candidate to the Secretary of State by 5:00 p.m. on March  
141 1 of the year in which the primary election for the office is  
142 held; however, no such assessments may be paid before January 1 of  
143 the year in which the primary election for the office is held. If  
144 sixty (60) days before the presidential preference primary in  
145 years in which a presidential preference primary is held, March 1,  
146 or the date of the qualifying deadline provided by statute for the  
147 office occurs on a Saturday, Sunday or legal holiday, then the  
148 assessments required to be paid by this paragraph (b) shall be  
149 paid by 5:00 p.m. on the business day immediately following the  
150 Saturday, Sunday or legal holiday.

151 (4) (a) The fees paid pursuant to subsections (1), (2) and  
152 (3) of this section shall be accompanied by a notarized, written  
153 statement containing the name and address of the candidate, the  
154 party with which he or she is affiliated, if applicable, the email  
155 address of the candidate, if any, \* \* \* the office for which he or  
156 she is a candidate, a copy of the candidate's valid, unexpired,  
157 Mississippi identification card, voter registration, homestead  
158 exemption, if any, and a current utility bill.

159 (b) The state executive committee shall transmit to the  
160 Secretary of State a copy of the written statements and other



161 required documents accompanying the fees paid pursuant to  
162 subsections (1) and (2) of this section. All copies must be  
163 received by the Office of the Secretary of State by not later than  
164 6:00 p.m. on the date of the qualifying deadline; provided,  
165 however, the failure of the Office of the Secretary of State to  
166 receive such copies by 6:00 p.m. on the date of the qualifying  
167 deadline shall not affect the qualification of a person who pays  
168 the required fee and files the required statement and all of the  
169 required documents by 5:00 p.m. on the date of the qualifying  
170 deadline. The Secretary of State shall assess a Five Hundred  
171 Dollar (\$500.00) fine to any state executive committee that fails  
172 to transmit any written statements and other required documents  
173 and accompanying fees to the Secretary of State by 6:00 p.m. on  
174 the date of the qualifying deadline. Such fine shall be assessed  
175 for each written statement and other required documents and fees  
176 that were not turned in to the Office of the Secretary of State by  
177 6:00 p.m. The Secretary of State shall deposit any fines received  
178 from any state executive committee into the Elections Support Fund  
179 established in Section 23-15-5. The name of any person who pays  
180 the required fee and files the required statement and the required  
181 documents after 5:00 p.m. on the date of the qualifying deadline  
182 shall not be placed on the primary election ballot or the general  
183 election ballot.

184 (5) The Secretary of State or the secretary or circuit clerk  
185 to whom such payments are made shall promptly receipt for same



186 stating the office for which the candidate making payment is  
187 running and the political party with which he or she is  
188 affiliated, if applicable, and he or she shall keep an itemized  
189 account in detail showing the exact time and date of the receipt  
190 of each payment received by him or her and, where applicable, the  
191 date of the postmark on the envelope containing the fee and from  
192 whom, and for what office the party paying same is a candidate.

193 (6) The secretaries of the proper executive committee shall  
194 hold the funds to be finally disposed of by order of their  
195 respective executive committees. The funds may be used or  
196 disbursed by the executive committee receiving same to pay all  
197 necessary traveling or other necessary expenses of the members of  
198 the executive committee incurred in discharging their duties as  
199 committee members, and of their secretary and may pay the  
200 secretary such salary as may be reasonable. The Secretary of  
201 State shall deposit any qualifying fees received from candidates  
202 into the Elections Support Fund established in Section 23-15-5.

