

By: Representative Currie

To: Apportionment and  
ElectionsCOMMITTEE SUBSTITUTE  
FOR  
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 POLITICAL PARTIES WHOSE NOMINEES FOR  
4 PRESIDENT RECEIVED AT LEAST TEN PERCENT OF THE VOTES CAST IN THE  
5 PREVIOUS PRESIDENTIAL ELECTION SHALL BE LISTED FIRST  
6 ALPHABETICALLY BY THE CANDIDATE'S LAST NAME, AND THEN NOMINEES OF  
7 ANY OTHER POLITICAL PARTIES SHALL BE LISTED ALPHABETICALLY BY THE  
8 CANDIDATE'S LAST NAME QUALIFIED TO CONDUCT PRIMARY ELECTIONS,  
9 SHALL BE LISTED NEXT ALPHABETICALLY BY THE CANDIDATE'S LAST NAME,  
10 FOLLOWED BY ANY OTHER CANDIDATES LISTED ALPHABETICALLY BY LAST  
11 NAME; TO AMEND SECTION 23-15-361, MISSISSIPPI CODE OF 1972, TO  
12 REVISE THE APPEARANCE OF NAMES ON MUNICIPAL GENERAL ELECTION  
13 BALLOTS SO THAT NOMINEES OF THE REPUBLICAN AND DEMOCRAT POLITICAL  
14 PARTIES SHALL BE LISTED FIRST ALPHABETICALLY BY THE CANDIDATE'S  
15 LAST NAME, AND THEN NOMINEES OF ANY OTHER POLITICAL PARTIES,  
16 QUALIFIED TO CONDUCT PRIMARY ELECTIONS, SHALL BE LISTED NEXT  
17 ALPHABETICALLY BY THE CANDIDATE'S LAST NAME, FOLLOWED BY ANY OTHER  
18 CANDIDATES LISTED ALPHABETICALLY BY LAST NAME; TO AMEND SECTIONS  
19 23-15-511 AND 23-15-359, MISSISSIPPI CODE OF 1972, TO CONFORM; AND  
20 FOR RELATED PURPOSES.

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

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

24 23-15-367. (1) Except as otherwise provided by Sections  
25 23-15-974 through 23-15-985 and subsection (2) of this section,  
26 the size, print and quality of paper of the official ballot is



27 left to the discretion of the officer charged with printing the  
28 official ballot.

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

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

33 (i) President;

34 (ii) United States Senator or United States  
35 Representative;

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

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

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

45 (e) Candidates for countywide office;

46 (f) Candidates for county district office.

47 The order in which the titles for the various offices are  
48 listed within paragraphs (e) and (f) is left to the discretion of  
49 the county election commissioners. Nominees of the political  
50 parties whose nominees for president received at least ten percent  
51 (10%) of the votes cast in the previous presidential election



52 shall be listed first alphabetically by the candidate's last name,  
53 and then nominees of any other political parties, qualified to  
54 conduct primary elections as defined in Section 23-15-291, shall  
55 be listed \* \* \* next alphabetically by the candidate's last name,  
56 followed by any other candidates listed alphabetically by last  
57 name.

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

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

65 23-15-361. (1) The municipal general election ballot shall  
66 contain the names of all candidates who have been put in  
67 nomination by the municipal primary election of any political  
68 party. There shall be printed on the ballots the names of all  
69 persons so nominated, whether the nomination be otherwise known or  
70 not, upon the written request of one or more of the candidates so  
71 nominated, or of any qualified elector who will make oath that he  
72 or she was a participant in the primary election, and that the  
73 person whose name is presented by him or her was nominated by such  
74 primary election. The municipal election commissioners who are  
75 required to have the ballots printed, shall also have printed on  
76 the ballot in any municipal general election the name of any



77 candidate who, not having been nominated by a political party,  
78 shall have been requested to be a candidate for any office by a  
79 petition filed with the clerk of the municipality no later than  
80 5:00 p.m. on the same date by which candidates for nomination in  
81 the municipal primary elections are required to pay the fee  
82 provided for in Section 23-15-309, and signed by not less than the  
83 following number of qualified electors:

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

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

92 (2) Unless the petition required above shall be filed no  
93 later than 5:00 p.m. on the same date by which candidates for  
94 nomination in the municipal primary election are required to pay  
95 the fee provided for in Section 23-15-309, the name of the person  
96 requested to be a candidate, unless nominated by a political  
97 party, shall not be placed upon the ballot. The ballot shall  
98 contain the names of each candidate for each municipal office, and  
99 the names shall be listed under the name of the political party  
100 the candidate represents as provided by law and as certified to  
101 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 political parties whose nominees for president received at least ten percent (10%) of the votes cast in the previous presidential election 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



