

By: Representative Hurst

To: Apportionment and  
Elections

HOUSE BILL NO. 1550

1 AN ACT TO BRING FORWARD SECTIONS 23-15-11, 23-15-13,  
2 23-15-33, 23-15-39, 23-15-45, 23-15-47, 23-15-299, 23-15-300,  
3 23-15-359, 23-15-961, 23-15-963, MISSISSIPPI CODE OF 1972, FOR THE  
4 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-11, Mississippi Code of 1972, is  
7 brought forward as follows:

8 23-15-11. Every inhabitant of this state, except persons  
9 adjudicated to be non compos mentis, who is a citizen of the  
10 United States of America, eighteen (18) years old and upwards, who  
11 has resided in this state for thirty (30) days and for thirty (30)  
12 days in the county in which he or she seeks to vote, and for  
13 thirty (30) days in the incorporated municipality in which he or  
14 she seeks to vote, and who has been duly registered as an elector  
15 under Section 23-15-33, and who has never been convicted of vote  
16 fraud or of any crime listed in Section 241, Mississippi  
17 Constitution of 1890, shall be a qualified elector in and for the  
18 county, municipality and voting precinct of his or her residence,  
19 and shall be entitled to vote at any election upon compliance with



20 Section 23-15-563. If the thirtieth day to register before an  
21 election falls on a Sunday or legal holiday, the registration  
22 applications submitted on the business day immediately following  
23 the Sunday or legal holiday shall be accepted and entered in the  
24 Statewide Elections Management System for the purpose of enabling  
25 voters to vote in the next election. Any person who will be  
26 eighteen (18) years of age or older on or before the date of the  
27 general election and who is duly registered to vote not less than  
28 thirty (30) days before the primary election associated with the  
29 general election, may vote in the primary election even though the  
30 person has not reached his or her eighteenth birthday at the time  
31 that the person seeks to vote at the primary election. No others  
32 than those specified in this section shall be entitled, or shall  
33 be allowed, to vote at any election.

34 **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is  
35 brought forward as follows:

36 23-15-13. (1) An elector who moves from one (1) ward or  
37 voting precinct to another ward within the same municipality or  
38 voting precinct within the same county shall not be disqualified  
39 to vote, but he or she shall be entitled to have his or her  
40 registration transferred to his or her new ward or voting precinct  
41 upon making written request therefor at any time up to thirty (30)  
42 days before the election at which he or she offers to vote, and if  
43 the removal occurs within thirty (30) days of such election he or  
44 she shall be entitled to vote in his or her new ward or voting



45 precinct by affidavit ballot as provided in Section 23-15-573. If  
46 the thirtieth day to transfer the elector's registration before an  
47 election falls on a Sunday or legal holiday, the transfer of the  
48 elector's registration submitted on the business day immediately  
49 following the Sunday or legal holiday shall be accepted and  
50 entered into the Statewide Elections Management System for the  
51 purpose of enabling voters to vote in the next election.

52 (2) If an elector requests a change in his or her address  
53 under Section 23-15-49 and the address is located in a precinct in  
54 the county or municipality that differs from the precinct as  
55 reflected in the then current registration records, the request  
56 shall be treated in the same manner as a written request to  
57 transfer the elector's registration under subsection (1) of this  
58 section.

59 **SECTION 3.** Section 23-15-33, Mississippi Code of 1972, is  
60 brought forward as follows:

61 23-15-33. (1) Every person entitled to be registered as an  
62 elector in compliance with the laws of this state and who has  
63 signed his or her name on and properly completed the application  
64 for registration to vote shall be registered by the county  
65 registrar in the voting precinct of the residence of such person  
66 through the Statewide Elections Management System.

67 (2) Every person entitled to be registered as an elector in  
68 compliance with the laws of this state and who registers to vote  
69 pursuant to the National Voter Registration Act of 1993 shall be



70 registered by the county registrar in the voting precinct of the  
71 residence of such person through the Statewide Elections  
72 Management System.

73 **SECTION 4.** Section 23-15-39, Mississippi Code of 1972, is  
74 brought forward as follows:

75 23-15-39. (1) Applications for registration as electors of  
76 this state, which are sworn to and subscribed before the registrar  
77 or deputy registrar authorized by law and which are not made by  
78 mail, shall be made upon a form established by rule duly adopted  
79 by the Secretary of State.

80 (2) The boards of supervisors shall make proper allowances  
81 for office supplies reasonably necessitated by the registration of  
82 county electors.

83 (3) If the applicant indicates on the application that he or  
84 she resides within the city limits of a city or town in the county  
85 of registration, the county registrar shall process the  
86 application for registration or changes to the registration as  
87 provided by law.

88 (4) If the applicant indicates on the application that he or  
89 she has previously registered to vote in another county of this  
90 state or another state, notice to the voter's previous county of  
91 registration in this state shall be provided by the Statewide  
92 Elections Management System. If the voter's previous place of  
93 registration was in another state, notice shall be provided to the



94 voter's previous state of residence if the Statewide Elections  
95 Management System has that capability.

96 (5) The county registrar shall provide to the person making  
97 the application a copy of the application upon which has been  
98 written the county voting precinct and municipal voting precinct,  
99 if any, in which the person shall vote. Upon entry of the voter  
100 registration information into the Statewide Elections Management  
101 System, the system shall assign a voter registration number to the  
102 person, and the county registrar shall mail the applicant a voter  
103 registration card to the mailing address provided on the  
104 application.

105 (6) Any person desiring an application for registration may  
106 secure an application from the registrar of the county of which he  
107 or she is a resident and may take the application with him or her  
108 and secure assistance in completing the application from any  
109 person of the applicant's choice. It shall be the duty of all  
110 registrars to furnish applications for registration to all persons  
111 requesting them, and it shall likewise be the registrar's duty to  
112 furnish aid and assistance in the completing of the application  
113 when requested by an applicant. The application for registration  
114 shall be sworn to and subscribed before the registrar or deputy  
115 registrar at the municipal clerk's office, the county registrar's  
116 office or any other location where the applicant is allowed to  
117 register to vote. The registrar shall not charge a fee or cost to  
118 the applicant for accepting the application or administering the



119 oath or for any other duty imposed by law regarding the  
120 registration of electors.

121 (7) If the person making the application is unable to read  
122 or write, for reason of disability or otherwise, he or she shall  
123 not be required to personally complete the application in writing  
124 and execute the oath. In such cases, the registrar or deputy  
125 registrar shall read the application and oath to the person and  
126 the person's answers thereto shall be recorded by the registrar or  
127 the registrar's deputy. The person shall be registered as an  
128 elector if he or she otherwise meets the requirements to be  
129 registered as an elector. The registrar shall record the  
130 responses of the person and the recorded responses shall be  
131 retained permanently by the registrar. The county registrar shall  
132 enter the voter registration information into the Statewide  
133 Elections Management System and designate the entry as an assisted  
134 filing.

135 (8) The receipt of a copy of the application for  
136 registration sent pursuant to Section 23-15-35(2) shall be  
137 sufficient to allow the applicant to be registered as an elector  
138 of this state, if the application is not challenged.

139 (9) In any case in which the corporate boundaries of a  
140 municipality change, whether by annexation or redistricting, the  
141 municipal clerk shall, within ten (10) days after approval of the  
142 change in corporate boundaries, provide to the county registrar  
143 conforming geographic data that is compatible with the Statewide



144 Elections Management System. The data shall be developed by the  
145 municipality's use of a standardized format specified by the  
146 Statewide Elections Management System. The county registrar,  
147 county election commissioner or other county official, who has  
148 completed an annual training seminar sponsored by the Secretary of  
149 State pertaining to the implementation of new boundary lines in  
150 the Statewide Elections Management System and received  
151 certification for that training, shall update the municipal  
152 boundary information into the Statewide Elections Management  
153 System. The Statewide Elections Management System updates the  
154 municipal voter registration records and assigns electors to their  
155 municipal voting precincts. The county registrar shall forward to  
156 the municipal clerk written notification of the additions and  
157 changes, and the municipal clerk shall forward to the affected  
158 municipal electors written notification of the additions and  
159 changes.

160       **SECTION 5.** Section 23-15-45, Mississippi Code of 1972, is  
161 brought forward as follows:

162       23-15-45. In the event that registration is denied pending  
163 automatic review by the county election commissioners, the  
164 registrar shall immediately inform the applicant that the  
165 registration is denied and advise the applicant of the date, time  
166 and place of the next meeting of the county election  
167 commissioners, at which time the applicant may present such



168 evidence either in person or in writing as he deems pertinent to  
169 the question of residency.

170         **SECTION 6.** Section 23-15-47, Mississippi Code of 1972, is  
171 brought forward as follows:

172             23-15-47. (1) Any person who is qualified to register to  
173 vote in the State of Mississippi may register to vote by mail-in  
174 application in the manner prescribed in this section.

175             (2) The following procedure shall be used in the  
176 registration of electors by mail:

177                 (a) Any qualified elector may register to vote by  
178 mailing or delivering a completed mail-in application to his or  
179 her county registrar at least thirty (30) days before any  
180 election; however, if the thirtieth day to register before an  
181 election falls on a Sunday or legal holiday, the registration  
182 applications submitted on the business day immediately following  
183 the Sunday or legal holiday shall be accepted and entered into the  
184 Statewide Elections Management System for the purpose of enabling  
185 voters to vote in the next election. The postmark date of a  
186 mailed application shall be the applicant's date of registration.

187                 (b) Upon receipt of a mail-in application, the county  
188 registrar shall stamp the application with the date of receipt,  
189 and shall verify the application either by matching the  
190 applicant's Mississippi driver's license number through the  
191 Mississippi Department of Public Safety or by matching the  
192 applicant's social security number through the American





193 Association of Motor Vehicle Administrators. Within fourteen (14)  
194 days of receipt of a mail-in registration application, the county  
195 registrar shall complete action on the application, including any  
196 attempts to notify the applicant of the status of his or her  
197 application.

198 (c) If the county registrar determines that the  
199 applicant is qualified and his or her application is legible and  
200 complete, the county registrar shall mail the applicant written  
201 notification that the application has been approved, specifying  
202 the county voting precinct, municipal voting precinct, if any,  
203 polling place and supervisor district in which the person shall  
204 vote. This written notification of approval containing the  
205 specified information shall be the voter's registration card. The  
206 registration card shall be provided by the county registrar to the  
207 applicant in accordance with Section 23-15-39. Upon entry of the  
208 voter registration information into the Statewide Elections  
209 Management System, the system shall assign a voter registration  
210 number to the applicant. The assigned voter registration number  
211 shall be clearly shown on the written notification of approval.  
212 In mailing the written notification, the county registrar shall  
213 note the following on the envelope: "DO NOT FORWARD". If any  
214 registration notification form is returned as undeliverable, the  
215 voter's registration shall be void.

216 (d) A mail-in application shall be rejected for any of  
217 the following reasons:



218 (i) An incomplete portion of the application makes  
219 it impossible for the registrar to determine the eligibility of  
220 the applicant to register;

221 (ii) A portion of the application is illegible in  
222 the opinion of the county registrar and makes it impossible to  
223 determine the eligibility of the applicant to register;

224 (iii) The county registrar is unable to determine,  
225 from the address and information stated on the application, the  
226 precinct in which the voter should be assigned or the supervisor  
227 district in which he or she is entitled to vote;

228 (iv) The applicant is not qualified to register to  
229 vote pursuant to Section 23-15-11;

230 (v) The county registrar determines that the  
231 applicant is already registered as a qualified elector of the  
232 county;

233 (vi) The county registrar is unable to verify the  
234 application pursuant to subsection (2)(b) of this section.

235 (e) If the mail-in application of a person is subject  
236 to rejection for any of the reasons set forth in paragraph (d)(i)  
237 through (iii) of this subsection, and it appears to the county  
238 registrar that the defect or omission is of such a minor nature  
239 and that any necessary additional information may be supplied by  
240 the applicant over the telephone or by further correspondence, the  
241 county registrar may write or call the applicant at the telephone  
242 number or address, or both, provided on the application. If the



243 county registrar is able to contact the applicant by mail or  
244 telephone, the county registrar shall attempt to ascertain the  
245 necessary information, and if this information is sufficient for  
246 the registrar to complete the application, the applicant shall be  
247 registered. If the necessary information cannot be obtained by  
248 mail or telephone, or is not sufficient to complete the  
249 application within fourteen (14) days of receipt, the county  
250 registrar shall give the applicant written notice of the rejection  
251 and provide the reason for the rejection. The county registrar  
252 shall further inform the applicant that he or she has a right to  
253 attempt to register by appearing in person or by filing another  
254 mail-in application.

255 (f) If a mail-in application is subject to rejection  
256 for the reason stated in paragraph (d)(v) of this subsection and  
257 the "present home address" portion of the application is different  
258 from the residence address for the applicant found in the  
259 Statewide Elections Management System, the mail-in application  
260 shall be deemed a written request to update the voter's  
261 registration pursuant to Section 23-15-13. The county registrar  
262 or the election commissioners shall update the voter's residence  
263 address in the Statewide Elections Management System and, if  
264 necessary, advise the voter of a change in the location of his or  
265 her county or municipal polling place by mailing the voter a new  
266 voter registration card.



267 (3) The instructions and the application form for voter  
268 registration by mail shall be in a form established by rule duly  
269 adopted by the Secretary of State.

270 (4) (a) The Secretary of State shall prepare and furnish  
271 without charge the necessary forms for application for voter  
272 registration by mail to each county registrar, municipal clerk,  
273 all public schools, each private school that requests such  
274 applications, and all public libraries.

275 (b) The Secretary of State shall distribute without  
276 charge sufficient forms for application for voter registration by  
277 mail to the Commissioner of Public Safety, who shall distribute  
278 the forms to each driver's license examining and renewal station  
279 in the state, and shall ensure that the forms are regularly  
280 available to the public at such stations.

281 (c) Bulk quantities of forms for application for voter  
282 registration by mail shall be furnished by the Secretary of State  
283 to any person or organization. The Secretary of State shall  
284 charge a person or organization the actual cost he or she incurs  
285 in providing bulk quantities of forms for application for voter  
286 registration to such person or organization.

287 (5) The originals of completed mail-in applications shall  
288 remain on file in the office of the county registrar with copies  
289 retained in the Statewide Elections Management System.

290 (6) If the applicant indicates on the application that he or  
291 she resides within the city limits of a city or town in the county



292 of registration, the county registrar shall enter the information  
293 into the Statewide Elections Management System.

294 (7) If the applicant indicates on the application that he or  
295 she has previously registered to vote in another county of this  
296 state or another state, notice to the voter's previous county of  
297 registration in this state shall be provided through the Statewide  
298 Elections Management System. If the voter's previous place of  
299 registration was in another state, notice shall be provided to the  
300 voter's previous state of residence.

301 (8) Any person who attempts to register to vote by mail  
302 shall be subject to the penalties for false registration provided  
303 for in Section 23-15-17.

304 **SECTION 7.** Section 23-15-299, Mississippi Code of 1972, is  
305 brought forward as follows:

306 23-15-299. (1) (a) Assessments made pursuant to subsection  
307 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by  
308 each candidate who seeks a nomination in the political party  
309 election to the secretary of the state executive committee with  
310 which the candidate is affiliated by 5:00 p.m. on February 1 of  
311 the year in which the primary election for the office is held or  
312 on the date of the qualifying deadline provided by statute for the  
313 office, whichever is earlier; however, no such assessments may be  
314 paid before January 1 of the year in which the primary election  
315 for the office is held. If February 1 or the date of the  
316 qualifying deadline provided by statute for the office occurs on a



317 Saturday, Sunday or legal holiday, then the assessments required  
318 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
319 business day immediately following the Saturday, Sunday or legal  
320 holiday.

