

Senate Amendments to House Bill No. 1135

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 23-15-913, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-913. (1) The judges listed and selected to hear
11 election disputes, as provided in Section 23-15-951, shall be
12 available on election day to immediately hear and resolve any
13 election day disputes. The name of any judge selected to hear
14 election day disputes shall be provided to the Secretary of State
15 by the Chief Justice of the Mississippi Supreme Court at the time
16 the appointment is made, unless the Secretary of State is a party
17 to the election day dispute to which that special circuit judge is
18 appointed.

19 (2) The rules for filing pleadings shall be relaxed to carry
20 out the purposes of this section. The judges selected shall
21 perform no other judicial duties on election day. If an election
22 day dispute occurs, the circuit clerk shall only docket the
23 dispute to the judge designated by the Supreme Court to hear the
24 case in that county. When such election day dispute is filed, the

25 circuit clerk shall immediately notify by phone, email or
26 personally, the Chief Justice of the Supreme Court, or in his or
27 her absence or disability, some other Justice of the Supreme
28 Court, who shall forthwith notify the assigned special judge from
29 the list of judges who were preselected to hear election day
30 disputes, to proceed to the county in which the dispute has been
31 filed to hear and determine the complaint. The circuit clerk
32 shall cause a copy of such petition to be served upon the
33 contestee, which shall serve as notice to such contestee. The
34 Supreme Court shall make judges available to hear disputes in the
35 county in which the disputes occur but no judge shall hear
36 disputes in the district or county in which he or she was elected
37 nor shall any judge hear any dispute in which any potential
38 conflict may arise. Each judge shall be fair and impartial and
39 shall be assigned on that basis.

40 (3) The listed and selected judges provided by the Chief
41 Justice of the Mississippi Supreme Court shall have sole
42 jurisdiction to hear election day disputes. Election disputes can
43 only be filed in a circuit court with proper jurisdiction and
44 heard by one (1) of the judges selected by the Chief Justice of
45 the Mississippi Supreme Court.

46 **SECTION 2.** Section 23-15-951, Mississippi Code of 1972, is
47 amended as follows:

48 23-15-951. Except as otherwise provided by Section 23-15-955
49 or 23-15-961, a person desiring to contest the election of another
50 person returned as elected to any office within any county, may,

51 within twenty (20) days after the election, file a petition in the
52 office of the clerk of the circuit court of the county, setting
53 forth the grounds upon which the election is contested. When such
54 a petition is filed, the circuit clerk shall immediately notify,
55 by registered letter, telegraph, telephone, or personally the
56 Chief Justice of the Supreme Court or in his or her absence, or
57 disability, some other Justice of the Supreme Court, who shall
58 forthwith designate and notify a circuit judge or chancellor of a
59 district other than that which embraces the district, subdistrict,
60 county or any of the counties, involved in the contest or
61 complaint, to proceed to the county in which the contest or
62 complaint has been filed to hear and determine the contest or
63 complaint. The circuit clerk shall also cause a copy of such
64 petition to be served upon the contestee, which shall serve as
65 notice to such contestee.

66 The Supreme Court shall compile a list of judges throughout
67 the state to hear such disputes before an election. The name of
68 any judge selected to hear election day disputes shall be provided
69 to the Secretary of State by the Chief Justice of the Supreme
70 Court at the time the appointment is made, unless the Secretary of
71 State is a party to the election day dispute to which the special
72 circuit judge is appointed. It shall be the official duty of the
73 designated circuit judge or chancellor to proceed to discharge the
74 duty of hearing the contest at the earliest possible date. The
75 date of the contest shall be fixed by the judge or chancellor, and
76 the judge or chancellor shall provide reasonable notice to the

77 contestant and the contestee of the date and time fixed for the
78 contest. The judge or chancellor shall cause the contestant and
79 contestee to be served in a reasonable manner. When the contestee
80 is served, such contestee shall promptly file his or her answer,
81 and cross-complaint, if the contestee has a cross-complaint.

82 The court shall, at the first term, cause an issue to be made
83 up and tried by a jury, and the verdict of the jury shall find the
84 person having the greatest number of legal votes at the election.
85 If the jury shall find against the person returned elected, the
86 clerk shall issue a certificate thereof; and the person in whose
87 favor the jury shall find shall be commissioned by the Governor,
88 and shall qualify and enter upon the duties of his or her office.
89 Each party shall be allowed ten (10) peremptory challenges, and
90 new trials shall be granted and costs awarded as in other cases.
91 In case the election of district attorney or other state district
92 election be contested, the petition may be filed in any county of
93 the district or in any county of an adjoining district within
94 twenty (20) days after the election, and like proceedings shall be
95 had thereon as in the case of county officers, and the person
96 found to be entitled to the office shall qualify as required by
97 law and enter upon the duties of his or her office.

98 A person desiring to contest the election of another person
99 returned as elected to any seat in the Mississippi Legislature
100 shall comply with the provisions of Section 23-15-955. A person
101 desiring to contest the qualifications of a candidate for

102 nomination in a political party primary election shall comply with
103 the provisions of Section 23-15-961.

104 **SECTION 3.** This act shall take effect and be in force from
105 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 23-15-913, MISSISSIPPI CODE OF 1972,
2 TO SPECIFY WHICH JUDGES HAVE JURISDICTION TO HEAR ELECTION
3 DISPUTES ON ELECTION DAY; TO AMEND SECTION 23-15-951, MISSISSIPPI
4 CODE OF 1972, TO REQUIRE THAT ELECTION DAY DISPUTES BE HEARD BY
5 JUDGES WHO HAVE BEEN SELECTED BY THE CHIEF JUSTICE OF THE SUPREME
6 COURT TO HEAR SAID DISPUTES; AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate