

By: Representative Wallace

To: Apportionment and
Elections

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 DISPUTERS; 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. The rules for
22 filing pleadings shall be relaxed to carry out the purposes of



23 this section. The judges selected shall perform no other judicial
24 duties on election day. The Supreme Court shall make judges
25 available to hear disputes in the county in which the disputes
26 occur but no judge shall hear disputes in the district or county
27 in which he or she was elected nor shall any judge hear any
28 dispute in which any potential conflict may arise. Each judge
29 shall be fair and impartial and shall be assigned on that basis.
30 The listed and selected judges shall have sole jurisdiction to
31 hear election day disputers.

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

34 23-15-951. Except as otherwise provided by Section 23-15-955
35 or 23-15-961, a person desiring to contest the election of another
36 person returned as elected to any office within any county, may,
37 within twenty (20) days after the election, file a petition in the
38 office of the clerk of the circuit court of the county, setting
39 forth the grounds upon which the election is contested. When such
40 a petition is filed, the circuit clerk shall immediately notify,
41 by registered letter, telegraph, telephone, or personally the
42 Chief Justice of the Supreme Court or in his absence, or
43 disability, some other Justice of the Supreme Court, who shall
44 forthwith designate and notify a circuit judge or chancellor of a
45 district other than that which embraces the district, subdistrict,
46 county or any of the counties, involved in the contest or
47 complaint, to proceed to the county in which the contest or



48 complaint has been filed to hear and determine the contest or
49 complaint. The circuit clerk shall also cause a copy of such
50 petition to be served upon the contestee, which shall serve as
51 notice to such contestee.

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

68 The court shall, at the first term, cause an issue to be made
69 up and tried by a jury, and the verdict of the jury shall find the
70 person having the greatest number of legal votes at the election.
71 If the jury shall find against the person returned elected, the
72 clerk shall issue a certificate thereof; and the person in whose



73 favor the jury shall find shall be commissioned by the Governor,
74 and shall qualify and enter upon the duties of his office. Each
75 party shall be allowed ten (10) peremptory challenges, and new
76 trials shall be granted and costs awarded as in other cases. In
77 case the election of district attorney or other state district
78 election be contested, the petition may be filed in any county of
79 the district or in any county of an adjoining district within
80 twenty (20) days after the election, and like proceedings shall be
81 had thereon as in the case of county officers, and the person
82 found to be entitled to the office shall qualify as required by
83 law and enter upon the duties of his office.

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

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