321 (b) Assessments made pursuant to subsection (3)(a), (b)  
322 and (c) of Section 23-15-297 shall be paid by each independent  
323 candidate or special election candidate to the Secretary of State  
324 by 5:00 p.m. on February 1 of the year in which the primary  
325 election for the office is held or on the date of the qualifying  
326 deadline provided by statute for the office, whichever is earlier;  
327 however, no such assessments may be paid before January 1 of the  
328 year in which the primary election for the office is held. If  
329 February 1 or the date of the qualifying deadline provided by  
330 statute for the office occurs on a Saturday, Sunday or legal  
331 holiday, then the assessments required to be paid by this  
332 paragraph (b) shall be paid by 5:00 p.m. on the business day  
333 immediately following the Saturday, Sunday or legal holiday.

334 (2) (a) Assessments made pursuant to subsection (1)(e) and  
335 (f) of Section 23-15-297, shall be paid by each candidate who  
336 seeks a nomination in the political party election to the circuit  
337 clerk of that candidate's county of residence by 5:00 p.m. on  
338 February 1 of the year in which the primary election for the  
339 office is held or on the date of the qualifying deadline provided  
340 by statute for the office, whichever is earlier; however, no such  
341 assessments may be paid before January 1 of the year in which the



342 election for the office is held. If February 1 or the date of the  
343 qualifying deadline provided by statute for the office occurs on a  
344 Saturday, Sunday or legal holiday, then the assessments required  
345 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the  
346 business day immediately following the Saturday, Sunday or legal  
347 holiday. The circuit clerk shall forward the fee and all  
348 necessary information to the secretary of the proper county  
349 executive committee within two (2) business days. No candidate  
350 may attempt to qualify with any political party that does not have  
351 a duly organized county executive committee, and the circuit clerk  
352 shall not accept any assessments paid for nonlegislative offices  
353 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the  
354 circuit clerk does not have contact information for the secretary  
355 of the county executive committee for that political party.

356 (b) Assessments made pursuant to subsection (3)(d) and  
357 (e) of Section 23-15-297 shall be paid by each independent  
358 candidate or special election candidate to the circuit clerk of  
359 that candidate's county of residence by 5:00 p.m. on February 1 of  
360 the year in which the primary election for the office is held or  
361 on the date of the qualifying deadline provided by statute for the  
362 office, whichever is earlier; however, no such assessments may be  
363 paid before January 1 of the year in which the primary election  
364 for the office is held. If February 1 or the date of the  
365 qualifying deadline provided by statute for the office occurs on a  
366 Saturday, Sunday or legal holiday, then the assessments required



367 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the  
368 business day immediately following the Saturday, Sunday or legal  
369 holiday. The circuit clerk shall forward the fee and all  
370 necessary information to the secretary of the proper county  
371 election commission within two (2) business days.

372 (3) (a) Assessments made pursuant to subsection (1)(g) and  
373 (h) of Section 23-15-297 must be paid by each candidate who seeks  
374 a nomination in the political party election to the secretary of  
375 the state executive committee with which the candidate is  
376 affiliated by 5:00 p.m. sixty (60) days before the presidential  
377 preference primary in years in which a presidential preference  
378 primary is held; however, no such assessments may be paid before  
379 January 1 of the year in which the primary election for the office  
380 is held. Assessments made pursuant to subsection (1)(g) and (h)  
381 of Section 23-15-297, in years when a presidential preference  
382 primary is not being held, shall be paid by each candidate who  
383 seeks a nomination in the political party election to the  
384 secretary of the state executive committee with which the  
385 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
386 which the primary election for the office is held; however, no  
387 such assessments may be paid before January 1 of the year in which  
388 the primary election for the office is held. If sixty (60) days  
389 before the presidential preference primary in years in which a  
390 presidential preference primary is held, March 1, or the date of  
391 the qualifying deadline provided by statute for the office occurs





392 on a Saturday, Sunday or legal holiday, then the assessments  
393 required to be paid by this paragraph (a) shall be paid by 5:00  
394 p.m. on the business day immediately following the Saturday,  
395 Sunday or legal holiday.

396 (b) Assessments made pursuant to subsection (3)(f) and  
397 (g) of Section 23-15-297 must be paid by each independent  
398 candidate or special election candidate to the Secretary of State  
399 by 5:00 p.m. sixty (60) days before the presidential preference  
400 primary in years in which a presidential preference primary is  
401 held; however, no such assessments may be paid before January 1 of  
402 the year in which the primary election for the office is held.  
403 Assessments made pursuant to subsection (3)(f) and (g) of Section  
404 23-15-297, in years when a presidential preference primary is not  
405 being held, shall be paid by each independent candidate or special  
406 election candidate to the Secretary of State by 5:00 p.m. on March  
407 1 of the year in which the primary election for the office is  
408 held; however, no such assessments may be paid before January 1 of  
409 the year in which the primary election for the office is held. If  
410 sixty (60) days before the presidential preference primary in  
411 years in which a presidential preference primary is held, March 1,  
412 or the date of the qualifying deadline provided by statute for the  
413 office occurs on a Saturday, Sunday or legal holiday, then the  
414 assessments required to be paid by this paragraph (b) shall be  
415 paid by 5:00 p.m. on the business day immediately following the  
416 Saturday, Sunday or legal holiday.



