

By: Representatives Felsher, Yates

To: Apportionment and
Elections

HOUSE BILL NO. 1655

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IN ORDER TO QUALIFY TO RUN FOR OFFICE, A CANDIDATE
3 MUST SUBMIT, ALONG WITH THE QUALIFICATION FEES, A NOTARIZED
4 WRITTEN STATEMENT AND A COPY OF THE CANDIDATE'S VALID, UNEXPIRED,
5 MISSISSIPPI IDENTIFICATION CARD, VOTER REGISTRATION, HOMESTEAD
6 EXEMPTION, IF ANY, AND A CURRENT UTILITY BILL; TO REQUIRE THE
7 SECRETARY OF STATE TO ASSESS A FIVE HUNDRED DOLLAR FINE TO ANY
8 STATE EXECUTIVE COMMITTEE THAT FAILS TO TRANSMIT ANY WRITTEN
9 STATEMENTS AND OTHER REQUIRED DOCUMENTS AND ACCOMPANYING FEES TO
10 THE SECRETARY OF STATE BY 6:00 P.M. ON THE DATE OF THE QUALIFYING
11 DEADLINE; TO PROVIDE THAT THE FINE SHALL BE FOR EACH WRITTEN
12 STATEMENT THAT IS SUBMITTED AFTER 6:00 P.M. ON THE DATE OF THE
13 QUALIFYING DEADLINE; TO REQUIRE THE SECRETARY OF STATE TO DEPOSIT
14 ANY FINES RECEIVED FROM ANY STATE EXECUTIVE COMMITTEE INTO THE
15 ELECTIONS SUPPORT FUND; TO PROVIDE A TIMELINE FOR AN EXECUTIVE
16 COMMITTEE OR THE SECRETARY OF STATE, WHICHEVER IS APPLICABLE, TO
17 DETERMINE WHETHER A CANDIDATE MEETS THE QUALIFICATIONS TO HOLD THE
18 OFFICE HE OR SHE SEEKS; TO PROVIDE THAT ONCE AN EXECUTIVE
19 COMMITTEE HAS DETERMINED WHETHER A CANDIDATE IS QUALIFIED TO HOLD
20 THE OFFICE HE OR SHE SEEKS, THE SECRETARY OF THE EXECUTIVE
21 COMMITTEE SHALL TRANSMIT A LIST OF ALL OF THOSE CANDIDATES AND HOW
22 THE EXECUTIVE COMMITTEE RULED ON THEIR QUALIFICATIONS TO THE
23 SECRETARY OF STATE FOR REVIEW; TO PROVIDE THE SECRETARY OF STATE A
24 TIMELINE TO DETERMINE IF THE CANDIDATES WERE PROPERLY QUALIFIED OR
25 DISQUALIFIED; TO PROVIDE THAT IF THE SECRETARY OF STATE DISAGREES
26 WITH A DECISION MADE BY AN EXECUTIVE COMMITTEE, THE SECRETARY OF
27 STATE SHALL NOTIFY THE EXECUTIVE COMMITTEE AND CANDIDATE AND GIVE
28 THE EXECUTIVE COMMITTEE AND CANDIDATE TEN DAYS TO APPEAL THAT
29 DETERMINATION; TO PROVIDE THE SECRETARY OF STATE TEN DAYS TO
30 CONSIDER THE APPEAL OF THE EXECUTIVE COMMITTEE OR CANDIDATE; TO
31 PROVIDE THAT IF THE SECRETARY OF STATE UPHOLDS HIS DETERMINATION,
32 THE CANDIDATE MAY APPEAL THAT DETERMINATION; TO PROVIDE THAT IF A
33 CANDIDATE HAS VOTED IN ANY ELECTION OUTSIDE OF THE JURISDICTION IN
34 WHICH THEY SEEK TO REPRESENT DURING THE PERIOD IN WHICH THE



35 CANDIDATE IS REQUIRED TO HAVE RESIDED WITHIN THE JURISDICTION, THE
36 NAME OF SUCH CANDIDATE SHALL NOT APPEAR ON THE BALLOT; TO AMEND
37 SECTION 23-15-961, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
38 PRECEDING SECTION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF
39 1972, TO PROVIDE THE PROCESS FOR THAT JUDICIAL REVIEW; TO PROVIDE
40 THAT IF A CANDIDATE HAS VOTED IN ANY ELECTION OUTSIDE OF THE
41 JURISDICTION IN WHICH THEY SEEK TO REPRESENT DURING THE PERIOD IN
42 WHICH THE CANDIDATE IS REQUIRED TO HAVE RESIDED WITHIN THE
43 JURISDICTION, THE NAME OF SUCH CANDIDATE SHALL NOT APPEAR ON THE
44 BALLOT; TO PROVIDE THAT A CANDIDATE AGGRIEVED BY THE DECISION OF
45 THE APPROPRIATE ELECTION COMMISSION MAY FILE A PETITION FOR
46 JUDICIAL REVIEW TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
47 ELECTION COMMISSION WHOSE DECISION IS BEING REVIEWED SITS; TO
48 AMEND SECTION 23-15-1093, MISSISSIPPI CODE OF 1972, TO CHANGE THE
49 DEADLINE TO QUALIFY TO RUN FOR PRESIDENT FROM JANUARY 1 THROUGH
50 JANUARY 15 TO NOVEMBER 15 THROUGH DECEMBER 15; TO BRING FORWARD
51 SECTIONS 23-15-963, 23-15-1085 AND 23-15-1089, MISSISSIPPI CODE OF
52 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
53 PURPOSES.

