

By: Representatives Felsher, Yates

To: Apportionment and
Elections

HOUSE BILL NO. 1655
(As Passed the House)

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



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

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

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

55 23-15-299. (1) (a) Assessments made pursuant to subsection
56 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
57 each candidate who seeks a nomination in the political party
58 election to the secretary of the state executive committee with
59 which the candidate is affiliated by 5:00 p.m. on February 1 of
60 the year in which the primary election for the office is held or
61 on the date of the qualifying deadline provided by statute for the
62 office, whichever is earlier; however, no such assessments may be
63 paid before January 1 of the year in which the primary election
64 for the office is held. If February 1 or the date of the
65 qualifying deadline provided by statute for the office occurs on a
66 Saturday, Sunday or legal holiday, then the assessments required
67 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the



68 business day immediately following the Saturday, Sunday or legal
69 holiday.

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

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



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

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



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

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



143 p.m. on the business day immediately following the Saturday,
144 Sunday or legal holiday.

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

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



168 statement containing the name and address of the candidate, the
169 party with which he or she is affiliated, if applicable, the email
170 address of the candidate, if any, * * * the office for which he or
171 she is a candidate and a copy of the candidate's Mississippi
172 identification card.

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



193 established in Section 23-15-5. The name of any person who pays
194 the required fee and files the required statement and the required
195 documents after 5:00 p.m. on the date of the qualifying deadline
196 shall not be placed on the primary election ballot or the general
197 election ballot.

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

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



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

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

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

230 (iii) * * * Whether the candidate has taken the
231 steps necessary to qualify for more than one (1) office at the
232 election * * * ; and

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

235 * * * 1. Any felony in a court of this
236 state,

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

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



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

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

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

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

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

264 (iii) Thirty (30) days of the qualifying deadline
265 during statewide elections.



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



291 shall not be placed on the ballot. The candidate may appeal that
292 decision of the Secretary of State as provided in Section
293 23-15-961. If the executive committee qualified or disqualified a
294 candidate to appear on the ballot and the Secretary of State
295 determines that decision was made erroneously, the Secretary of
296 State shall provide notice of his determination to the executive
297 committee and candidate and give the executive committee and
298 candidate an opportunity to appeal the determination of the
299 Secretary of State. Such appeal shall occur ten (10) business
300 days after the determination was made. The Secretary of State
301 shall mail notice of the appeal hearing to the executive committee
302 and the candidate at the address provided by the candidate on the
303 qualifying forms at least three (3) business days before the
304 hearing, and the Secretary of State shall attempt to contact the
305 candidate by telephone, email and facsimile if the candidate
306 provided this information on the forms. After the appeal, the
307 Secretary of State shall have ten (10) days to consider the appeal
308 of the executive committee or candidate. If the Secretary of
309 State upholds his determination and a candidate was improperly
310 qualified, then the name of that candidate shall not be placed on
311 the ballot. If the Secretary of State upholds his determination
312 and a candidate was improperly disqualified, then the name of that
313 candidate shall be placed on the ballot. Any candidate who is
314 aggrieved by a decision of the Secretary of State may appeal that
315 decision as provided in Section 23-15-961.



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

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

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

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

330 23-15-961. (1) Any person desiring to contest the
331 qualifications of another person as a candidate for nomination in
332 a political party primary election or a candidate who has been
333 disqualified under the provisions of Section 23-15-299 shall file
334 a petition for judicial review specifically setting forth the
335 grounds of the challenge within * * * twenty-one (21) days after
336 the * * * Secretary of State finally determines whether a
337 candidate is a qualified elector of the state, state district,
338 county or county district for the office in question. The
339 petition shall be filed with the * * * circuit court of the county



340 where the candidate in question resides according to his or her
341 notarized written statement.

342 * * *

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

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



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

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



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

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

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

406 23-15-963. (1) Any person desiring to contest the
407 qualifications of another person who has qualified pursuant to the
408 provisions of Section 23-15-359, Mississippi Code of 1972, as a
409 candidate for any office elected at a general election, shall file
410 a petition specifically setting forth the grounds of the challenge
411 not later than thirty-one (31) days after the date of the first
412 primary election set forth in Section 23-15-191, Mississippi Code
413 of 1972. Such petition shall be filed with the same body with



414 whom the candidate in question qualified pursuant to Section
415 23-15-359, Mississippi Code of 1972.

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

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

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



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

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

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

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



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

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



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

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

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

505 23-15-359. (1) Except as provided in this section, the
506 ballot shall contain the names of all party nominees certified by
507 the appropriate executive committee, and independent and special
508 election candidates who have timely filed petitions containing the
509 required signatures and assessments that must be paid pursuant to
510 Section 23-15-297, if the candidates and nominees meet all of the
511 qualifications to hold the office sought. A petition requesting
512 that an independent or special election candidate's name be placed
513 on the ballot for any office shall be filed as provided for in



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

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

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

522 (c) For an office elected by the qualified electors of
523 a congressional district, not less than two hundred (200)
524 qualified electors.

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

595 (9) (a) The appropriate election commission shall determine
596 the following:

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

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

606 (iii) * * * Whether the candidate has taken the
607 steps necessary to qualify for more than one (1) office at the
608 election * * *; and

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

611 * * *1. * * * Any felony in a court of this
612 state,



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

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

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

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

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



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

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



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

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

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



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

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



712 his qualifications to hold that office may be contested as
713 otherwise provided by law.

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

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

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

732 23-15-1093. (1) Any person desiring to have his name placed
733 on the presidential preference primary ballot shall pay a
734 qualifying fee and file the petition or petitions as described in
735 this section.



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

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

745 (c) Each independent candidate shall pay the qualifying
746 fee to the Secretary of State. Each political party candidate
747 shall pay the qualifying fee to the state executive committee of
748 the appropriate political party.

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

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



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

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

779 23-15-1085. The chairman of a party's state executive
780 committee shall notify the Secretary of State if the party intends
781 to hold a presidential preference primary. The Secretary of State
782 shall be notified prior to December 1 of the year preceding the
783 year in which a presidential preference primary may be held
784 pursuant to Section 23-15-1081. Upon such notification, the
785 Secretary of State shall issue a proclamation setting every



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

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

794 23-15-1089. The Secretary of State shall place the name of a
795 candidate upon the presidential preference primary ballot when the
796 Secretary of State shall have determined that such a candidate is
797 qualified under Section 23-15-1093.

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

807 **SECTION 8.** This act shall take effect and be in force from
808 and after July 1, 2024, and shall stand repealed on June 30, 2024.

