

By: Representative Haney

To: Apportionment and Elections

HOUSE BILL NO. 1386

1 AN ACT TO AMEND SECTION 23-15-361, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT IF ONLY ONE PERSON HAS DULY QUALIFIED TO BE A  
 3 CANDIDATE FOR A MUNICIPAL OFFICE IN THE GENERAL ELECTION, THE  
 4 MUNICIPAL ELECTION COMMISSION SHALL DECLARE THAT PERSON ELECTED  
 5 WITHOUT OPPOSITION AND THE NAME OF THAT PERSON SHALL NOT BE PLACED  
 6 ON THE BALLOT IN CERTAIN SITUATIONS; TO AMEND SECTION 23-15-309,  
 7 MISSISSIPPI CODE OF 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE;  
 8 TO BRING FORWARD SECTION 23-15-333, MISSISSIPPI CODE OF 1972,  
 9 WHICH PROVIDES THE FORM OF THE BALLOT IN COUNTY PRIMARY ELECTIONS,  
 10 FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
 11 23-15-359, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE FORM OF  
 12 THE BALLOT IN COUNTY GENERAL ELECTIONS, FOR THE PURPOSE OF  
 13 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-361, Mississippi Code of 1972, is  
 16 amended as follows:

17 23-15-361. (1) The municipal general election ballot shall  
 18 contain the names of all opposed candidates who have been put in  
 19 nomination by the municipal primary election of any political  
 20 party. There shall be printed on the ballots the names of all  
 21 persons so nominated and opposed, whether the nomination be  
 22 otherwise known or not, upon the written request of one or more of  
 23 the candidates so nominated, or of any qualified elector who will



24 make oath that he or she was a participant in the primary  
25 election, and that the person whose name is presented by him or  
26 her was nominated by such primary election. The municipal  
27 election commissioners who are required to have the ballots  
28 printed, shall also have printed on the ballot in any municipal  
29 general election the name of any candidate who, not having been  
30 nominated by a political party, shall have been requested to be a  
31 candidate for any office by a petition filed with the clerk of the  
32 municipality no later than 5:00 p.m. on the same date by which  
33 candidates for nomination in the municipal primary elections are  
34 required to pay the fee provided for in Section 23-15-309, and  
35 signed by not less than the following number of qualified  
36 electors:

37 (a) For an office elected by the qualified electors of  
38 a municipality or a municipal district having a population of one  
39 thousand (1,000) or more, not less than fifty (50) qualified  
40 electors.

41 (b) For an office elected by the qualified electors of  
42 a municipality or a municipal district having a population of less  
43 than one thousand (1,000), not less than fifteen (15) qualified  
44 electors.

45 (2) Unless the petition required above shall be filed no  
46 later than 5:00 p.m. on the same date by which candidates for  
47 nomination in the municipal primary election are required to pay  
48 the fee provided for in Section 23-15-309, the name of the person



49 requested to be a candidate, unless nominated by a political  
50 party, shall not be placed upon the ballot. The ballot shall  
51 contain the names of each opposed candidate for each municipal  
52 office, and the names shall be listed under the name of the  
53 political party the candidate represents as provided by law and as  
54 certified to the municipal clerk by the municipal executive  
55 committee of such political party. In the event such candidate  
56 qualifies as an independent as herein provided, he or she shall be  
57 listed on the ballot as an independent candidate.

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

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

65 (5) The municipal election commission shall determine  
66 whether each party candidate in the municipal general election is  
67 a qualified elector of the municipality, and of the ward if the  
68 office sought is a ward office, and shall determine whether each  
69 candidate either meets all other qualifications to hold the office  
70 he or she is seeking or presents absolute proof that he or she  
71 will, subject to no contingencies, meet all qualifications on or  
72 before the date of the general or special election at which he or  
73 she could be elected to office. The municipal election commission