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

55 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
56 amended as follows:

57 23-15-299. (1) (a) Assessments made pursuant to subsection
58 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
59 each candidate who seeks a nomination in the political party
60 election to the secretary of the state executive committee with
61 which the candidate is affiliated by 5:00 p.m. on February 1 of
62 the year in which the primary election for the office is held or
63 on the date of the qualifying deadline provided by statute for the
64 office, whichever is earlier; however, no such assessments may be
65 paid before January 1 of the year in which the primary election
66 for the office is held. If February 1 or the date of the
67 qualifying deadline provided by statute for the office occurs on a
68 Saturday, Sunday or legal holiday, then the assessments required
69 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the



70 business day immediately following the Saturday, Sunday or legal
71 holiday.

72 (b) Assessments made pursuant to subsection (3)(a), (b)
73 and (c) of Section 23-15-297 shall be paid by each independent
74 candidate or special election candidate to the Secretary of State
75 by 5:00 p.m. on February 1 of the year in which the primary
76 election for the office is held or on the date of the qualifying
77 deadline provided by statute for the office, whichever is earlier;
78 however, no such assessments may be paid before January 1 of the
79 year in which the primary election for the office is held. If
80 February 1 or the date of the qualifying deadline provided by
81 statute for the office occurs on a Saturday, Sunday or legal
82 holiday, then the assessments required to be paid by this
83 paragraph (b) shall be paid by 5:00 p.m. on the business day
84 immediately following the Saturday, Sunday or legal holiday.

85 (2) (a) Assessments made pursuant to subsection (1)(e) and
86 (f) of Section 23-15-297, shall be paid by each candidate who
87 seeks a nomination in the political party election to the circuit
88 clerk of that candidate's county of residence by 5:00 p.m. on
89 February 1 of the year in which the primary election for the
90 office is held or on the date of the qualifying deadline provided
91 by statute for the office, whichever is earlier; however, no such
92 assessments may be paid before January 1 of the year in which the
93 election for the office is held. If February 1 or the date of the
94 qualifying deadline provided by statute for the office occurs on a



95 Saturday, Sunday or legal holiday, then the assessments required
96 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
97 business day immediately following the Saturday, Sunday or legal
98 holiday. The circuit clerk shall forward the fee and all
99 necessary information to the secretary of the proper county
100 executive committee within two (2) business days. No candidate
101 may attempt to qualify with any political party that does not have
102 a duly organized county executive committee, and the circuit clerk
103 shall not accept any assessments paid for nonlegislative offices
104 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
105 circuit clerk does not have contact information for the secretary
106 of the county executive committee for that political party.

107 (b) Assessments made pursuant to subsection (3)(d) and
108 (e) of Section 23-15-297 shall be paid by each independent
109 candidate or special election candidate to the circuit clerk of
110 that candidate's county of residence by 5:00 p.m. on February 1 of
111 the year in which the primary election for the office is held or
112 on the date of the qualifying deadline provided by statute for the
113 office, whichever is earlier; however, no such assessments may be
114 paid before January 1 of the year in which the primary election
115 for the office is held. If February 1 or the date of the
116 qualifying deadline provided by statute for the office occurs on a
117 Saturday, Sunday or legal holiday, then the assessments required
118 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
119 business day immediately following the Saturday, Sunday or legal



120 holiday. The circuit clerk shall forward the fee and all
121 necessary information to the secretary of the proper county
122 election commission within two (2) business days.

123 (3) (a) Assessments made pursuant to subsection (1)(g) and
124 (h) of Section 23-15-297 must be paid by each candidate who seeks
125 a nomination in the political party election to the secretary of
126 the state executive committee with which the candidate is
127 affiliated by 5:00 p.m. sixty (60) days before the presidential
128 preference primary in years in which a presidential preference
129 primary is held; however, no such assessments may be paid before
130 January 1 of the year in which the primary election for the office
131 is held. Assessments made pursuant to subsection (1)(g) and (h)
132 of Section 23-15-297, in years when a presidential preference
133 primary is not being held, shall be paid by each candidate who
134 seeks a nomination in the political party election to the
135 secretary of the state executive committee with which the
136 candidate is affiliated by 5:00 p.m. on March 1 of the year in
137 which the primary election for the office is held; however, no
138 such assessments may be paid before January 1 of the year in which
139 the primary election for the office is held. If sixty (60) days
140 before the presidential preference primary in years in which a
141 presidential preference primary is held, March 1, or the date of
142 the qualifying deadline provided by statute for the office occurs
143 on a Saturday, Sunday or legal holiday, then the assessments
144 required to be paid by this paragraph (a) shall be paid by 5:00



145 p.m. on the business day immediately following the Saturday,
146 Sunday or legal holiday.