203 (7) (a) Upon receipt of the proper fee and all necessary  
204 information, the proper executive committee or the Secretary of  
205 State, whichever is applicable, shall then determine \* \* \*, within  
206 thirty (30) days of the qualifying deadline, unless otherwise  
207 provided by law, whether each candidate is a qualified elector of  
208 the state, state district, county or county district which they  
209 seek to serve, and whether each candidate meets all other  
210 qualifications to hold the office he or she is seeking or presents





211 absolute proof that he or she will, subject to no contingencies,  
212 meet all qualifications on or before the date of the general or  
213 special election at which he or she could be elected to office.  
214 The proper executive committee or the Secretary of State,  
215 whichever is applicable, shall determine whether the candidate has  
216 taken the steps necessary to qualify for more than one (1) office  
217 at the election. The committee or the Secretary of State,  
218 whichever is applicable, shall also determine whether any  
219 candidate has been convicted (i) of any felony in a court of this  
220 state, (ii) on or after December 8, 1992, of any offense in  
221 another state which is a felony under the laws of this state,  
222 (iii) of any felony in a federal court on or after December 8,  
223 1992, or (iv) of any offense that involved the misuse or abuse of  
224 his or her office or money coming into his or her hands by virtue  
225 of the office. Excepted from the above are convictions of  
226 manslaughter and violations of the United States Internal Revenue  
227 Code or any violations of the tax laws of this state.

228 (b) \* \* \* Within thirty (30) days of the qualifying  
229 deadline, once the proper executive committee or the Secretary of  
230 State, whichever is applicable, has determined (i) whether each  
231 candidate is a qualified elector of the state, state district,  
232 county or county district which they seek to serve, (ii) whether  
233 each candidate meets all qualifications to hold the office he or  
234 she is seeking or presents absolute proof that he or she will,  
235 subject to no contingencies, meet all qualifications on or before



236 the date of the general or special election at which he or she  
237 could be elected to office, and (iii) whether each candidate has  
238 been convicted of a felony or other disqualifying offense as  
239 described in paragraph (a) of this subsection, and not pardoned,  
240 the secretary of each executive committee shall transmit the list  
241 of all of those candidates and how the executive committee ruled  
242 on their qualification to hold the office to the Secretary of  
243 State. Upon receipt of the list of candidates either qualified or  
244 disqualified by the proper executive committee, the Secretary of  
245 State shall have thirty (30) days to determine whether the  
246 candidates were properly qualified or disqualified. The executive  
247 committee shall provide any information as needed by the Secretary  
248 of State to assist him in making his determination. If the  
249 executive committee qualified a candidate to appear on the ballot  
250 and the Secretary of State determines that decision was proper,  
251 the name of that candidate shall be placed on the ballot. If the  
252 executive committee disqualified a candidate and the Secretary of  
253 State determines that decision was proper, the name of that  
254 candidate shall not be placed on the ballot. The candidate may  
255 appeal that decision of the Secretary of State as provided in  
256 Section 23-15-961. If the executive committee qualified or  
257 disqualified a candidate to appear on the ballot and the Secretary  
258 of State determines that decision was made erroneously, the  
259 Secretary of State shall provide notice of his determination to  
260 the executive committee and candidate and give the executive



261 committee and candidate an opportunity to appeal the determination  
262 of the Secretary of State. Such appeal shall occur ten (10)  
263 business days after the determination was made. The Secretary of  
264 State shall mail notice of the appeal hearing to the executive  
265 committee and the candidate at the address provided by the  
266 candidate on the qualifying forms at least three (3) business days  
267 before the hearing, and the Secretary of State shall attempt to  
268 contact the candidate by telephone, email and facsimile if the  
269 candidate provided this information on the forms. After the  
270 appeal, the Secretary of State shall have ten (10) days to  
271 consider the appeal of the executive committee or candidate. If  
272 the Secretary of State upholds his determination and a candidate  
273 was improperly qualified, then the name of that candidate shall  
274 not be placed on the ballot. If the Secretary of State upholds  
275 his determination and a candidate was improperly disqualified,  
276 then the name of that candidate shall be placed on the ballot.  
277 Any candidate who is aggrieved by a decision of the Secretary of  
278 State may appeal that decision as provided in Section 23-15-961.

279 (c) If the proper executive committee or the Secretary  
280 of State, whichever is applicable, determines that the candidate  
281 has taken the steps necessary to qualify for more than one (1)  
282 office at the election, the action required by Section 23-15-905,  
283 shall be taken.

