

By: Senator(s) Norwood, Simmons (13th),  
Thomas

To: Elections

SENATE BILL NO. 2366

1 AN ACT TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE USE OF A POST OFFICE BOX NUMBER AS A QUALIFYING  
3 ADDRESS FOR A CANDIDATE FILING TO RUN FOR PUBLIC OFFICE AND TO  
4 REQUIRE THE CANDIDATE TO PROVIDE A PHYSICAL ADDRESS FOR HIS OR HER  
5 PLACE OF RESIDENCE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-359, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-359. (1) Except as provided in this section, the  
10 ballot shall contain the names of all party nominees certified by  
11 the appropriate executive committee, and independent and special  
12 election candidates who have timely filed petitions containing the  
13 required signatures and assessments that must be paid pursuant to  
14 Section 23-15-297, if the candidates and nominees meet all of the  
15 qualifications to hold the office sought. A petition requesting  
16 that an independent or special election candidate's name be placed  
17 on the ballot for any office shall be filed as provided for in  
18 subsection (3) or (4) of this section, as appropriate, and shall



19 be signed by not less than the following number of qualified  
20 electors:

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

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

26 (c) For an office elected by the qualified electors of  
27 a congressional district, not less than two hundred (200)  
28 qualified electors.

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

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

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

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

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



43           (2)   (a)   Unless the petition or fee, whichever is  
44   applicable, required above shall be filed as provided for in  
45   subsection (3), (4) or (5) of this section, as appropriate, the  
46   name of the person requested to be a candidate, unless nominated  
47   by a political party, shall not be placed upon the ballot. The  
48   ballot shall contain the names of each candidate for each office,  
49   and the names shall be listed under the name of the political  
50   party that candidate represents as provided by law and as  
51   certified to the circuit clerk by the state executive committee of  
52   the political party. In the event the candidate qualifies as an  
53   independent as provided in this section, he or she shall be listed  
54   on the ballot as an independent candidate.

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

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

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



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

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

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

87 (7) The provisions of this section shall not apply to  
88 municipal elections or to the election of the offices of justice  
89 of the Supreme Court, judge of the Court of Appeals, circuit  
90 judge, chancellor, county court judge and family court judge.

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



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

99 (9) (a) The appropriate election commission shall determine  
100 whether each candidate is a qualified elector of the state, state  
101 district, county or county district \* \* \* he or she seeks to  
102 serve, and whether each candidate meets all other qualifications  
103 to hold the office he or she is seeking or presents absolute proof  
104 that he or she will, subject to no contingencies, meet all  
105 qualifications on or before the date of the general or special  
106 election at which he or she could be elected to office. The  
107 election commission shall require that any candidate for public  
108 office shall supply the physical address of his or her place of  
109 residence and not a post office box number. The election  
110 commission shall determine whether the candidate has taken the  
111 steps necessary to qualify for more than one (1) office at the  
112 election. The election commission also shall determine whether  
113 any candidate has been convicted (i) of any felony in a court of  
114 this state, (ii) on or after December 8, 1992, of any offense in  
115 another state, which is a felony under the laws of this state,  
116 (iii) of any felony in a federal court on or after December 8,  
117 1992, or (iv) of any offense that involved the misuse or abuse of



118 his or her office or money coming into his or her hands by virtue  
119 of the office. Excepted from the above are convictions of  
120 manslaughter and violations of the United States Internal Revenue  
121 Code or any violations of the tax laws of this state.

122 (b) If the appropriate election commission finds that a  
123 candidate either (i) is not a qualified elector, (ii) does not  
124 meet all qualifications to hold the office he or she seeks and  
125 fails to provide absolute proof, subject to no contingencies, that  
126 he or she will meet the qualifications on or before the date of  
127 the general or special election at which he or she could be  
128 elected, or (iii) has been convicted of a felony or other  
129 disqualifying offense as described in paragraph (a) of this  
130 subsection, and not pardoned, then the election commission shall  
131 notify the candidate and give the candidate an opportunity to be  
132 heard. The election commission shall mail notice to the candidate  
133 at least three (3) business days before the hearing to the address  
134 provided by the candidate on the qualifying forms, and the  
135 committee shall attempt to contact the candidate by telephone,  
136 email and facsimile if the candidate provided this information on  
137 the forms. If the candidate fails to appear at the hearing or to  
138 prove that he or she meets all qualifications to hold the office  
139 subject to no contingencies, then the name of such candidate shall  
140 not be placed upon the ballot. If the appropriate election  
141 commission determines that the candidate has taken the steps



142 necessary to qualify for more than one (1) office at the election,  
143 the action required by Section 23-15-905, shall be taken.

144 (10) If after the deadline to qualify as a candidate for an  
145 office or after the time for holding any party primary for an  
146 office, only one (1) person has duly qualified to be a candidate  
147 for the office in the general election, the name of that person  
148 shall be placed on the ballot; provided, however, that if not more  
149 than one (1) person duly qualified to be a candidate for each  
150 office on the general election ballot, the election for all  
151 offices on the ballot shall be dispensed with and the appropriate  
152 election commission shall declare each candidate elected without  
153 opposition if the candidate meets all the qualifications to hold  
154 the office as determined pursuant to a review by the election  
155 commission in accordance with the provisions of subsection (9) of  
156 this section and if the candidate has filed all required campaign  
157 finance disclosure reports as required by Section 23-15-807.

158 (11) The petition required by this section may not be filed  
159 by using the internet.

160 **SECTION 2.** This act shall take effect and be in force from  
161 and after July 1, 2024.