74 also shall determine whether any candidate has been convicted of  
75 any felony in a court of this state, or has been convicted on or  
76 after December 8, 1992, of any offense in another state which is a  
77 felony under the laws of this state, or has been convicted of any  
78 felony in a federal court on or after December 8, 1992. Excepted  
79 from the above are convictions of manslaughter and violations of  
80 the United States Internal Revenue Code or any violations of the  
81 tax laws of this state unless such offense also involved misuse or  
82 abuse of his or her office or money coming into his or her hands  
83 by virtue of the office. If the municipal election commission  
84 finds that a candidate either (a) is not a qualified elector, (b)  
85 does not meet all qualifications to hold the office he or she  
86 seeks and fails to provide absolute proof, subject to no  
87 contingencies, that he or she will meet the qualifications on or  
88 before the date of the general or special election at which he or  
89 she could be elected, or (c) has been convicted of a felony as  
90 described above and not pardoned, then the election commission  
91 shall notify the candidate and give the candidate an opportunity  
92 to be heard. The election commission shall mail notice to the  
93 candidate at least three (3) business days before the hearing to  
94 the address provided by the candidate on the qualifying forms, and  
95 the committee shall attempt to contact the candidate by telephone,  
96 email and facsimile if the candidate provided this information on  
97 the forms. If the candidate fails to appear at the hearing or to  
98 prove he or she meets all qualifications to hold the office



99 subject to no contingencies, then the name of the candidate shall  
100 not be placed upon the ballot.

101 (6) If after the deadline to qualify as a candidate for an  
102 office or after the time for holding any party primary election  
103 for an office, only one (1) person has duly qualified to be a  
104 candidate for the office in the general election, the municipal  
105 election commission shall declare that person elected without  
106 opposition if the candidate meets all the qualifications to hold  
107 the office as determined pursuant to a review by the election  
108 commission in accordance with the provisions of subsection (5) of  
109 this section and if the candidate has filed all required campaign  
110 finance disclosure reports as required by Section 23-15-807 and  
111 the name of that person shall be placed on the ballot \* \* \* if an  
112 election is otherwise being held at that precinct. If the  
113 election is only for the unopposed candidates, the election for  
114 that precinct shall be dispensed with and the person declared  
115 elected. If not more than one (1) person has duly qualified to be  
116 a candidate for each office on the general election ballot, the  
117 election for all offices on the ballot shall be dispensed with and  
118 the municipal election commission shall declare each candidate  
119 elected without opposition if the candidate meets all the  
120 qualifications to hold the office as determined pursuant to a  
121 review by the election commission in accordance with the  
122 provisions of subsection (5) of this section and if the candidate



123 has filed all required campaign finance disclosure reports as  
124 required by Section 23-15-807.

125         **SECTION 2.** Section 23-15-309, Mississippi Code of 1972, is  
126 amended as follows:

127         23-15-309. (1) Nominations for all municipal officers which  
128 are elective shall be made at a primary election, or elections, to  
129 be held in the manner prescribed by law. All persons desiring to  
130 be candidates for the nomination in the primary elections shall  
131 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
132 at least sixty (60) days before the first primary election, no  
133 later than 5:00 p.m. on such deadline day. If the sixtieth day to  
134 file the fee and written statement before an election falls on a  
135 Sunday or legal holiday, the fees and written statements submitted  
136 on the business day immediately following the Sunday or legal  
137 holiday shall be accepted.

138         (2) The fee paid pursuant to subsection (1) of this section  
139 shall be accompanied by a written statement containing the name  
140 and address of the candidate, the party with which he or she is  
141 affiliated, the email address of the candidate, if any, and the  
142 office for which he or she is a candidate.

143         (3) The clerk shall promptly receipt the payment, stating  
144 the office for which the person making the payment is running and  
145 the political party with which such person is affiliated. The  
146 clerk shall keep an itemized account in detail showing the time  
147 and date of the receipt of such payment received by him or her,



148 from whom such payment was received, the party with which such  
149 person is affiliated and for what office the person paying the fee  
150 is a candidate. No candidate may attempt to qualify with any  
151 political party that does not have a duly organized municipal  
152 executive committee, and the municipal clerk shall not accept any  
153 assessments made pursuant to subsection (1) if the municipal clerk  
154 does not have contact information for the secretary of the  
155 municipal executive committee for that political party. The clerk  
156 shall promptly supply all necessary information and pay over all  
157 fees so received to the secretary of the proper municipal  
158 executive committee. The funds may be used and disbursed in the  
159 same manner as is allowed in Section 23-15-299 in regard to other  
160 executive committees.