147 (b) Assessments made pursuant to subsection (3)(f) and
148 (g) of Section 23-15-297 must be paid by each independent
149 candidate or special election candidate to the Secretary of State
150 by 5:00 p.m. sixty (60) days before the presidential preference
151 primary in years in which a presidential preference primary is
152 held; however, no such assessments may be paid before January 1 of
153 the year in which the primary election for the office is held.
154 Assessments made pursuant to subsection (3)(f) and (g) of Section
155 23-15-297, in years when a presidential preference primary is not
156 being held, shall be paid by each independent candidate or special
157 election candidate to the Secretary of State by 5:00 p.m. on March
158 1 of the year in which the primary election for the office is
159 held; however, no such assessments may be paid before January 1 of
160 the year in which the primary election for the office is held. If
161 sixty (60) days before the presidential preference primary in
162 years in which a presidential preference primary is held, March 1,
163 or the date of the qualifying deadline provided by statute for the
164 office occurs on a Saturday, Sunday or legal holiday, then the
165 assessments required to be paid by this paragraph (b) shall be
166 paid by 5:00 p.m. on the business day immediately following the
167 Saturday, Sunday or legal holiday.

168 (4) (a) The fees paid pursuant to subsections (1), (2) and
169 (3) of this section shall be accompanied by a notarized, written



170 statement containing the name and address of the candidate, the
171 party with which he or she is affiliated, if applicable, the email
172 address of the candidate, if any, * * * the office for which he or
173 she is a candidate, a copy of the candidate's valid, unexpired,
174 Mississippi identification card, voter registration, homestead
175 exemption, if any, and a current utility bill.

176 (b) The state executive committee shall transmit to the
177 Secretary of State a copy of the written statements and other
178 required documents accompanying the fees paid pursuant to
179 subsections (1) and (2) of this section. All copies must be
180 received by the Office of the Secretary of State by not later than
181 6:00 p.m. on the date of the qualifying deadline; provided,
182 however, the failure of the Office of the Secretary of State to
183 receive such copies by 6:00 p.m. on the date of the qualifying
184 deadline shall not affect the qualification of a person who pays
185 the required fee and files the required statement and all of the
186 required documents by 5:00 p.m. on the date of the qualifying
187 deadline. The Secretary of State shall assess a Five Hundred
188 Dollar (\$500.00) fine to any state executive committee that fails
189 to transmit any written statements and other required documents
190 and accompanying fees to the Secretary of State by 6:00 p.m. on
191 the date of the qualifying deadline. Such fine shall be assessed
192 for each written statement and other required documents and fees
193 that were not turned in to the Office of the Secretary of State by
194 6:00 p.m. The Secretary of State shall deposit any fines received



195 from any state executive committee into the Elections Support Fund
196 established in Section 23-15-5. The name of any person who pays
197 the required fee and files the required statement and the required
198 documents after 5:00 p.m. on the date of the qualifying deadline
199 shall not be placed on the primary election ballot or the general
200 election ballot.

201 (5) The Secretary of State or the secretary or circuit clerk
202 to whom such payments are made shall promptly receipt for same
203 stating the office for which the candidate making payment is
204 running and the political party with which he or she is
205 affiliated, if applicable, and he or she shall keep an itemized
206 account in detail showing the exact time and date of the receipt
207 of each payment received by him or her and, where applicable, the
208 date of the postmark on the envelope containing the fee and from
209 whom, and for what office the party paying same is a candidate.

210 (6) The secretaries of the proper executive committee shall
211 hold the funds to be finally disposed of by order of their
212 respective executive committees. The funds may be used or
213 disbursed by the executive committee receiving same to pay all
214 necessary traveling or other necessary expenses of the members of
215 the executive committee incurred in discharging their duties as
216 committee members, and of their secretary and may pay the
217 secretary such salary as may be reasonable. The Secretary of
218 State shall deposit any qualifying fees received from candidates
219 into the Elections Support Fund established in Section 23-15-5.



220 (7) (a) Upon receipt of the proper fee and all necessary
221 information, the proper executive committee or the Secretary of
222 State, whichever is applicable, shall then determine * * * the
223 following:

224 (i) Whether each candidate is a qualified elector
225 of the state, state district, county or county district which they
226 seek to serve * * * ; and

227 (ii) Whether each candidate meets all other
228 qualifications to hold the office he or she is seeking or presents
229 absolute proof that he or she will, subject to no contingencies,
230 meet all qualifications on or before the date of the general or
231 special election at which he or she could be elected to
232 office * * * ; and

233 (iii) * * * Whether the candidate has taken the
234 steps necessary to qualify for more than one (1) office at the
235 election * * * ; and

236 (iv) * * * Whether any candidate has been
237 convicted of any of the following and not pardoned:

238 * * * 1. Any felony in a court of this
239 state,

240 * * * 2. On or after December 8, 1992, * * *
241 any offense in another state which is a felony under the laws of
242 this state,

243 * * * 3. Any felony in a federal court on or
244 after December 8, 1992, or



245 * * * 4. Any offense that involved the
246 misuse or abuse of his or her office or money coming into his or
247 her hands by virtue of the office. Excepted from the above are
248 convictions of manslaughter and violations of the United States
249 Internal Revenue Code or any violations of the tax laws of this
250 state * * * ; and

251 (v) Whether the candidate has voted in any
252 election outside of the jurisdiction in which he or she seeks to
253 represent during the period in which the candidate is required to
254 have resided within the jurisdiction. If a candidate is found to
255 have voted in any election outside of the jurisdiction that he or
256 she seeks to represent during the period in which the candidate is
257 required to have resided within the jurisdiction, the name of such
258 candidate shall not appear on the ballot.

