

By: Representative Currie

To: Apportionment and  
Elections

## HOUSE BILL NO. 38

1 AN ACT TO AMEND SECTION 23-15-367, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE APPEARANCE OF NAMES ON GENERAL ELECTION BALLOTS SO  
3 THAT NOMINEES OF THE REPUBLICAN AND DEMOCRAT POLITICAL PARTIES  
4 SHALL BE LISTED FIRST ALPHABETICALLY BY THE CANDIDATE'S LAST NAME,  
5 AND THEN NOMINEES OF ANY OTHER POLITICAL PARTIES, QUALIFIED TO  
6 CONDUCT PRIMARY ELECTIONS, SHALL BE LISTED NEXT ALPHABETICALLY BY  
7 THE CANDIDATE'S LAST NAME, FOLLOWED BY ANY OTHER CANDIDATES LISTED  
8 ALPHABETICALLY BY LAST NAME; TO AMEND SECTION 23-15-361,  
9 MISSISSIPPI CODE OF 1972, TO REVISE THE APPEARANCE OF NAMES ON  
10 MUNICIPAL GENERAL ELECTION BALLOTS SO THAT NOMINEES OF THE  
11 REPUBLICAN AND DEMOCRAT POLITICAL PARTIES SHALL BE LISTED FIRST  
12 ALPHABETICALLY BY THE CANDIDATE'S LAST NAME, AND THEN NOMINEES OF  
13 ANY OTHER POLITICAL PARTIES, QUALIFIED TO CONDUCT PRIMARY  
14 ELECTIONS, SHALL BE LISTED NEXT ALPHABETICALLY BY THE CANDIDATE'S  
15 LAST NAME, FOLLOWED BY ANY OTHER CANDIDATES LISTED ALPHABETICALLY  
16 BY LAST NAME; TO AMEND SECTIONS 23-15-511 AND 23-15-359,  
17 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 23-15-367, Mississippi Code of 1972, is  
20 amended as follows:

21 23-15-367. (1) Except as otherwise provided by Sections  
22 23-15-974 through 23-15-985 and subsection (2) of this section,  
23 the size, print and quality of paper of the official ballot is  
24 left to the discretion of the officer charged with printing the  
25 official ballot.



(2) The titles for the various offices shall be listed in the following order:

(a) Candidates, electors or delegates for the following national offices:

(i) President;

(ii) United States Senator or United States Representative;

(b) Candidates for the following statewide office: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, Commissioner of Agriculture and Commerce, Commissioner of Insurance;

(c) Candidates for the following state district offices: Mississippi Transportation Commissioner, Public Service Commissioner, District Attorney;

(d) Candidates for the following legislative offices: Senate and House of Representatives;

(e) Candidates for countywide office;

(f) Candidates for county district office.

The order in which the titles for the various offices are listed within paragraphs (e) and (f) is left to the discretion of the county election commissioners. Nominees of the Republican and Democrat political parties shall be listed first alphabetically by the candidate's last name, and then nominees of any other political parties, qualified to conduct primary elections as defined in Section 23-15-291, shall be listed \* \* \* next



51 alphabetically by the candidate's last name, followed by any other  
52 candidates listed alphabetically by last name.

53 (3) It is the duty of the Secretary of State, with the  
54 approval of the Governor, to furnish the designated election  
55 commissioner of each county a sample of the official ballot, not  
56 less than fifty-five (55) days before the election, the general  
57 form of which shall be followed as nearly as practicable.