127 before the date of the general or special election at which he or  
128 she could be elected to office. The municipal election commission  
129 also shall determine whether any candidate has been convicted of  
130 any felony in a court of this state, or has been convicted on or  
131 after December 8, 1992, of any offense in another state which is a  
132 felony under the laws of this state, or has been convicted of any  
133 felony in a federal court on or after December 8, 1992. Excepted  
134 from the above are convictions of manslaughter and violations of  
135 the United States Internal Revenue Code or any violations of the  
136 tax laws of this state unless such offense also involved misuse or  
137 abuse of his or her office or money coming into his or her hands  
138 by virtue of the office. If the municipal election commission  
139 finds that a candidate either (a) is not a qualified elector, (b)  
140 does not meet all qualifications to hold the office he or she  
141 seeks and fails to provide absolute proof, subject to no  
142 contingencies, that he or she will meet the qualifications on or  
143 before the date of the general or special election at which he or  
144 she could be elected, or (c) has been convicted of a felony as  
145 described above and not pardoned, then the election commission  
146 shall notify the candidate and give the candidate an opportunity  
147 to be heard. The election commission shall mail notice to the  
148 candidate at least three (3) business days before the hearing to  
149 the address provided by the candidate on the qualifying forms, and  
150 the committee shall attempt to contact the candidate by telephone,  
151 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





202 candidates so as to indicate clearly the candidates for each  
203 office and the number to be elected. In case there are more  
204 candidates for an office than can be printed in one (1) column,  
205 the ballot shall be clearly marked that the list of candidates is  
206 continued on the following column. The names of candidates for  
207 each office shall be printed in vertical columns, grouped by the  
208 offices that they seek. In partisan elections, the party  
209 designation of each candidate, which may be abbreviated, shall be  
210 printed following his or her name. Nominees of the political  
211 parties whose nominees for president received at least ten percent  
212 (10%) of the votes cast in the previous presidential election  
213 shall be listed first alphabetically by the candidate's last name,  
214 and then nominees of any other political parties, qualified to  
215 conduct primary elections as defined in Section 23-15-291, shall  
216 be listed next alphabetically by the candidate's last name,  
217 followed by any other candidates listed alphabetically by last  
218 name.

219 One (1) sample ballot, which shall be a facsimile of the  
220 official ballot and instructions to the voters, shall be provided  
221 for each precinct and shall be posted in each polling place on  
222 election day.

223 A separate ballot security envelope or suitable equivalent in  
224 which the voter can place his or her ballot after voting, shall be  
225 provided to conceal the choices the voter has made. Absentee  
226 voters will receive a similar ballot security envelope provided by



the county in which the absentee voter will insert their voted ballot, which then can be inserted into a return envelope to be mailed back to the election official. Absentee ballots will not be required to be folded when a ballot security envelope is provided.

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

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

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

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



251 (c) For an office elected by the qualified electors of  
252 a congressional district, not less than two hundred (200)  
253 qualified electors.

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

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

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

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

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

268 (2) (a) Unless the petition or fee, whichever is  
269 applicable, required above shall be filed as provided for in  
270 subsection (3), (4) or (5) of this section, as appropriate, the  
271 name of the person requested to be a candidate, unless nominated  
272 by a political party, shall not be placed upon the ballot. The  
273 ballot shall contain the names of each candidate for each office,  
274 and the names shall be listed under the name of the political  
275 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 political parties whose nominees for president received at least ten percent (10%) of the votes cast in the previous presidential election 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.

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

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

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



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

333           (9) (a) The appropriate election commission shall determine  
334 whether each candidate is a qualified elector of the state, state  
335 district, county or county district they seek to serve, and  
336 whether each candidate meets all other qualifications to hold the  
337 office he or she is seeking or presents absolute proof that he or  
338 she will, subject to no contingencies, meet all qualifications on  
339 or before the date of the general or special election at which he  
340 or she could be elected to office. The election commission shall  
341 determine whether the candidate has taken the steps necessary to  
342 qualify for more than one (1) office at the election. The  
343 election commission also shall determine whether any candidate has  
344 been convicted (i) of any felony in a court of this state, (ii) on  
345 or after December 8, 1992, of any offense in another state which  
346 is a felony under the laws of this state, (iii) of any felony in a  
347 federal court on or after December 8, 1992, or (iv) of any offense  
348 that involved the misuse or abuse of his or her office or money  
349 coming into his or her hands by virtue of the office. Excepted



350 from the above are convictions of manslaughter and violations of  
351 the United States Internal Revenue Code or any violations of the  
352 tax laws of this state.

353           (b) If the appropriate election commission finds that a  
354 candidate either (i) is not a qualified elector, (ii) does not  
355 meet all qualifications to hold the office he or she seeks and  
356 fails to provide absolute proof, subject to no contingencies, that  
357 he or she will meet the qualifications on or before the date of  
358 the general or special election at which he or she could be  
359 elected, or (iii) has been convicted of a felony or other  
360 disqualifying offense as described in paragraph (a) of this  
361 subsection, and not pardoned, then the election commission shall  
362 notify the candidate and give the candidate an opportunity to be  
363 heard. The election commission shall mail notice to the candidate  
364 at least three (3) business days before the hearing to the address  
365 provided by the candidate on the qualifying forms, and the  
366 committee shall attempt to contact the candidate by telephone,  
367 email and facsimile if the candidate provided this information on  
368 the forms. If the candidate fails to appear at the hearing or to  
369 prove that he or she meets all qualifications to hold the office  
370 subject to no contingencies, then the name of such candidate shall  
371 not be placed upon the ballot. If the appropriate election  
372 commission determines that the candidate has taken the steps  
373 necessary to qualify for more than one (1) office at the election,  
374 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 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 (9) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

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

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