417           (4)   (a)   The fees paid pursuant to subsections (1), (2) and  
418   (3) of this section shall be accompanied by a written statement  
419   containing the name and address of the candidate, the party with  
420   which he or she is affiliated, if applicable, the email address of  
421   the candidate, if any, and the office for which he or she is a  
422   candidate.

423           (b)   The state executive committee shall transmit to the  
424   Secretary of State a copy of the written statements accompanying  
425   the fees paid pursuant to subsections (1) and (2) of this section.  
426   All copies must be received by the Office of the Secretary of  
427   State by not later than 6:00 p.m. on the date of the qualifying  
428   deadline; provided, however, the failure of the Office of the  
429   Secretary of State to receive such copies by 6:00 p.m. on the date  
430   of the qualifying deadline shall not affect the qualification of a  
431   person who pays the required fee and files the required statement  
432   by 5:00 p.m. on the date of the qualifying deadline. The name of  
433   any person who pays the required fee and files the required  
434   statement after 5:00 p.m. on the date of the qualifying deadline  
435   shall not be placed on the primary election ballot or the general  
436   election ballot.

437           (5)   The Secretary of State or the secretary or circuit clerk  
438   to whom such payments are made shall promptly receipt for same  
439   stating the office for which the candidate making payment is  
440   running and the political party with which he or she is  
441   affiliated, if applicable, and he or she shall keep an itemized



442 account in detail showing the exact time and date of the receipt  
443 of each payment received by him or her and, where applicable, the  
444 date of the postmark on the envelope containing the fee and from  
445 whom, and for what office the party paying same is a candidate.

446 (6) The secretaries of the proper executive committee shall  
447 hold the funds to be finally disposed of by order of their  
448 respective executive committees. The funds may be used or  
449 disbursed by the executive committee receiving same to pay all  
450 necessary traveling or other necessary expenses of the members of  
451 the executive committee incurred in discharging their duties as  
452 committee members, and of their secretary and may pay the  
453 secretary such salary as may be reasonable. The Secretary of  
454 State shall deposit any qualifying fees received from candidates  
455 into the Elections Support Fund established in Section 23-15-5.

456 (7) (a) Upon receipt of the proper fee and all necessary  
457 information, the proper executive committee or the Secretary of  
458 State, whichever is applicable, shall then determine at the time  
459 of the qualifying deadline, unless otherwise provided by law,  
460 whether each candidate is a qualified elector of the state, state  
461 district, county or county district which they seek to serve, and  
462 whether each candidate meets all other qualifications to hold the  
463 office he or she is seeking or presents absolute proof that he or  
464 she will, subject to no contingencies, meet all qualifications on  
465 or before the date of the general or special election at which he  
466 or she could be elected to office. The proper executive committee



467 or the Secretary of State, whichever is applicable, shall  
468 determine whether the candidate has taken the steps necessary to  
469 qualify for more than one (1) office at the election. The  
470 committee or the Secretary of State, whichever is applicable,  
471 shall also determine whether any candidate has been convicted (i)  
472 of any felony in a court of this state, (ii) on or after December  
473 8, 1992, of any offense in another state which is a felony under  
474 the laws of this state, (iii) of any felony in a federal court on  
475 or after December 8, 1992, or (iv) of any offense that involved  
476 the misuse or abuse of his or her office or money coming into his  
477 or her hands by virtue of the office. Excepted from the above are  
478 convictions of manslaughter and violations of the United States  
479 Internal Revenue Code or any violations of the tax laws of this  
480 state.

481 (b) If the proper executive committee or the Secretary  
482 of State, whichever is applicable, finds that a candidate either  
483 (i) is not a qualified elector, (ii) does not meet all  
484 qualifications to hold the office he or she seeks and fails to  
485 provide absolute proof, subject to no contingencies, that he or  
486 she will meet the qualifications on or before the date of the  
487 general or special election at which he or she could be elected,  
488 or (iii) has been convicted of a felony or other disqualifying  
489 offense as described in paragraph (a) of this subsection, and not  
490 pardoned, then the executive committee shall notify the candidate  
491 and give the candidate an opportunity to be heard. The executive



492 committee shall mail notice to the candidate at least three (3)  
493 business days before the hearing to the address provided by the  
494 candidate on the qualifying forms, and the committee shall attempt  
495 to contact the candidate by telephone, email and facsimile if the  
496 candidate provided this information on the forms. If the  
497 candidate fails to appear at the hearing or to prove that he or  
498 she meets all qualifications to hold the office subject to no  
499 contingencies, then the name of that candidate shall not be placed  
500 upon the ballot.

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

506 (d) Where there is but one (1) candidate for each  
507 office contested at the primary election, the proper executive  
508 committee or the Secretary of State, whichever is applicable, when  
509 the time has expired within which the names of candidates shall be  
510 furnished shall declare such candidates the nominees.

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

513 **SECTION 8.** Section 23-15-300, Mississippi Code of 1972, is  
514 brought forward as follows:

515 23-15-300. (1) Any candidate for any municipal, county or  
516 county district office shall be a resident of the municipality,



517 county, county district or other territory that he or she seeks to  
518 represent in such office for two (2) years immediately preceding  
519 the day of election. The provisions of this section shall not  
520 apply to any municipality with less than one thousand (1,000)  
521 residents according to the latest federal decennial census.