161 (4) Upon receipt of the above information, the proper  
162 municipal executive committee shall then determine, at the time of  
163 the qualifying deadline, whether each candidate is a qualified  
164 elector of the municipality, and of the ward if the office sought  
165 is a ward office, and shall determine whether each candidate  
166 either meets all other qualifications to hold the office he or she  
167 is seeking or presents absolute proof that he or she will, subject  
168 to no contingencies, meet all qualifications on or before the date  
169 of the general or special election at which he or she could be  
170 elected to office. The executive committee shall determine  
171 whether the candidate has taken the steps necessary to qualify for  
172 more than one (1) office at the election. The committee also



173 shall determine whether any candidate has been convicted of any  
174 felony in a court of this state, or has been convicted on or after  
175 December 8, 1992, of any offense in another state which is a  
176 felony under the laws of this state, or has been convicted of any  
177 felony in a federal court on or after December 8, 1992. Excepted  
178 from the above are convictions of manslaughter and violations of  
179 the United States Internal Revenue Code or any violations of the  
180 tax laws of this state unless such offense also involved misuse or  
181 abuse of his or her office or money coming into his or her hands  
182 by virtue of the office. If the proper municipal executive  
183 committee finds that a candidate either (a) does not meet all  
184 qualifications to hold the office he or she seeks and fails to  
185 provide absolute proof, subject to no contingencies, that he or  
186 she will meet the qualifications on or before the date of the  
187 general or special election at which he or she could be elected,  
188 or (b) has been convicted of a felony as described in this  
189 subsection and not pardoned, then the executive committee shall  
190 notify the candidate and give the candidate an opportunity to be  
191 heard. The executive committee shall mail notice to the candidate  
192 at least three (3) business days before the hearing to the address  
193 provided by the candidate on the qualifying forms, and the  
194 committee shall attempt to contact the candidate by telephone,  
195 email and facsimile if the candidate provided this information on  
196 the forms. If the candidate fails to appear at the hearing or to  
197 prove he or she meets all qualifications to hold the office





198 subject to no contingencies, then the name of such candidate shall  
199 not be placed upon the ballot. If the executive committee  
200 determines that the candidate has taken the steps necessary to  
201 qualify for more than one (1) office at the election, the action  
202 required by Section 23-15-905, shall be taken.

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

207 **SECTION 3.** Section 23-15-333, Mississippi Code of 1972, is  
208 brought forward as follows:

209 23-15-333. (1) The county executive committee shall have  
210 printed all necessary ballots, for use in primary elections. The  
211 county executive committee shall have printed all necessary  
212 absentee ballots forty-five (45) days before the election as  
213 required by law. The ballots shall contain the names of all the  
214 candidates to be voted for at the election, and there shall be  
215 left on each ballot one (1) blank space under the title of each  
216 office for which a nominee is to be elected; and in the event of  
217 the death of any candidate whose name shall have been printed on  
218 the ballot, the name of the candidate duly substituted in the  
219 place of the deceased candidate may be written in such blank space  
220 by the voter. Except as otherwise provided in subsection (2) of  
221 this section, the order in which the titles to the various offices  
222 shall be printed, and the size, print and quality of the paper of



223 the ballot is left to the discretion of the county executive  
224 committee. Provided, however, that in all cases the arrangement  
225 of the names of the candidates for each office shall be  
226 alphabetical. No ballot shall be used except those so printed.