284 (d) Where there is but one (1) candidate for each  
285 office contested at the primary election, the proper executive



286 committee or the Secretary of State, whichever is applicable, when  
287 the time has expired within which the names of candidates shall be  
288 furnished shall declare such candidates the nominees.

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

291 **SECTION 2.** Section 23-15-961, Mississippi Code of 1972, is  
292 amended as follows:

293 23-15-961. (1) Any person desiring to contest the  
294 qualifications of another person as a candidate for nomination in  
295 a political party primary election or a candidate who has been  
296 disqualified under the provisions of Section 23-15-299 shall file  
297 a petition for judicial review specifically setting forth the  
298 grounds of the challenge within \* \* \* twenty-one (21) days after  
299 the \* \* \* Secretary of State finally determines whether a  
300 candidate is a qualified elector of the state, state district,  
301 county or county district for the office in question. The  
302 petition shall be filed with the \* \* \* circuit court of the county  
303 where the candidate in question resides according to his or her  
304 notarized written statement.

305 \* \* \* The person filing for judicial review shall give a  
306 cost bond in the sum of Three Hundred Dollars (\$300.00) with two  
307 (2) or more sufficient sureties conditioned to pay all costs in  
308 case his petition be dismissed, and an additional bond may be  
309 required, by the court, if necessary, at any subsequent stage of  
310 the proceedings.



311 ( \* \* \*2) Upon the filing of the petition and bond, the  
312 circuit clerk shall immediately, by registered letter or by  
313 telegraph or by telephone, or personally, notify the Chief Justice  
314 of the Supreme Court, or in his absence, or disability, some other  
315 judge of the Supreme Court, who shall forthwith designate and  
316 notify a circuit judge or retired judge on senior status of a  
317 district other than that which embraces the district, subdistrict,  
318 county or any of the counties, involved in the contest or  
319 complaint, to proceed to the county in which the contest or  
320 complaint has been filed to hear and determine the contest or  
321 complaint. It shall be the official duty of the trial judge to  
322 proceed to the discharge of the designated duty at the earliest  
323 possible date to be fixed by the judge and of which the contestant  
324 and contestee shall have reasonable notice. The contestant and  
325 contestee are to be served in a reasonable manner as the judge may  
326 direct, in response to which notice the contestee shall promptly  
327 file his answer, and also his cross-complaint if he has a  
328 cross-complaint. The hearing before the trial court shall be de  
329 novo. The matter shall be tried to the trial judge, without a  
330 jury. After hearing the evidence, the trial judge shall determine  
331 whether the candidate whose qualifications have been challenged or  
332 who has been disqualified as provided in Section 23-15-299 is  
333 legally qualified to have his name placed upon the ballot in  
334 question. The trial judge may, upon disqualification of any such



335 candidate, order that such candidate shall bear the court costs of  
336 the proceedings.

337 ( \* \* \*3) Within three (3) days after judgment is rendered  
338 by the circuit court, the contestant or contestee, or both, may  
339 file an appeal in the Supreme Court upon giving a cost bond in the  
340 sum of Three Hundred Dollars (\$300.00), together with a bill of  
341 exceptions which shall state the point or points of law at issue  
342 with a sufficient synopsis of the facts to fully disclose the  
343 bearing and relevancy of such points of law. The bill of  
344 exceptions shall be signed by the trial judge, or in case of his  
345 absence, refusal or disability, by two (2) disinterested  
346 attorneys, as is provided by law in other cases of bills of  
347 exception. The filing of such appeals shall automatically suspend  
348 the decision of the circuit court and the appropriate executive  
349 committee is entitled to proceed based upon their decision unless  
350 and until the Supreme Court, in its discretion, stays further  
351 proceedings in the matter. The appeal shall be immediately  
352 docketed in the Supreme Court and referred to the court en banc  
353 upon briefs without oral argument unless the court shall call for  
354 oral argument, and shall be decided at the earliest possible date,  
355 as a preference case over all others. The Supreme Court shall  
356 have the authority to grant such relief as is appropriate under  
357 the circumstances.