522 (2) A candidate shall prove in his or her qualifying  
523 information that he or she meets the applicable residency  
524 requirement or provide absolute proof, subject to no  
525 contingencies, that he or she will meet the residency requirement  
526 on or before the date of the election at which the candidate could  
527 be elected to office. The appropriate election official or  
528 executive committee, whichever is applicable, with whom a  
529 candidate files qualifying information shall review and determine  
530 whether the candidate meets the applicable residency requirement  
531 according to the procedures in Section 23-15-299. The appropriate  
532 election commission shall review and determine whether a candidate  
533 required to file qualifying information with it meets the  
534 applicable residency requirement according to the procedures in  
535 Section 23-15-359.

536 (3) If the qualifications for an elected office include a  
537 specific residency requirement, the residency requirement in this  
538 section shall not apply.

539 (4) This section shall apply to elections held from and  
540 after January 1, 2020.



541           **SECTION 9.** Section 23-15-359, Mississippi Code of 1972, is  
542 brought forward as follows:

543           23-15-359. (1) Except as provided in this section, the  
544 ballot shall contain the names of all party nominees certified by  
545 the appropriate executive committee, and independent and special  
546 election candidates who have timely filed petitions containing the  
547 required signatures and assessments that must be paid pursuant to  
548 Section 23-15-297, if the candidates and nominees meet all of the  
549 qualifications to hold the office sought. A petition requesting  
550 that an independent or special election candidate's name be placed  
551 on the ballot for any office shall be filed as provided for in  
552 subsection (3) or (4) of this section, as appropriate, and shall  
553 be signed by not less than the following number of qualified  
554 electors:

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

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

560           (c) For an office elected by the qualified electors of  
561 a congressional district, not less than two hundred (200)  
562 qualified electors.

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



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

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

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

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

577 (2) (a) Unless the petition or fee, whichever is  
578 applicable, required above shall be filed as provided for in  
579 subsection (3), (4) or (5) of this section, as appropriate, the  
580 name of the person requested to be a candidate, unless nominated  
581 by a political party, shall not be placed upon the ballot. The  
582 ballot shall contain the names of each candidate for each office,  
583 and the names shall be listed under the name of the political  
584 party that candidate represents as provided by law and as  
585 certified to the circuit clerk by the state executive committee of  
586 the political party. In the event the candidate qualifies as an  
587 independent as provided in this section, he or she shall be listed  
588 on the ballot as an independent candidate.





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

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

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

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



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

621 (7) The provisions of this section shall not apply to  
622 municipal elections or to the election of the offices of justice  
623 of the Supreme Court, judge of the Court of Appeals, circuit  
624 judge, chancellor, county court judge and family court judge.

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

633 (9) (a) The appropriate election commission shall determine  
634 whether each candidate is a qualified elector of the state, state  
635 district, county or county district they seek to serve, and  
636 whether each candidate meets all other qualifications to hold the  
637 office he or she is seeking or presents absolute proof that he or  
638 she will, subject to no contingencies, meet all qualifications on



639 or before the date of the general or special election at which he  
640 or she could be elected to office. The election commission shall  
641 determine whether the candidate has taken the steps necessary to  
642 qualify for more than one (1) office at the election. The  
643 election commission also shall determine whether any candidate has  
644 been convicted (i) of any felony in a court of this state, (ii) on  
645 or after December 8, 1992, of any offense in another state which  
646 is a felony under the laws of this state, (iii) of any felony in a  
647 federal court on or after December 8, 1992, or (iv) of any offense  
648 that involved the misuse or abuse of his or her office or money  
649 coming into his or her hands by virtue of the office. Excepted  
650 from the above are convictions of manslaughter and violations of  
651 the United States Internal Revenue Code or any violations of the  
652 tax laws of this state.

653 (b) If the appropriate election commission finds that a  
654 candidate either (i) is not a qualified elector, (ii) does not  
655 meet all qualifications to hold the office he or she seeks and  
656 fails to provide absolute proof, subject to no contingencies, that  
657 he or she will meet the qualifications on or before the date of  
658 the general or special election at which he or she could be  
659 elected, or (iii) has been convicted of a felony or other  
660 disqualifying offense as described in paragraph (a) of this  
661 subsection, and not pardoned, then the election commission shall  
662 notify the candidate and give the candidate an opportunity to be  
663 heard. The election commission shall mail notice to the candidate



664 at least three (3) business days before the hearing to the address  
665 provided by the candidate on the qualifying forms, and the  
666 committee shall attempt to contact the candidate by telephone,  
667 email and facsimile if the candidate provided this information on  
668 the forms. If the candidate fails to appear at the hearing or to  
669 prove that he or she meets all qualifications to hold the office  
670 subject to no contingencies, then the name of such candidate shall  
671 not be placed upon the ballot. If the appropriate election  
672 commission determines that the candidate has taken the steps  
673 necessary to qualify for more than one (1) office at the election,  
674 the action required by Section 23-15-905, shall be taken.