259 (b) * * * The proper executive committee or the
260 Secretary of State, whichever is applicable, shall make the
261 determinations in paragraph (a) of this subsection within the
262 following time periods:

263 (i) Five (5) days of the qualifying deadline
264 during presidential preference primary elections; or

265 (ii) Fifteen (15) days of the qualifying deadline
266 for federal mid-term elections; or

267 (iii) Thirty (30) days of the qualifying deadline
268 during statewide elections.



269 (c) Once the proper executive committee or the
270 Secretary of State, whichever is applicable, has made the
271 determinations required in paragraph (a) of this subsection within
272 the time periods provided in paragraph (b) of this subsection,
273 the secretary of each executive committee shall transmit the list
274 of all of those candidates and how the executive committee ruled
275 on their qualification to hold the office to the Secretary of
276 State. Upon receipt of the list of candidates either qualified or
277 disqualified by the proper executive committee, the Secretary of
278 State shall have (i) five (5) days after the deadline of the
279 executive committee provided in paragraph (b) of this subsection
280 in presidential preference primaries; or (ii) fifteen (15) days
281 after the deadline of the executive committee provided in
282 paragraph (b) of this subsection in federal mid-term elections; or
283 (iii) thirty (30) days after the deadline of the executive
284 committee provided in paragraph (b) of this subsection in
285 statewide elections to determine whether the candidates were
286 properly qualified or disqualified. The executive committee shall
287 provide any information as needed by the Secretary of State to
288 assist him in making his determination. If the executive
289 committee qualified a candidate to appear on the ballot and the
290 Secretary of State determines that decision was proper, the name
291 of that candidate shall be placed on the ballot. If the executive
292 committee disqualified a candidate and the Secretary of State
293 determines that decision was proper, the name of that candidate



294 shall not be placed on the ballot. The candidate may appeal that
295 decision of the Secretary of State as provided in Section
296 23-15-961. If the executive committee qualified or disqualified a
297 candidate to appear on the ballot and the Secretary of State
298 determines that decision was made erroneously, the Secretary of
299 State shall provide notice of his determination to the executive
300 committee and candidate and give the executive committee and
301 candidate an opportunity to appeal the determination of the
302 Secretary of State. Such appeal shall occur ten (10) business
303 days after the determination was made. The Secretary of State
304 shall mail notice of the appeal hearing to the executive committee
305 and the candidate at the address provided by the candidate on the
306 qualifying forms at least three (3) business days before the
307 hearing, and the Secretary of State shall attempt to contact the
308 candidate by telephone, email and facsimile if the candidate
309 provided this information on the forms. After the appeal, the
310 Secretary of State shall have ten (10) days to consider the appeal
311 of the executive committee or candidate. If the Secretary of
312 State upholds his determination and a candidate was improperly
313 qualified, then the name of that candidate shall not be placed on
314 the ballot. If the Secretary of State upholds his determination
315 and a candidate was improperly disqualified, then the name of that
316 candidate shall be placed on the ballot. Any candidate who is
317 aggrieved by a decision of the Secretary of State may appeal that
318 decision as provided in Section 23-15-961.



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

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

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

331 **SECTION 2.** Section 23-15-961, Mississippi Code of 1972, is
332 amended as follows:

333 23-15-961. (1) Any person desiring to contest the
334 qualifications of another person as a candidate for nomination in
335 a political party primary election or a candidate who has been
336 disqualified under the provisions of Section 23-15-299 shall file
337 a petition for judicial review specifically setting forth the
338 grounds of the challenge within * * * twenty-one (21) days after
339 the * * * Secretary of State finally determines whether a
340 candidate is a qualified elector of the state, state district,
341 county or county district for the office in question. The
342 petition shall be filed with the * * * circuit court of the county



343 where the candidate in question resides according to his or her
344 notarized written statement.

345 * * *

346 * * * The person filing for judicial review shall give a
347 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
348 (2) or more sufficient sureties conditioned to pay all costs in
349 case his petition be dismissed, and an additional bond may be
350 required, by the court, if necessary, at any subsequent stage of
351 the proceedings.