358 ( \* \* \*4) The procedure set forth in this section shall be  
359 the sole and only manner in which the qualifications of a



360 candidate seeking public office as a party nominee may be  
361 challenged prior to the time of his nomination or election. After  
362 a party nominee has been elected to public office, the election  
363 may be challenged as otherwise provided by law. After a party  
364 nominee assumes an elective office, his qualifications to hold  
365 that office may be contested as otherwise provided by law.

366 **SECTION 3.** Section 23-15-963, Mississippi Code of 1972, is  
367 brought forward as follows:

368 23-15-963. (1) Any person desiring to contest the  
369 qualifications of another person who has qualified pursuant to the  
370 provisions of Section 23-15-359, Mississippi Code of 1972, as a  
371 candidate for any office elected at a general election, shall file  
372 a petition specifically setting forth the grounds of the challenge  
373 not later than thirty-one (31) days after the date of the first  
374 primary election set forth in Section 23-15-191, Mississippi Code  
375 of 1972. Such petition shall be filed with the same body with  
376 whom the candidate in question qualified pursuant to Section  
377 23-15-359, Mississippi Code of 1972.

378 (2) Any person desiring to contest the qualifications of  
379 another person who has qualified pursuant to the provisions of  
380 Section 23-15-213, Mississippi Code of 1972, as a candidate for  
381 county election commissioner elected at a general election, shall  
382 file a petition specifically setting forth the grounds of the  
383 challenge no later than sixty (60) days prior to the general  
384 election. Such petition shall be filed with the county board of



385 supervisors, being the same body with whom the candidate in  
386 question qualified pursuant to Section 23-15-213, Mississippi Code  
387 of 1972.

388 (3) Any person desiring to contest the qualifications of  
389 another person who has qualified pursuant to the provisions of  
390 Section 23-15-361, Mississippi Code of 1972, as a candidate for  
391 municipal office elected on the date designated by law for regular  
392 municipal elections, shall file a petition specifically setting  
393 forth the grounds of the challenge no later than thirty-one (31)  
394 days after the date of the first primary election set forth in  
395 Section 23-15-309, Mississippi Code of 1972. Such petition shall  
396 be filed with the municipal commissioners of election, being the  
397 same body with whom the candidate in question qualified pursuant  
398 to Section 23-15-361, Mississippi Code of 1972.

399 (4) Within ten (10) days of receipt of the petition  
400 described in subsections (1), (2) and (3) of this section, the  
401 appropriate election officials shall meet and rule upon the  
402 petition. At least two (2) days before the hearing to consider  
403 the petition, the appropriate election officials shall give notice  
404 to both the petitioner and the contested candidate of the time and  
405 place of the hearing on the petition. Each party shall be given  
406 an opportunity to be heard at such meeting and present evidence in  
407 support of his position.

408 (5) If the appropriate election officials fail to rule upon  
409 the petition within the time required above, such inaction shall





410 be interpreted as a denial of the request for relief contained in  
411 the petition.

412 (6) Any party aggrieved by the action or inaction of the  
413 appropriate election officials may file a petition for judicial  
414 review to the circuit court of the county in which the election  
415 officials whose decision is being reviewed sits. Such petition  
416 must be filed no later than fifteen (15) days after the date the  
417 petition was originally filed with the appropriate election  
418 officials. Such person filing for judicial review shall give a  
419 cost bond in the sum of Three Hundred Dollars (\$300.00) with two  
420 (2) or more sufficient sureties conditioned to pay all costs in  
421 case his petition be dismissed, and an additional bond may be  
422 required, by the court, if necessary, at any subsequent stage of  
423 the proceedings.

424 (7) The circuit court with whom such a petition for judicial  
425 review has been filed shall at the earliest possible date set the  
426 matter for hearing. Notice shall be given the interested parties  
427 of the time set for hearing by the circuit clerk. The hearing  
428 before the circuit court shall be de novo. The matter shall be  
429 tried to the circuit judge, without a jury. After hearing the  
430 evidence, the circuit judge shall determine whether the candidate  
431 whose qualifications have been challenged is legally qualified to  
432 have his name placed upon the ballot in question. The circuit  
433 judge may, upon disqualification of any such candidate, order that  
434 such candidate shall bear the court costs of the proceedings.