675 (10) If after the deadline to qualify as a candidate for an  
676 office or after the time for holding any party primary for an  
677 office, only one (1) person has duly qualified to be a candidate  
678 for the office in the general election, the name of that person  
679 shall be placed on the ballot; provided, however, that if not more  
680 than one (1) person duly qualified to be a candidate for each  
681 office on the general election ballot, the election for all  
682 offices on the ballot shall be dispensed with and the appropriate  
683 election commission shall declare each candidate elected without  
684 opposition if the candidate meets all the qualifications to hold  
685 the office as determined pursuant to a review by the election  
686 commission in accordance with the provisions of subsection (9) of  
687 this section and if the candidate has filed all required campaign  
688 finance disclosure reports as required by Section 23-15-807.



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

691           **SECTION 10.** Section 23-15-961, Mississippi Code of 1972, is  
692 brought forward as follows:

693           23-15-961. (1) Any person desiring to contest the  
694 qualifications of another person as a candidate for nomination in  
695 a political party primary election shall file a petition  
696 specifically setting forth the grounds of the challenge within ten  
697 (10) days after the qualifying deadline for the office in  
698 question. The petition shall be filed with the executive  
699 committee with whom the candidate in question qualified.

700           (2) Within ten (10) days of receipt of the petition  
701 described in subsection (1) of this section, the appropriate  
702 executive committee shall meet and rule upon the petition. At  
703 least two (2) days before the hearing to consider the petition,  
704 the appropriate executive committee shall give notice to both the  
705 petitioner and the contested candidate of the time and place of  
706 the hearing on the petition. Each party shall be given an  
707 opportunity to be heard at that meeting and present evidence in  
708 support of his position.

709           (3) If the appropriate executive committee fails to rule  
710 upon the petition within the time required in subsection (2) of  
711 this section, that inaction shall be interpreted as a denial of  
712 the request for relief contained in the petition.



713           (4) Any party aggrieved by the action or inaction of the  
714 appropriate executive committee may file a petition for judicial  
715 review to the circuit court of the county in which the executive  
716 committee whose decision is being reviewed sits. The petition  
717 must be filed no later than fifteen (15) days after the date the  
718 petition was originally filed with the appropriate executive  
719 committee. The person filing for judicial review shall give a  
720 cost bond in the sum of Three Hundred Dollars (\$300.00) with two  
721 (2) or more sufficient sureties conditioned to pay all costs in  
722 case his petition be dismissed, and an additional bond may be  
723 required, by the court, if necessary, at any subsequent stage of  
724 the proceedings.

725           (5) Upon the filing of the petition and bond, the circuit  
726 clerk shall immediately, by registered letter or by telegraph or  
727 by telephone, or personally, notify the Chief Justice of the  
728 Supreme Court, or in his absence, or disability, some other judge  
729 of the Supreme Court, who shall forthwith designate and notify a  
730 circuit judge or retired judge on senior status of a district  
731 other than that which embraces the district, subdistrict, county  
732 or any of the counties, involved in the contest or complaint, to  
733 proceed to the county in which the contest or complaint has been  
734 filed to hear and determine the contest or complaint. It shall be  
735 the official duty of the trial judge to proceed to the discharge  
736 of the designated duty at the earliest possible date to be fixed  
737 by the judge and of which the contestant and contestee shall have



738 reasonable notice. The contestant and contestee are to be served  
739 in a reasonable manner as the judge may direct, in response to  
740 which notice the contestee shall promptly file his answer, and  
741 also his cross-complaint if he has a cross-complaint. The hearing  
742 before the trial court shall be de novo. The matter shall be  
743 tried to the trial judge, without a jury. After hearing the  
744 evidence, the trial judge shall determine whether the candidate  
745 whose qualifications have been challenged is legally qualified to  
746 have his name placed upon the ballot in question. The trial judge  
747 may, upon disqualification of any such candidate, order that such  
748 candidate shall bear the court costs of the proceedings.

749 (6) Within three (3) days after judgment is rendered by the  
750 circuit court, the contestant or contestee, or both, may file an  
751 appeal in the Supreme Court upon giving a cost bond in the sum of  
752 Three Hundred Dollars (\$300.00), together with a bill of  
753 exceptions which shall state the point or points of law at issue  
754 with a sufficient synopsis of the facts to fully disclose the  
755 bearing and relevancy of such points of law. The bill of  
756 exceptions shall be signed by the trial judge, or in case of his  
757 absence, refusal or disability, by two (2) disinterested  
758 attorneys, as is provided by law in other cases of bills of  
759 exception. The filing of such appeals shall automatically suspend  
760 the decision of the circuit court and the appropriate executive  
761 committee is entitled to proceed based upon their decision unless  
762 and until the Supreme Court, in its discretion, stays further



763 proceedings in the matter. The appeal shall be immediately  
764 docketed in the Supreme Court and referred to the court en banc  
765 upon briefs without oral argument unless the court shall call for  
766 oral argument, and shall be decided at the earliest possible date,  
767 as a preference case over all others. The Supreme Court shall  
768 have the authority to grant such relief as is appropriate under  
769 the circumstances.

770 (7) The procedure set forth in this section shall be the  
771 sole and only manner in which the qualifications of a candidate  
772 seeking public office as a party nominee may be challenged prior  
773 to the time of his nomination or election. After a party nominee  
774 has been elected to public office, the election may be challenged  
775 as otherwise provided by law. After a party nominee assumes an  
776 elective office, his qualifications to hold that office may be  
777 contested as otherwise provided by law.