352 (* * *2) Upon the filing of the petition and bond, the
353 circuit clerk shall immediately, by registered letter or by
354 telegraph or by telephone, or personally, notify the Chief Justice
355 of the Supreme Court, or in his absence, or disability, some other
356 judge of the Supreme Court, who shall forthwith designate and
357 notify a circuit judge or retired judge on senior status of a
358 district other than that which embraces the district, subdistrict,
359 county or any of the counties, involved in the contest or
360 complaint, to proceed to the county in which the contest or
361 complaint has been filed to hear and determine the contest or
362 complaint. It shall be the official duty of the trial judge to
363 proceed to the discharge of the designated duty at the earliest
364 possible date to be fixed by the judge and of which the contestant
365 and contestee shall have reasonable notice. The contestant and
366 contestee are to be served in a reasonable manner as the judge may
367 direct, in response to which notice the contestee shall promptly



368 file his answer, and also his cross-complaint if he has a
369 cross-complaint. The hearing before the trial court shall be de
370 novo. The matter shall be tried to the trial judge, without a
371 jury. After hearing the evidence, the trial judge shall determine
372 whether the candidate whose qualifications have been challenged or
373 who has been disqualified as provided in Section 23-15-299 is
374 legally qualified to have his name placed upon the ballot in
375 question. The trial judge may, upon disqualification of any such
376 candidate, order that such candidate shall bear the court costs of
377 the proceedings.

378 (* * *3) Within three (3) days after judgment is rendered
379 by the circuit court, the contestant or contestee, or both, may
380 file an appeal in the Supreme Court upon giving a cost bond in the
381 sum of Three Hundred Dollars (\$300.00), together with a bill of
382 exceptions which shall state the point or points of law at issue
383 with a sufficient synopsis of the facts to fully disclose the
384 bearing and relevancy of such points of law. The bill of
385 exceptions shall be signed by the trial judge, or in case of his
386 absence, refusal or disability, by two (2) disinterested
387 attorneys, as is provided by law in other cases of bills of
388 exception. The filing of such appeals shall automatically suspend
389 the decision of the circuit court and the appropriate executive
390 committee is entitled to proceed based upon their decision unless
391 and until the Supreme Court, in its discretion, stays further
392 proceedings in the matter. The appeal shall be immediately



393 docketed in the Supreme Court and referred to the court en banc
394 upon briefs without oral argument unless the court shall call for
395 oral argument, and shall be decided at the earliest possible date,
396 as a preference case over all others. The Supreme Court shall
397 have the authority to grant such relief as is appropriate under
398 the circumstances.

399 (* * *4) The procedure set forth in this section shall be
400 the sole and only manner in which the qualifications of a
401 candidate seeking public office as a party nominee may be
402 challenged prior to the time of his nomination or election. After
403 a party nominee has been elected to public office, the election
404 may be challenged as otherwise provided by law. After a party
405 nominee assumes an elective office, his qualifications to hold
406 that office may be contested as otherwise provided by law.

407 **SECTION 3.** Section 23-15-963, Mississippi Code of 1972, is
408 brought forward as follows:

409 23-15-963. (1) Any person desiring to contest the
410 qualifications of another person who has qualified pursuant to the
411 provisions of Section 23-15-359, Mississippi Code of 1972, as a
412 candidate for any office elected at a general election, shall file
413 a petition specifically setting forth the grounds of the challenge
414 not later than thirty-one (31) days after the date of the first
415 primary election set forth in Section 23-15-191, Mississippi Code
416 of 1972. Such petition shall be filed with the same body with



417 whom the candidate in question qualified pursuant to Section
418 23-15-359, Mississippi Code of 1972.

419 (2) Any person desiring to contest the qualifications of
420 another person who has qualified pursuant to the provisions of
421 Section 23-15-213, Mississippi Code of 1972, as a candidate for
422 county election commissioner elected at a general election, shall
423 file a petition specifically setting forth the grounds of the
424 challenge no later than sixty (60) days prior to the general
425 election. Such petition shall be filed with the county board of
426 supervisors, being the same body with whom the candidate in
427 question qualified pursuant to Section 23-15-213, Mississippi Code
428 of 1972.

429 (3) Any person desiring to contest the qualifications of
430 another person who has qualified pursuant to the provisions of
431 Section 23-15-361, Mississippi Code of 1972, as a candidate for
432 municipal office elected on the date designated by law for regular
433 municipal elections, shall file a petition specifically setting
434 forth the grounds of the challenge no later than thirty-one (31)
435 days after the date of the first primary election set forth in
436 Section 23-15-309, Mississippi Code of 1972. Such petition shall
437 be filed with the municipal commissioners of election, being the
438 same body with whom the candidate in question qualified pursuant
439 to Section 23-15-361, Mississippi Code of 1972.

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



442 appropriate election officials shall meet and rule upon the
443 petition. At least two (2) days before the hearing to consider
444 the petition, the appropriate election officials shall give notice
445 to both the petitioner and the contested candidate of the time and
446 place of the hearing on the petition. Each party shall be given
447 an opportunity to be heard at such meeting and present evidence in
448 support of his position.

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

453 (6) Any party aggrieved by the action or inaction of the
454 appropriate election officials may file a petition for judicial
455 review to the circuit court of the county in which the election
456 officials whose decision is being reviewed sits. Such petition
457 must be filed no later than fifteen (15) days after the date the
458 petition was originally filed with the appropriate election
459 officials. Such person filing for judicial review shall give a
460 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
461 (2) or more sufficient sureties conditioned to pay all costs in
462 case his petition be dismissed, and an additional bond may be
463 required, by the court, if necessary, at any subsequent stage of
464 the proceedings.

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



467 matter for hearing. Notice shall be given the interested parties
468 of the time set for hearing by the circuit clerk. The hearing
469 before the circuit court shall be de novo. The matter shall be
470 tried to the circuit judge, without a jury. After hearing the
471 evidence, the circuit judge shall determine whether the candidate
472 whose qualifications have been challenged is legally qualified to
473 have his name placed upon the ballot in question. The circuit
474 judge may, upon disqualification of any such candidate, order that
475 such candidate shall bear the court costs of the proceedings.

476 (8) Within three (3) days after judgment is rendered by the
477 circuit court, the contestant or contestee, or both, may file an
478 appeal in the Supreme Court upon giving a cost bond in the sum of
479 Three Hundred Dollars (\$300.00), together with a bill of
480 exceptions which shall state the point or points of law at issue
481 with a sufficient synopsis of the facts to fully disclose the
482 bearing and relevancy of such points of law. The bill of
483 exceptions shall be signed by the trial judge, or in case of his
484 absence, refusal or disability, by two (2) disinterested
485 attorneys, as is provided by law in other cases of bills of
486 exception. The filing of such appeals shall automatically suspend
487 the decision of the circuit court and the appropriate election
488 officials are entitled to proceed based upon their decision unless
489 and until the Supreme Court, in its discretion, stays further
490 proceedings in the matter. The appeal shall be immediately
491 docketed in the Supreme Court and referred to the court en banc



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

497 (9) The procedure set forth above shall be the sole and only
498 manner in which the qualifications of a candidate seeking public
499 office who qualified pursuant to the provisions of Sections
500 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
501 be challenged prior to the time of his election. After any such
502 person has been elected to public office, the election may be
503 challenged as otherwise provided by law. After any person assumes
504 an elective office, his qualifications to hold that office may be
505 contested as otherwise provided by law.

506 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is
507 amended as follows:

508 23-15-359. (1) Except as provided in this section, the
509 ballot shall contain the names of all party nominees certified by
510 the appropriate executive committee, and independent and special
511 election candidates who have timely filed petitions containing the
512 required signatures and assessments that must be paid pursuant to
513 Section 23-15-297, if the candidates and nominees meet all of the
514 qualifications to hold the office sought. A petition requesting
515 that an independent or special election candidate's name be placed
516 on the ballot for any office shall be filed as provided for in



517 subsection (3) or (4) of this section, as appropriate, and shall
518 be signed by not less than the following number of qualified
519 electors:

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

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

525 (c) For an office elected by the qualified electors of
526 a congressional district, not less than two hundred (200)
527 qualified electors.

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

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

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

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

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



542 (2) (a) Unless the petition or fee, whichever is
543 applicable, required above shall be filed as provided for in
544 subsection (3), (4) or (5) of this section, as appropriate, the
545 name of the person requested to be a candidate, unless nominated
546 by a political party, shall not be placed upon the ballot. The
547 ballot shall contain the names of each candidate for each office,
548 and the names shall be listed under the name of the political
549 party that candidate represents as provided by law and as
550 certified to the circuit clerk by the state executive committee of
551 the political party. In the event the candidate qualifies as an
552 independent as provided in this section, he or she shall be listed
553 on the ballot as an independent candidate.

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

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

564 (4) Petitions for offices described in paragraphs (f) and
565 (g) of subsection (1) of this section shall be filed with the
566 proper circuit clerk by no later than 5:00 p.m. on the same date



567 by which candidates are required to pay the fee provided for in
568 Section 23-15-297; however, no petition may be filed before
569 January 1 of the year in which the election for the office is
570 held. The circuit clerk shall notify the county election
571 commissioners of all persons who have filed petitions with the
572 clerk. The notification shall occur within two (2) business days
573 and shall contain all necessary information.

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

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

586 (7) The provisions of this section shall not apply to
587 municipal elections or to the election of the offices of justice
588 of the Supreme Court, judge of the Court of Appeals, circuit
589 judge, chancellor, county court judge and family court judge.

590 (8) Nothing in this section shall prohibit special elections
591 to fill vacancies in either house of the Legislature from being



592 held as provided in Section 23-15-851. In all elections conducted
593 under the provisions of Section 23-15-851, there shall be printed
594 on the ballot the name of any candidate who, not having been
595 nominated by a political party, shall have been requested to be a
596 candidate for any office by a petition filed with the Secretary of
597 State and signed by not less than fifty (50) qualified electors.