58 **SECTION 2.** Section 23-15-361, Mississippi Code of 1972, is  
59 amended as follows:

60 23-15-361. (1) The municipal general election ballot shall  
61 contain the names of all candidates who have been put in  
62 nomination by the municipal primary election of any political  
63 party. There shall be printed on the ballots the names of all  
64 persons so nominated, whether the nomination be otherwise known or  
65 not, upon the written request of one or more of the candidates so  
66 nominated, or of any qualified elector who will make oath that he  
67 or she was a participant in the primary election, and that the  
68 person whose name is presented by him or her was nominated by such  
69 primary election. The municipal election commissioners who are  
70 required to have the ballots printed, shall also have printed on  
71 the ballot in any municipal general election the name of any  
72 candidate who, not having been nominated by a political party,  
73 shall have been requested to be a candidate for any office by a  
74 petition filed with the clerk of the municipality no later than  
75 5:00 p.m. on the same date by which candidates for nomination in



the municipal primary elections are required to pay the fee provided for in Section 23-15-309, and signed by not less than the following number of qualified electors:

(a) For an office elected by the qualified electors of a municipality or a municipal district having a population of one thousand (1,000) or more, not less than fifty (50) qualified electors.

(b) For an office elected by the qualified electors of a municipality or a municipal district having a population of less than one thousand (1,000), not less than fifteen (15) qualified electors.

(2) Unless the petition required above shall be filed no later than 5:00 p.m. on the same date by which candidates for nomination in the municipal primary election are required to pay the fee provided for in Section 23-15-309, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each municipal office, and the names shall be listed under the name of the political party the candidate represents as provided by law and as certified to the municipal clerk by the municipal executive committee of such political party. In the event such candidate qualifies as an independent as herein provided, he or she shall be listed on the ballot as an independent candidate. Nominees of the Republican and Democrat political parties shall be listed first



alphabetically by the candidate's last name, and then nominees of  
any other political parties, qualified to conduct primary  
elections as defined in Section 23-15-309, shall be listed next  
alphabetically by the candidate's last name, followed by any other  
candidates listed alphabetically by last name.

(3) The clerk of the municipality shall notify the municipal election commissioners of all persons who have filed petitions pursuant to subsection (1) of this section within two (2) business days of the date of filing.

(4) The ballot in elections to fill vacancies in municipal elective office shall contain the names of all persons who have qualified as required by Section 23-15-857.

(5) The municipal election commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office and shall determine whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The municipal election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any



felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. If the municipal election commission finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date of the general or special election at which he or she could be elected, or (c) has been convicted of a felony as described above and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove he or she meets all qualifications to hold the office subject to no contingencies, then the name of the candidate shall not be placed upon the ballot.

(6) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary election



for an office, only one (1) person has duly qualified to be a candidate for the office in the general election the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person has duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the municipal election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (5) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

**SECTION 3.** Section 23-15-511, Mississippi Code of 1972, is amended as follows:

23-15-511. The ballots shall, as far as practicable, be in the same order of arrangement as provided for paper ballots that are to be counted manually, except that the information may be printed in vertical or horizontal rows. Nothing in this chapter shall be construed as prohibiting the information being presented to the voters from being printed on both sides of a single ballot. In those years when a special election shall occur on the same day as the general election, the names of candidates in any special election and the general election shall be placed on the same ballot by the election commissioners or officials in charge of the



election, but the general election candidates shall be clearly distinguished from the special election candidates. At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot by the officials in charge of the election, but shall be clearly distinguished as special election candidates or primary election candidates.

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is continued on the following column. The names of candidates for each office shall be printed in vertical columns, grouped by the





201 offices that they seek. In partisan elections, the party  
202 designation of each candidate, which may be abbreviated, shall be  
203 printed following his or her name. Nominees of the Republican and  
204 Democrat political parties shall be listed first alphabetically by  
205 the candidate's last name, and then nominees of any other  
206 political parties, qualified to conduct primary elections as  
207 defined in Section 23-15-291, shall be listed next alphabetically  
208 by the candidate's last name, followed by any other candidates  
209 listed alphabetically by last name.

210 One (1) sample ballot, which shall be a facsimile of the  
211 official ballot and instructions to the voters, shall be provided  
212 for each precinct and shall be posted in each polling place on  
213 election day.

214 A separate ballot security envelope or suitable equivalent in  
215 which the voter can place his or her ballot after voting, shall be  
216 provided to conceal the choices the voter has made. Absentee  
217 voters will receive a similar ballot security envelope provided by  
218 the county in which the absentee voter will insert their voted  
219 ballot, which then can be inserted into a return envelope to be  
220 mailed back to the election official. Absentee ballots will not  
221 be required to be folded when a ballot security envelope is  
222 provided.

