

By: Representative Wallace

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1135

1 AN ACT TO AMEND SECTION 23-15-913, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE LIST OF JUDGES SELECTED TO HEAR ELECTION DAY
3 DISPUTES SHALL BE PROVIDED TO THE SECRETARY OF STATE, THE CHANCERY
4 CLERKS AND THE CIRCUIT CLERKS BY THE CHIEF JUSTICE OF THE SUPREME
5 COURT NO LATER THAN SEVEN DAYS BEFORE THE ELECTION IN WHICH THE
6 SELECTED JUDGES MAY HEAR ELECTION DAY DISPUTES; TO PROVIDE THAT
7 THE LISTED AND SELECTED JUDGES SHALL HAVE SOLE JURISDICTION TO
8 HEAR ELECTION DAY DISPUTES; TO AMEND SECTION 23-15-951,
9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-913, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-913. The judges listed and selected to hear election
15 disputes, as provided in Section 23-15-951, shall be available on
16 election day to immediately hear and resolve any election day
17 disputes. The list of judges selected to hear election day
18 disputes shall be provided to the Secretary of State, the chancery
19 clerks and the circuit clerks by the Chief Justice of the Supreme
20 Court no later than seven (7) days before the election in which
21 the selected judges may hear election day disputes. If an
22 election day dispute occurs, the chancery clerk or circuit clerk



23 shall only docket the dispute to the judge designated by the
24 Supreme Court to hear the case in that county. The rules for
25 filing pleadings shall be relaxed to carry out the purposes of
26 this section. The judges selected shall perform no other judicial
27 duties on election day. In the list provided, the Supreme Court
28 shall * * * specify which judges shall be available to hear
29 disputes in * * * each county in which the disputes occur, but no
30 judge shall hear disputes in the district or county in which he or
31 she was elected nor shall any judge hear any dispute in which any
32 potential conflict may arise. Each judge shall be fair and
33 impartial and shall be assigned on that basis. The listed and
34 selected judges shall have sole jurisdiction to hear election day
35 disputes.

36 **SECTION 2.** Section 23-15-951, Mississippi Code of 1972, is
37 amended as follows:

38 23-15-951. Except as otherwise provided by Section 23-15-955
39 or 23-15-961, a person desiring to contest the election of another
40 person returned as elected to any office within any county, may,
41 within twenty (20) days after the election, file a petition in the
42 office of the clerk of the circuit court of the county, setting
43 forth the grounds upon which the election is contested. When such
44 a petition is filed, the circuit clerk shall immediately notify,
45 by registered letter, telegraph, telephone, or personally the
46 Chief Justice of the Supreme Court or in his absence, or
47 disability, some other Justice of the Supreme Court, who shall



48 forthwith designate and notify a circuit judge or chancellor of a
49 district other than that which embraces the district, subdistrict,
50 county or any of the counties, involved in the contest or
51 complaint, to proceed to the county in which the contest or
52 complaint has been filed to hear and determine the contest or
53 complaint. The circuit clerk shall also cause a copy of such
54 petition to be served upon the contestee, which shall serve as
55 notice to such contestee.

56 The Supreme Court shall compile a list of judges throughout
57 the state to hear such disputes before an election. The list of
58 judges selected to hear election day disputes shall be provided to
59 the Secretary of State, the chancery clerks and the circuit clerks
60 by the Chief Justice of the Supreme Court no later than seven (7)
61 days before the election in which the selected judges may hear
62 election day disputes. It shall be the official duty of the
63 designated circuit judge or chancellor to proceed to discharge the
64 duty of hearing the contest at the earliest possible date. The
65 date of the contest shall be fixed by the judge or chancellor, and
66 the judge or chancellor shall provide reasonable notice to the
67 contestant and the contestee of the date and time fixed for the
68 contest. The judge or chancellor shall cause the contestant and
69 contestee to be served in a reasonable manner. When the contestee
70 is served, such contestee shall promptly file his answer, and
71 cross-complaint, if the contestee has a cross-complaint.



72 The court shall, at the first term, cause an issue to be made
73 up and tried by a jury, and the verdict of the jury shall find the
74 person having the greatest number of legal votes at the election.
75 If the jury shall find against the person returned elected, the
76 clerk shall issue a certificate thereof; and the person in whose
77 favor the jury shall find shall be commissioned by the Governor,
78 and shall qualify and enter upon the duties of his office. Each
79 party shall be allowed ten (10) peremptory challenges, and new
80 trials shall be granted and costs awarded as in other cases. In
81 case the election of district attorney or other state district
82 election be contested, the petition may be filed in any county of
83 the district or in any county of an adjoining district within
84 twenty (20) days after the election, and like proceedings shall be
85 had thereon as in the case of county officers, and the person
86 found to be entitled to the office shall qualify as required by
87 law and enter upon the duties of his office.

88 A person desiring to contest the election of another person
89 returned as elected to any seat in the Mississippi Legislature
90 shall comply with the provisions of Section 23-15-955. A person
91 desiring to contest the qualifications of a candidate for
92 nomination in a political party primary election shall comply with
93 the provisions of Section 23-15-961.

94 **SECTION 3.** This act shall take effect and be in force from
95 and after July 1, 2024.

