

By: Representative Wallace

To: Apportionment and
Elections

HOUSE BILL NO. 1135
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-913, MISSISSIPPI CODE OF 1972,
2 TO SPECIFY WHICH JUDGES HAVE JURISDICTION TO HEAR ELECTION
3 DISPUTES ON ELECTION DAY; TO AMEND SECTION 23-15-951, MISSISSIPPI
4 CODE OF 1972, TO REQUIRE THAT ELECTION DAY DISPUTES BE HEARD BY
5 JUDGES WHO HAVE BEEN SELECTED BY THE CHIEF JUSTICE OF THE SUPREME
6 COURT TO HEAR SAID DISPUTES; AND FOR RELATED PURPOSES.

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

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

10 23-15-913. (1) The judges listed and selected to hear
11 election disputes, as provided in Section 23-15-951, shall be
12 available on election day to immediately hear and resolve any
13 election day disputes. The name of any judge selected to hear
14 election day disputes shall be provided to the Secretary of State
15 by the Chief Justice of the Mississippi Supreme Court at the time
16 the appointment is made, unless the Secretary of State is a party
17 to the election day dispute to which that special circuit judge is
18 appointed.

19 (2) The rules for filing pleadings shall be relaxed to carry
20 out the purposes of this section. The judges selected shall



21 perform no other judicial duties on election day. If an election
22 day dispute occurs, the circuit clerk shall only docket the
23 dispute to the judge designated by the Supreme Court to hear the
24 case in that county. All election day disputes arising in one
25 county shall go to the same judge in that county unless the judge
26 is absent or unavailable. When such election day dispute is
27 filed, the circuit clerk shall immediately notify by phone, email
28 or personally, the Chief Justice of the Supreme Court, or in his
29 or her absence or disability, some other Justice of the Supreme
30 Court, who shall forthwith notify the assigned special judge from
31 the list of judges who were preselected to hear election day
32 disputes, to proceed to the county in which the dispute has been
33 filed to hear and determine the complaint. The circuit clerk
34 shall cause a copy of such petition to be served upon the
35 contestee, which shall serve as notice to such contestee. In the
36 list provided, the Supreme Court shall * * * specify which judges
37 shall be available to hear disputes in * * * each county in which
38 the disputes occur, but no judge shall hear disputes in the
39 district or county in which he or she was elected nor shall any
40 judge hear any dispute in which any potential conflict may arise.
41 Each judge shall be fair and impartial and shall be assigned on
42 that basis.

43 (3) The listed and selected judges provided by the Chief
44 Justice of the Mississippi Supreme Court shall have sole
45 jurisdiction to hear election day disputes. Election disputes can



46 only be filed in a circuit court with proper jurisdiction and
47 heard by one (1) of the judges selected by the Chief Justice of
48 the Mississippi Supreme Court.

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

51 23-15-951. Except as otherwise provided by Section 23-15-955
52 or 23-15-961, a person desiring to contest the election of another
53 person returned as elected to any office within any county, may,
54 within twenty (20) days after the election, file a petition in the
55 office of the clerk of the circuit court of the county, setting
56 forth the grounds upon which the election is contested. When such
57 a petition is filed, the circuit clerk shall immediately notify,
58 by registered letter, telegraph, telephone, or personally the
59 Chief Justice of the Supreme Court or in his or her absence, or
60 disability, some other Justice of the Supreme Court, who shall
61 forthwith designate and notify a circuit judge or chancellor of a
62 district other than that which embraces the district, subdistrict,
63 county or any of the counties, involved in the contest or
64 complaint, to proceed to the county in which the contest or
65 complaint has been filed to hear and determine the contest or
66 complaint. The circuit clerk shall also cause a copy of such
67 petition to be served upon the contestee, which shall serve as
68 notice to such contestee.

69 The Supreme Court shall compile a list of judges throughout
70 the state to hear such disputes before an election. The name of



71 any judge selected to hear election day disputes shall be provided
72 to the Secretary of State by the Chief Justice of the Supreme
73 Court at the time the appointment is made, unless the Secretary of
74 State is a party to the election day dispute to which the special
75 circuit judge is appointed. It shall be the official duty of the
76 designated circuit judge or chancellor to proceed to discharge the
77 duty of hearing the contest at the earliest possible date. The
78 date of the contest shall be fixed by the judge or chancellor, and
79 the judge or chancellor shall provide reasonable notice to the
80 contestant and the contestee of the date and time fixed for the
81 contest. The judge or chancellor shall cause the contestant and
82 contestee to be served in a reasonable manner. When the contestee
83 is served, such contestee shall promptly file his or her answer,
84 and cross-complaint, if the contestee has a cross-complaint.

85 The court shall, at the first term, cause an issue to be made
86 up and tried by a jury, and the verdict of the jury shall find the
87 person having the greatest number of legal votes at the election.
88 If the jury shall find against the person returned elected, the
89 clerk shall issue a certificate thereof; and the person in whose
90 favor the jury shall find shall be commissioned by the Governor,
91 and shall qualify and enter upon the duties of his or her office.
92 Each party shall be allowed ten (10) peremptory challenges, and
93 new trials shall be granted and costs awarded as in other cases.
94 In case the election of district attorney or other state district
95 election be contested, the petition may be filed in any county of



96 the district or in any county of an adjoining district within
97 twenty (20) days after the election, and like proceedings shall be
98 had thereon as in the case of county officers, and the person
99 found to be entitled to the office shall qualify as required by
100 law and enter upon the duties of his or her office.

101 A person desiring to contest the election of another person
102 returned as elected to any seat in the Mississippi Legislature
103 shall comply with the provisions of Section 23-15-955. A person
104 desiring to contest the qualifications of a candidate for
105 nomination in a political party primary election shall comply with
106 the provisions of Section 23-15-961.

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