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



225           23-15-359. (1) Except as provided in this section, the  
226 ballot shall contain the names of all party nominees certified by  
227 the appropriate executive committee, and independent and special  
228 election candidates who have timely filed petitions containing the  
229 required signatures and assessments that must be paid pursuant to  
230 Section 23-15-297, if the candidates and nominees meet all of the  
231 qualifications to hold the office sought. A petition requesting  
232 that an independent or special election candidate's name be placed  
233 on the ballot for any office shall be filed as provided for in  
234 subsection (3) or (4) of this section, as appropriate, and shall  
235 be signed by not less than the following number of qualified  
236 electors:

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

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

242           (c) For an office elected by the qualified electors of  
243 a congressional district, not less than two hundred (200)  
244 qualified electors.

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



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

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

(g) For an office elected by the qualified electors of a supervisors district, not less than fifteen (15) qualified electors.

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

(2) (a) Unless the petition or fee, whichever is applicable, required above shall be filed as provided for in subsection (3), (4) or (5) of this section, as appropriate, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each office, and the names shall be listed under the name of the political party that candidate represents as provided by law and as certified to the circuit clerk by the state executive committee of the political party. In the event the candidate qualifies as an independent as provided in this section, he or she shall be listed on the ballot as an independent candidate. Nominees of the Republican and Democrat political parties shall be listed first alphabetically by the candidate's last name, and then nominees of



any other political parties, qualified to conduct primary elections as defined in Section 23-15-291, shall be listed next alphabetically by the candidate's last name, followed by any other candidates listed alphabetically by last name.

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

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

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



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

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

309 (7) The provisions of this section shall not apply to  
310 municipal elections or to the election of the offices of justice  
311 of the Supreme Court, judge of the Court of Appeals, circuit  
312 judge, chancellor, county court judge, justice court judge and  
313 family court judge.

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



322           (9)   (a)   The appropriate election commission shall determine  
323 whether each candidate is a qualified elector of the state, state  
324 district, county or county district they seek to serve, and  
325 whether each candidate meets all other qualifications to hold the  
326 office he or she is seeking or presents absolute proof that he or  
327 she will, subject to no contingencies, meet all qualifications on  
328 or before the date of the general or special election at which he  
329 or she could be elected to office. The election commission shall  
330 determine whether the candidate has taken the steps necessary to  
331 qualify for more than one (1) office at the election. The  
332 election commission also shall determine whether any candidate has  
333 been convicted (i) of any felony in a court of this state, (ii) on  
334 or after December 8, 1992, of any offense in another state which  
335 is a felony under the laws of this state, (iii) of any felony in a  
336 federal court on or after December 8, 1992, or (iv) of any offense  
337 that involved the misuse or abuse of his or her office or money  
338 coming into his or her hands by virtue of the office. Excepted  
339 from the above are convictions of manslaughter and violations of  
340 the United States Internal Revenue Code or any violations of the  
341 tax laws of this state.

342           (b)   If the appropriate election commission finds that a  
343 candidate either (i) is not a qualified elector, (ii) does not  
344 meet all qualifications to hold the office he or she seeks and  
345 fails to provide absolute proof, subject to no contingencies, that  
346 he or she will meet the qualifications on or before the date of



the general or special election at which he or she could be elected, or (iii) has been convicted of a felony or other disqualifying offense as described in paragraph (a) of this subsection, and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the appropriate election commission determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

(10) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, only one (1) person has duly qualified to be a candidate for the office in the general election, the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate



372 election commission shall declare each candidate elected without  
373 opposition if the candidate meets all the qualifications to hold  
374 the office as determined pursuant to a review by the election  
375 commission in accordance with the provisions of subsection (9) of  
376 this section and if the candidate has filed all required campaign  
377 finance disclosure reports as required by Section 23-15-807.

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

380 **SECTION 5.** This act shall take effect and be in force from  
381 and after July 1, 2025.