435           (8) Within three (3) days after judgment is rendered by the  
436 circuit court, the contestant or contestee, or both, may file an  
437 appeal in the Supreme Court upon giving a cost bond in the sum of  
438 Three Hundred Dollars (\$300.00), together with a bill of  
439 exceptions which shall state the point or points of law at issue  
440 with a sufficient synopsis of the facts to fully disclose the  
441 bearing and relevancy of such points of law. The bill of  
442 exceptions shall be signed by the trial judge, or in case of his  
443 absence, refusal or disability, by two (2) disinterested  
444 attorneys, as is provided by law in other cases of bills of  
445 exception. The filing of such appeals shall automatically suspend  
446 the decision of the circuit court and the appropriate election  
447 officials are entitled to proceed based upon their decision unless  
448 and until the Supreme Court, in its discretion, stays further  
449 proceedings in the matter. The appeal shall be immediately  
450 docketed in the Supreme Court and referred to the court en banc  
451 upon briefs without oral argument unless the court shall call for  
452 oral argument, and shall be decided at the earliest possible date,  
453 as a preference case over all others. The Supreme Court shall  
454 have the authority to grant such relief as is appropriate under  
455 the circumstances.

456           (9) The procedure set forth above shall be the sole and only  
457 manner in which the qualifications of a candidate seeking public  
458 office who qualified pursuant to the provisions of Sections  
459 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may



460 be challenged prior to the time of his election. After any such  
461 person has been elected to public office, the election may be  
462 challenged as otherwise provided by law. After any person assumes  
463 an elective office, his qualifications to hold that office may be  
464 contested as otherwise provided by law.

465 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is  
466 brought forward as follows:

467 23-15-359. (1) Except as provided in this section, the  
468 ballot shall contain the names of all party nominees certified by  
469 the appropriate executive committee, and independent and special  
470 election candidates who have timely filed petitions containing the  
471 required signatures and assessments that must be paid pursuant to  
472 Section 23-15-297, if the candidates and nominees meet all of the  
473 qualifications to hold the office sought. A petition requesting  
474 that an independent or special election candidate's name be placed  
475 on the ballot for any office shall be filed as provided for in  
476 subsection (3) or (4) of this section, as appropriate, and shall  
477 be signed by not less than the following number of qualified  
478 electors:

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

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



484 (c) For an office elected by the qualified electors of  
485 a congressional district, not less than two hundred (200)  
486 qualified electors.

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

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

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

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

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

501 (2) (a) Unless the petition or fee, whichever is  
502 applicable, required above shall be filed as provided for in  
503 subsection (3), (4) or (5) of this section, as appropriate, the  
504 name of the person requested to be a candidate, unless nominated  
505 by a political party, shall not be placed upon the ballot. The  
506 ballot shall contain the names of each candidate for each office,  
507 and the names shall be listed under the name of the political  
508 party that candidate represents as provided by law and as



509 certified to the circuit clerk by the state executive committee of  
510 the political party. In the event the candidate qualifies as an  
511 independent as provided in this section, he or she shall be listed  
512 on the ballot as an independent candidate.

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

516 (3) Petitions for offices described in paragraphs (a), (b),  
517 (c), (d) and (e) of subsection (1) of this section shall be filed  
518 with the Secretary of State by no later than 5:00 p.m. on the same  
519 date or business day, as applicable, by which candidates are  
520 required to pay the fee provided for in Section 23-15-297;  
521 however, no petition may be filed before January 1 of the year in  
522 which the election for the office is held.

523 (4) Petitions for offices described in paragraphs (f) and  
524 (g) of subsection (1) of this section shall be filed with the  
525 proper circuit clerk by no later than 5:00 p.m. on the same date  
526 by which candidates are required to pay the fee provided for in  
527 Section 23-15-297; however, no petition may be filed before  
528 January 1 of the year in which the election for the office is  
529 held. The circuit clerk shall notify the county election  
530 commissioners of all persons who have filed petitions with the  
531 clerk. The notification shall occur within two (2) business days  
532 and shall contain all necessary information.