227 (2) The titles for the various offices shall be listed in  
228 the following order:

229 (a) Candidates, electors or delegates for the following  
230 national offices:

231 (i) President of the United States of America;

232 (ii) United States Senator or United States  
233 Representative;

234 (b) Candidates for the following statewide offices:

235 Governor, Lieutenant Governor, Secretary of State, Attorney  
236 General, State Treasurer, Auditor of Public Accounts, Commissioner  
237 of Agriculture and Commerce, Commissioner of Insurance;

238 (c) Candidates for the following state district  
239 offices: Mississippi Transportation Commissioner, Public Service  
240 Commissioner, District Attorney;

241 (d) Candidates for the following legislative offices:  
242 Senator and House of Representatives;

243 (e) Candidates for countywide office;

244 (f) Candidates for county district office.

245 The order in which the titles for the various offices are  
246 listed within each of the categories listed in paragraphs (e) and  
247 (f) are left to the discretion of the county executive committee.



248 Candidates' names shall be listed alphabetically under each office  
249 by the candidate's last name.

250 (3) If after the deadline to qualify as a candidate for an  
251 office, only one (1) person has duly qualified to be a candidate  
252 for the office in the primary election, the name of that person  
253 shall be placed on the ballot; provided, however, that if not more  
254 than one (1) person has duly qualified to be a candidate for each  
255 office on the primary election ballot, the election for all  
256 offices on the ballot shall be dispensed with and the appropriate  
257 executive committee shall declare each candidate as the party  
258 nominee if the candidate meets all the qualifications to hold the  
259 office.

260 (4) (a) If it is eligible under Section 23-15-266, the  
261 county executive committee may enter into a written agreement with  
262 the circuit clerk or the county election commission authorizing  
263 the circuit clerk or the county election commission to perform any  
264 of the duties required of the county executive committee pursuant  
265 to this section. Any agreement entered into pursuant to this  
266 subsection shall be signed by the chair of the county executive  
267 committee and the circuit clerk or the chair of the county  
268 election commission, as appropriate. The county executive  
269 committee shall notify the state executive committee and the  
270 Secretary of State of the existence of such agreement.

271 (b) If it is eligible under Section 23-15-266, the  
272 municipal executive committee may enter into a written agreement



273 with the municipal clerk or the municipal election commission  
274 authorizing the municipal clerk or the municipal election  
275 commission to perform any of the duties required of the municipal  
276 executive committee pursuant to this section. Any agreement  
277 entered into pursuant to this subsection shall be signed by the  
278 chair of the municipal executive committee and the municipal clerk  
279 or the chair of the municipal election commission, as appropriate.  
280 The municipal executive committee shall notify the state executive  
281 committee and the Secretary of State of the existence of such  
282 agreement.

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

285       23-15-359. (1) Except as provided in this section, the  
286 ballot shall contain the names of all party nominees certified by  
287 the appropriate executive committee, and independent and special  
288 election candidates who have timely filed petitions containing the  
289 required signatures and assessments that must be paid pursuant to  
290 Section 23-15-297, if the candidates and nominees meet all of the  
291 qualifications to hold the office sought. A petition requesting  
292 that an independent or special election candidate's name be placed  
293 on the ballot for any office shall be filed as provided for in  
294 subsection (3) or (4) of this section, as appropriate, and shall  
295 be signed by not less than the following number of qualified  
296 electors:



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

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

302 (c) For an office elected by the qualified electors of  
303 a congressional district, not less than two hundred (200)  
304 qualified electors.

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

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

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

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

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

319 (2) (a) Unless the petition or fee, whichever is  
320 applicable, required above shall be filed as provided for in  
321 subsection (3), (4) or (5) of this section, as appropriate, the



322 name of the person requested to be a candidate, unless nominated  
323 by a political party, shall not be placed upon the ballot. The  
324 ballot shall contain the names of each candidate for each office,  
325 and the names shall be listed under the name of the political  
326 party that candidate represents as provided by law and as  
327 certified to the circuit clerk by the state executive committee of  
328 the political party. In the event the candidate qualifies as an  
329 independent as provided in this section, he or she shall be listed  
330 on the ballot as an independent candidate.