598 (9) (a) The appropriate election commission shall determine
599 the following:

600 (i) Whether each candidate is a qualified elector
601 of the state, state district, county or county district they seek
602 to serve * * *; and

603 (ii) Whether each candidate meets all other
604 qualifications to hold the office he or she is seeking or presents
605 absolute proof that he or she will, subject to no contingencies,
606 meet all qualifications on or before the date of the general or
607 special election at which he or she could be elected to
608 office * * *; and

609 (iii) * * * Whether the candidate has taken the
610 steps necessary to qualify for more than one (1) office at the
611 election * * *; and

612 (iv) * * * Whether any candidate has been
613 convicted of any of the following and not pardoned:

614 * * *1. * * * Any felony in a court of this
615 state,



616 * * *2. On or after December 8, 1992, * * *
617 any offense in another state which is a felony under the laws of
618 this state,

619 * * *3. * * * Any felony in a federal court
620 on or after December 8, 1992, or

621 * * *4. * * * Any offense that involved the
622 misuse or abuse of his or her office or money coming into his or
623 her hands by virtue of the office. Excepted from the above are
624 convictions of manslaughter and violations of the United States
625 Internal Revenue Code or any violations of the tax laws of this
626 state * * *; and

627 (v) Whether the candidate has voted in any
628 election outside of the jurisdiction in which they seek to
629 represent during the period in which the candidate is required to
630 have resided within the jurisdiction. If a candidate is found to
631 have voted in any election outside of the jurisdiction that they
632 seek to represent during the period in which the candidate is
633 required to have resided within the jurisdiction, the name of such
634 candidate shall not appear on the ballot.

635 (b) If the appropriate election commission finds that a
636 candidate either (i) is not a qualified elector, (ii) does not
637 meet all qualifications to hold the office he or she seeks and
638 fails to provide absolute proof, subject to no contingencies, that
639 he or she will meet the qualifications on or before the date of
640 the general or special election at which he or she could be



641 elected, or (iii) has been convicted of a felony or other
642 disqualifying offense as described in paragraph (a) of this
643 subsection, and not pardoned, or (iv) has voted in any election
644 outside of the jurisdiction they are currently seeking to
645 represent during the period in which the candidate is required to
646 have resided within the jurisdiction, then the election commission
647 shall notify the candidate and give the candidate an opportunity
648 to be heard. The election commission shall mail notice to the
649 candidate at least three (3) business days before the hearing to
650 the address provided by the candidate on the qualifying forms, and
651 the committee shall attempt to contact the candidate by telephone,
652 email and facsimile if the candidate provided this information on
653 the forms. If the candidate fails to appear at the hearing or to
654 prove that he or she meets all qualifications to hold the office
655 subject to no contingencies, then the name of such candidate shall
656 not be placed upon the ballot. If the appropriate election
657 commission determines that the candidate has taken the steps
658 necessary to qualify for more than one (1) office at the election,
659 the action required by Section 23-15-905, shall be taken. The
660 election commission shall render a decision on whether the name of
661 the candidate shall appear on the ballot within five (5) days of
662 the hearing.

663 (c) (i) A candidate aggrieved by the decision of the
664 appropriate election commission may file a petition for judicial
665 review to the circuit court of the county in which the election



666 commission whose decision is being reviewed sits. Such petition
667 must be filed no later than ten (10) days after the decision of
668 the election commission. Such candidate filing for judicial review
669 shall give a cost bond in the sum of Three Hundred Dollars
670 (\$300.00) with two (2) or more sufficient sureties conditioned to
671 pay all costs in case his or her petition be dismissed, and an
672 additional bond may be required, by the court, if necessary, at
673 any subsequent stage of the proceedings.

674 (ii) The circuit court with whom such a petition
675 for judicial review has been filed shall at the earliest possible
676 date set the matter for hearing. Notice shall be given to the
677 interested parties of the time set for hearing by the circuit
678 clerk. The hearing before the circuit court shall be de novo.
679 The matter shall be tried to the circuit judge, without a jury.
680 After hearing the evidence, the circuit judge shall determine
681 whether the candidate whose qualifications have been challenged is
682 legally qualified to have his name placed upon the ballot in
683 question. The circuit judge may, upon disqualification of any
684 such candidate, order that such candidate shall bear the court
685 costs of the proceedings.

686 (iii) Within three (3) days after judgment is
687 rendered by the circuit court, the contestant or contestee, or
688 both, may file an appeal in the Supreme Court upon giving a cost
689 bond in the sum of Three Hundred Dollars (\$300.00), together with
690 a bill of exceptions that states the point or points of law at



691 issue with a sufficient synopsis of the facts to fully disclose
692 the bearing and relevancy of such points of law. The bill of
693 exceptions shall be signed by the trial judge, or in case of his
694 absence, refusal or disability, by two (2) disinterested
695 attorneys, as is provided by law in other cases of bills of
696 exception. The filing of such appeals shall automatically suspend
697 the decision of the circuit court and the appropriate election
698 officials are entitled to proceed based upon their decision unless
699 the Supreme Court, in its discretion, stays further proceedings in
700 the matter. The appeal shall be immediately docketed in the
701 Supreme Court and referred to the court en banc upon briefs
702 without oral argument unless the court shall call for oral
703 argument, and shall be decided at the earliest possible date, as a
704 preference case over all others. The Supreme Court shall have the
705 authority to grant such relief as is appropriate under the
706 circumstances.