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

538           (6) The election commissioners may also have printed upon  
539 the ballot any local issue election matter that is authorized to  
540 be held on the same date as the regular or general election  
541 pursuant to Section 23-15-375; however, the ballot form of the  
542 local issue must be filed with the election commissioners by the  
543 appropriate governing authority not less than sixty (60) days  
544 before the date of the election.

545           (7) The provisions of this section shall not apply to  
546 municipal elections or to the election of the offices of justice  
547 of the Supreme Court, judge of the Court of Appeals, circuit  
548 judge, chancellor, county court judge and family court judge.

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



557           (9) (a) The appropriate election commission shall determine  
558 whether each candidate is a qualified elector of the state, state  
559 district, county or county district they seek to serve, and  
560 whether each candidate meets all other qualifications to hold the  
561 office he or she is seeking or presents absolute proof that he or  
562 she will, subject to no contingencies, meet all qualifications on  
563 or before the date of the general or special election at which he  
564 or she could be elected to office. The election commission shall  
565 determine whether the candidate has taken the steps necessary to  
566 qualify for more than one (1) office at the election. The  
567 election commission also shall determine whether any candidate has  
568 been convicted (i) of any felony in a court of this state, (ii) on  
569 or after December 8, 1992, of any offense in another state which  
570 is a felony under the laws of this state, (iii) of any felony in a  
571 federal court on or after December 8, 1992, or (iv) of any offense  
572 that involved the misuse or abuse of his or her office or money  
573 coming into his or her hands by virtue of the office. Excepted  
574 from the above are convictions of manslaughter and violations of  
575 the United States Internal Revenue Code or any violations of the  
576 tax laws of this state.

577           (b) If the appropriate election commission finds that a  
578 candidate either (i) is not a qualified elector, (ii) does not  
579 meet all qualifications to hold the office he or she seeks and  
580 fails to provide absolute proof, subject to no contingencies, that  
581 he or she will meet the qualifications on or before the date of



582 the general or special election at which he or she could be  
583 elected, or (iii) has been convicted of a felony or other  
584 disqualifying offense as described in paragraph (a) of this  
585 subsection, and not pardoned, then the election commission shall  
586 notify the candidate and give the candidate an opportunity to be  
587 heard. The election commission shall mail notice to the candidate  
588 at least three (3) business days before the hearing to the address  
589 provided by the candidate on the qualifying forms, and the  
590 committee shall attempt to contact the candidate by telephone,  
591 email and facsimile if the candidate provided this information on  
592 the forms. If the candidate fails to appear at the hearing or to  
593 prove that he or she meets all qualifications to hold the office  
594 subject to no contingencies, then the name of such candidate shall  
595 not be placed upon the ballot. If the appropriate election  
596 commission determines that the candidate has taken the steps  
597 necessary to qualify for more than one (1) office at the election,  
598 the action required by Section 23-15-905, shall be taken.

599 (10) If after the deadline to qualify as a candidate for an  
600 office or after the time for holding any party primary for an  
601 office, only one (1) person has duly qualified to be a candidate  
602 for the office in the general election, the name of that person  
603 shall be placed on the ballot; provided, however, that if not more  
604 than one (1) person duly qualified to be a candidate for each  
605 office on the general election ballot, the election for all  
606 offices on the ballot shall be dispensed with and the appropriate





607 election commission shall declare each candidate elected without  
608 opposition if the candidate meets all the qualifications to hold  
609 the office as determined pursuant to a review by the election  
610 commission in accordance with the provisions of subsection (9) of  
611 this section and if the candidate has filed all required campaign  
612 finance disclosure reports as required by Section 23-15-807.

613 (11) The petition required by this section may not be filed  
614 by using the Internet.

615 **SECTION 5.** This act shall take effect and be in force from  
616 and after July 1, 2024.