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

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

341 (4) Petitions for offices described in paragraphs (f) and  
342 (g) of subsection (1) of this section shall be filed with the  
343 proper circuit clerk by no later than 5:00 p.m. on the same date  
344 by which candidates are required to pay the fee provided for in  
345 Section 23-15-297; however, no petition may be filed before  
346 January 1 of the year in which the election for the office is



347 held. The circuit clerk shall notify the county election  
348 commissioners of all persons who have filed petitions with the  
349 clerk. The notification shall occur within two (2) business days  
350 and shall contain all necessary information.

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

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

363 (7) The provisions of this section shall not apply to  
364 municipal elections or to the election of the offices of justice  
365 of the Supreme Court, judge of the Court of Appeals, circuit  
366 judge, chancellor, county court judge and family court judge.

367 (8) Nothing in this section shall prohibit special elections  
368 to fill vacancies in either house of the Legislature from being  
369 held as provided in Section 23-15-851. In all elections conducted  
370 under the provisions of Section 23-15-851, there shall be printed  
371 on the ballot the name of any candidate who, not having been



372 nominated by a political party, shall have been requested to be a  
373 candidate for any office by a petition filed with the Secretary of  
374 State and signed by not less than fifty (50) qualified electors.

375 (9) (a) The appropriate election commission shall determine  
376 whether each candidate is a qualified elector of the state, state  
377 district, county or county district they seek to serve, and  
378 whether each candidate meets all other qualifications to hold the  
379 office he or she is seeking or presents absolute proof that he or  
380 she will, subject to no contingencies, meet all qualifications on  
381 or before the date of the general or special election at which he  
382 or she could be elected to office. The election commission shall  
383 determine whether the candidate has taken the steps necessary to  
384 qualify for more than one (1) office at the election. The  
385 election commission also shall determine whether any candidate has  
386 been convicted (i) of any felony in a court of this state, (ii) on  
387 or after December 8, 1992, of any offense in another state which  
388 is a felony under the laws of this state, (iii) of any felony in a  
389 federal court on or after December 8, 1992, or (iv) of any offense  
390 that involved the misuse or abuse of his or her office or money  
391 coming into his or her hands by virtue of the office. Excepted  
392 from the above are convictions of manslaughter and violations of  
393 the United States Internal Revenue Code or any violations of the  
394 tax laws of this state.

395 (b) If the appropriate election commission finds that a  
396 candidate either (i) is not a qualified elector, (ii) does not





397 meet all qualifications to hold the office he or she seeks and  
398 fails to provide absolute proof, subject to no contingencies, that  
399 he or she will meet the qualifications on or before the date of  
400 the general or special election at which he or she could be  
401 elected, or (iii) has been convicted of a felony or other  
402 disqualifying offense as described in paragraph (a) of this  
403 subsection, and not pardoned, then the election commission shall  
404 notify the candidate and give the candidate an opportunity to be  
405 heard. The election commission shall mail notice to the candidate  
406 at least three (3) business days before the hearing to the address  
407 provided by the candidate on the qualifying forms, and the  
408 committee shall attempt to contact the candidate by telephone,  
409 email and facsimile if the candidate provided this information on  
410 the forms. If the candidate fails to appear at the hearing or to  
411 prove that he or she meets all qualifications to hold the office  
412 subject to no contingencies, then the name of such candidate shall  
413 not be placed upon the ballot. If the appropriate election  
414 commission determines that the candidate has taken the steps  
415 necessary to qualify for more than one (1) office at the election,  
416 the action required by Section 23-15-905, shall be taken.

417 (10) If after the deadline to qualify as a candidate for an  
418 office or after the time for holding any party primary for an  
419 office, only one (1) person has duly qualified to be a candidate  
420 for the office in the general election, the name of that person  
421 shall be placed on the ballot; provided, however, that if not more



422 than one (1) person duly qualified to be a candidate for each  
423 office on the general election ballot, the election for all  
424 offices on the ballot shall be dispensed with and the appropriate  
425 election commission shall declare each candidate elected without  
426 opposition if the candidate meets all the qualifications to hold  
427 the office as determined pursuant to a review by the election  
428 commission in accordance with the provisions of subsection (9) of  
429 this section and if the candidate has filed all required campaign  
430 finance disclosure reports as required by Section 23-15-807.

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

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