707 (iv) The procedure set forth above shall be the
708 sole and only manner in which a candidate may appeal the
709 appropriate election commission's decision to not place the
710 candidate's name on the ballot under this section. These
711 provisions do not interfere with the rights of other persons to
712 challenge the decision of the appropriate election commission to
713 place the name of the candidate on the ballot in accordance with
714 Section 23-15-963. After any person assumes an elective office,



715 his qualifications to hold that office may be contested as
716 otherwise provided by law.

717 (10) If after the deadline to qualify as a candidate for an
718 office or after the time for holding any party primary for an
719 office, only one (1) person has duly qualified to be a candidate
720 for the office in the general election, the name of that person
721 shall be placed on the ballot; provided, however, that if not more
722 than one (1) person duly qualified to be a candidate for each
723 office on the general election ballot, the election for all
724 offices on the ballot shall be dispensed with and the appropriate
725 election commission shall declare each candidate elected without
726 opposition if the candidate meets all the qualifications to hold
727 the office as determined pursuant to a review by the election
728 commission in accordance with the provisions of subsection (9) of
729 this section and if the candidate has filed all required campaign
730 finance disclosure reports as required by Section 23-15-807.

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

733 **SECTION 5.** Section 23-15-1093, Mississippi Code of 1972, is
734 amended as follows:

735 23-15-1093. (1) Any person desiring to have his name placed
736 on the presidential preference primary ballot shall pay a
737 qualifying fee and file the petition or petitions as described in
738 this section.



739 (2) (a) For candidates entering the race for party
740 nominations for office, the amount of the qualifying fee shall be
741 the amount determined by the state executive committee of the
742 party pursuant to Section 23-15-297(2) but no less than Two
743 Thousand Five Hundred Dollars (\$2,500.00) and no more than
744 Twenty-five Thousand Dollars (\$25,000.00).

745 (b) For independent candidates entering the race for
746 office, the amount of the qualifying fee shall be Two Thousand
747 Five Hundred Dollars (\$2,500.00).

748 (c) Each independent candidate shall pay the qualifying
749 fee to the Secretary of State. Each political party candidate
750 shall pay the qualifying fee to the state executive committee of
751 the appropriate political party.

752 (3) The secretaries of the proper executive committee shall
753 hold the funds to be finally disposed of by order of their
754 respective executive committees. The funds may be used or
755 disbursed by the executive committee receiving same to pay all
756 necessary traveling or other necessary expenses of the members of
757 the executive committee incurred in discharging their duties as
758 committee members, and of their secretary and may pay the
759 secretary such salary as may be reasonable.

760 (4) A candidate shall file a petition or petitions in
761 support of his candidacy with the state executive committee of the
762 appropriate political party or the Secretary of State, whichever
763 is applicable, after * * * November 15 of the year * * * preceding



764 the year in which the presidential preference primary is to be
765 held and before * * * December 15 of that same year. To comply
766 with this section, a candidate may file a petition or petitions
767 signed by a total of not less than five hundred (500) qualified
768 electors of the state, or petitions signed by not less than one
769 hundred (100) qualified electors of each congressional district of
770 the state, in which case there shall be a separate petition for
771 each congressional district. The petitions shall be in such form
772 as prescribed by the state executive committee or Secretary of
773 State, whichever is applicable; provided, that there shall be a
774 space for the county of residence of each signer next to the space
775 provided for his signature. No signature may be counted as valid
776 unless the county of residence of the signer is provided. Each
777 petition shall contain an affirmation under the penalties of
778 perjury that each signer is a qualified elector in his
779 congressional district or in the state, as appropriate.

780 **SECTION 6.** Section 23-15-1085, Mississippi Code of 1972, is
781 brought forward as follows:

782 23-15-1085. The chairman of a party's state executive
783 committee shall notify the Secretary of State if the party intends
784 to hold a presidential preference primary. The Secretary of State
785 shall be notified prior to December 1 of the year preceding the
786 year in which a presidential preference primary may be held
787 pursuant to Section 23-15-1081. Upon such notification, the
788 Secretary of State shall issue a proclamation setting every



789 party's congressional and senatorial primary elections that are to
790 be held in the year in which the presidential preference primary
791 is to be held on the date provided for in Section 23-15-1083. Once
792 the Secretary of State has issued a proclamation pursuant to this
793 section, the date of the congressional and senatorial primary
794 elections shall not be changed.

795 **SECTION 7.** Section 23-15-1089, Mississippi Code of 1972, is
796 brought forward as follows:

797 23-15-1089. The Secretary of State shall place the name of a
798 candidate upon the presidential preference primary ballot when the
799 Secretary of State shall have determined that such a candidate is
800 qualified under Section 23-15-1093.

801 On or after January 15 immediately preceding a presidential
802 preference primary election the Secretary of State shall publicly
803 announce and distribute to the news media for publication a list
804 of the candidates he intends to place on the ballot at the
805 following presidential preference primary election. Following
806 this announcement he shall not add candidates to his selection,
807 and he shall not delete any candidate whose name appears on the
808 announced list, unless the candidate dies or has withdrawn as a
809 candidate as provided in this chapter.

810 **SECTION 8.** This act shall take effect and be in force from
811 and after July 1, 2024.