778 **SECTION 11.** Section 23-15-963, Mississippi Code of 1972, is  
779 brought forward as follows:

780 23-15-963. (1) Any person desiring to contest the  
781 qualifications of another person who has qualified pursuant to the  
782 provisions of Section 23-15-359, Mississippi Code of 1972, as a  
783 candidate for any office elected at a general election, shall file  
784 a petition specifically setting forth the grounds of the challenge  
785 not later than thirty-one (31) days after the date of the first  
786 primary election set forth in Section 23-15-191, Mississippi Code  
787 of 1972. Such petition shall be filed with the same body with





788 whom the candidate in question qualified pursuant to Section  
789 23-15-359, Mississippi Code of 1972.

790 (2) Any person desiring to contest the qualifications of  
791 another person who has qualified pursuant to the provisions of  
792 Section 23-15-213, Mississippi Code of 1972, as a candidate for  
793 county election commissioner elected at a general election, shall  
794 file a petition specifically setting forth the grounds of the  
795 challenge no later than sixty (60) days prior to the general  
796 election. Such petition shall be filed with the county board of  
797 supervisors, being the same body with whom the candidate in  
798 question qualified pursuant to Section 23-15-213, Mississippi Code  
799 of 1972.

800 (3) Any person desiring to contest the qualifications of  
801 another person who has qualified pursuant to the provisions of  
802 Section 23-15-361, Mississippi Code of 1972, as a candidate for  
803 municipal office elected on the date designated by law for regular  
804 municipal elections, shall file a petition specifically setting  
805 forth the grounds of the challenge no later than thirty-one (31)  
806 days after the date of the first primary election set forth in  
807 Section 23-15-309, Mississippi Code of 1972. Such petition shall  
808 be filed with the municipal commissioners of election, being the  
809 same body with whom the candidate in question qualified pursuant  
810 to Section 23-15-361, Mississippi Code of 1972.

811 (4) Within ten (10) days of receipt of the petition  
812 described in subsections (1), (2) and (3) of this section, the



813 appropriate election officials shall meet and rule upon the  
814 petition. At least two (2) days before the hearing to consider  
815 the petition, the appropriate election officials shall give notice  
816 to both the petitioner and the contested candidate of the time and  
817 place of the hearing on the petition. Each party shall be given  
818 an opportunity to be heard at such meeting and present evidence in  
819 support of his position.

820 (5) If the appropriate election officials fail to rule upon  
821 the petition within the time required above, such inaction shall  
822 be interpreted as a denial of the request for relief contained in  
823 the petition.

824 (6) Any party aggrieved by the action or inaction of the  
825 appropriate election officials may file a petition for judicial  
826 review to the circuit court of the county in which the election  
827 officials whose decision is being reviewed sits. Such petition  
828 must be filed no later than fifteen (15) days after the date the  
829 petition was originally filed with the appropriate election  
830 officials. Such person filing for judicial review shall give a  
831 cost bond in the sum of Three Hundred Dollars (\$300.00) with two  
832 (2) or more sufficient sureties conditioned to pay all costs in  
833 case his petition be dismissed, and an additional bond may be  
834 required, by the court, if necessary, at any subsequent stage of  
835 the proceedings.

836 (7) The circuit court with whom such a petition for judicial  
837 review has been filed shall at the earliest possible date set the



838 matter for hearing. Notice shall be given the interested parties  
839 of the time set for hearing by the circuit clerk. The hearing  
840 before the circuit court shall be de novo. The matter shall be  
841 tried to the circuit judge, without a jury. After hearing the  
842 evidence, the circuit judge shall determine whether the candidate  
843 whose qualifications have been challenged is legally qualified to  
844 have his name placed upon the ballot in question. The circuit  
845 judge may, upon disqualification of any such candidate, order that  
846 such candidate shall bear the court costs of the proceedings.

847 (8) Within three (3) days after judgment is rendered by the  
848 circuit court, the contestant or contestee, or both, may file an  
849 appeal in the Supreme Court upon giving a cost bond in the sum of  
850 Three Hundred Dollars (\$300.00), together with a bill of  
851 exceptions which shall state the point or points of law at issue  
852 with a sufficient synopsis of the facts to fully disclose the  
853 bearing and relevancy of such points of law. The bill of  
854 exceptions shall be signed by the trial judge, or in case of his  
855 absence, refusal or disability, by two (2) disinterested  
856 attorneys, as is provided by law in other cases of bills of  
857 exception. The filing of such appeals shall automatically suspend  
858 the decision of the circuit court and the appropriate election  
859 officials are entitled to proceed based upon their decision unless  
860 and until the Supreme Court, in its discretion, stays further  
861 proceedings in the matter. The appeal shall be immediately  
862 docketed in the Supreme Court and referred to the court en banc



863 upon briefs without oral argument unless the court shall call for  
864 oral argument, and shall be decided at the earliest possible date,  
865 as a preference case over all others. The Supreme Court shall  
866 have the authority to grant such relief as is appropriate under  
867 the circumstances.

868 (9) The procedure set forth above shall be the sole and only  
869 manner in which the qualifications of a candidate seeking public  
870 office who qualified pursuant to the provisions of Sections  
871 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may  
872 be challenged prior to the time of his election. After any such  
873 person has been elected to public office, the election may be  
874 challenged as otherwise provided by law. After any person assumes  
875 an elective office, his qualifications to hold that office may be  
876 contested as otherwise provided by law.

877 **SECTION 12.** This act shall take effect and be in force from  
878 and after July 1, 2024.

