

By: Representative Sanford

To: Apportionment and
Elections

HOUSE BILL NO. 725

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN EXECUTIVE COMMITTEE MUST RENDER A DECISION ON
3 WHETHER THE NAME OF A CANDIDATE SHALL APPEAR ON A BALLOT WITHIN A
4 CERTAIN TIME; TO PROVIDE THAT A CANDIDATE AGGRIEVED BY THE
5 DECISION OF AN EXECUTIVE COMMITTEE TO NOT PLACE HIS OR HER NAME ON
6 THE BALLOT MAY FILE A PETITION FOR JUDICIAL REVIEW TO THE CIRCUIT
7 COURT OF THE COUNTY IN WHICH THE ELECTION OFFICIALS WHOSE DECISION
8 IS BEING REVIEWED SITS; TO PROVIDE THE PROCESS FOR THE JUDICIAL
9 REVIEW; TO PROVIDE THAT SUCH JUDICIAL REVIEW SHALL BE SOLE AND
10 ONLY MANNER IN WHICH A CANDIDATE MAY APPEAL THE APPROPRIATE
11 EXECUTIVE COMMITTEE'S DECISION TO NOT PLACE THE CANDIDATE'S NAME
12 ON THE BALLOT; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF
13 1972, TO PROVIDE THAT AN ELECTION COMMISSION MUST RENDER A
14 DECISION ON WHETHER THE NAME OF A CANDIDATE SHALL APPEAR ON A
15 BALLOT WITHIN A CERTAIN TIME; TO PROVIDE THAT A CANDIDATE
16 AGGRIEVED BY THE DECISION OF AN ELECTION COMMISSION TO NOT PLACE
17 HIS OR HER NAME ON THE BALLOT MAY FILE A PETITION FOR JUDICIAL
18 REVIEW TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ELECTION
19 OFFICIALS WHOSE DECISION IS BEING REVIEWED SITS; TO PROVIDE THE
20 PROCESS FOR THE JUDICIAL REVIEW; TO PROVIDE THAT SUCH JUDICIAL
21 REVIEW SHALL BE SOLE AND ONLY MANNER IN WHICH A CANDIDATE MAY
22 APPEAL THE APPROPRIATE EXECUTIVE COMMITTEE'S DECISION TO NOT PLACE
23 THE CANDIDATE'S NAME ON THE BALLOT; TO BRING FORWARD SECTIONS
24 23-15-961 AND 23-15-963, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
25 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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



29 23-15-299. (1) (a) Assessments made pursuant to subsection
30 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
31 each candidate who seeks a nomination in the political party
32 election to the secretary of the state executive committee with
33 which the candidate is affiliated by 5:00 p.m. on February 1 of
34 the year in which the primary election for the office is held or
35 on the date of the qualifying deadline provided by statute for the
36 office, whichever is earlier; however, no such assessments may be
37 paid before January 1 of the year in which the primary election
38 for the office is held. If February 1 or the date of the
39 qualifying deadline provided by statute for the office occurs on a
40 Saturday, Sunday or legal holiday, then the assessments required
41 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
42 business day immediately following the Saturday, Sunday or legal
43 holiday.

44 (b) Assessments made pursuant to subsection (3)(a), (b)
45 and (c) of Section 23-15-297 shall be paid by each independent
46 candidate or special election candidate to the Secretary of State
47 by 5:00 p.m. on February 1 of the year in which the primary
48 election for the office is held or on the date of the qualifying
49 deadline provided by statute for the office, whichever is earlier;
50 however, no such assessments may be paid before January 1 of the
51 year in which the primary election for the office is held. If
52 February 1 or the date of the qualifying deadline provided by
53 statute for the office occurs on a Saturday, Sunday or legal



54 holiday, then the assessments required to be paid by this
55 paragraph (b) shall be paid by 5:00 p.m. on the business day
56 immediately following the Saturday, Sunday or legal holiday.

57 (2) (a) Assessments made pursuant to subsection (1)(e) and
58 (f) of Section 23-15-297, shall be paid by each candidate who
59 seeks a nomination in the political party election to the circuit
60 clerk of that candidate's county of residence by 5:00 p.m. on
61 February 1 of the year in which the primary election for the
62 office is held or on the date of the qualifying deadline provided
63 by statute for the office, whichever is earlier; however, no such
64 assessments may be paid before January 1 of the year in which the
65 election for the office is held. If February 1 or the date of the
66 qualifying deadline provided by statute for the office occurs on a
67 Saturday, Sunday or legal holiday, then the assessments required
68 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
69 business day immediately following the Saturday, Sunday or legal
70 holiday. The circuit clerk shall forward the fee and all
71 necessary information to the secretary of the proper county
72 executive committee within two (2) business days. No candidate
73 may attempt to qualify with any political party that does not have
74 a duly organized county executive committee, and the circuit clerk
75 shall not accept any assessments paid for nonlegislative offices
76 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
77 circuit clerk does not have contact information for the secretary
78 of the county executive committee for that political party.



79 (b) Assessments made pursuant to subsection (3)(d) and
80 (e) of Section 23-15-297 shall be paid by each independent
81 candidate or special election candidate to the circuit clerk of
82 that candidate's county of residence by 5:00 p.m. on February 1 of
83 the year in which the primary election for the office is held or
84 on the date of the qualifying deadline provided by statute for the
85 office, whichever is earlier; however, no such assessments may be
86 paid before January 1 of the year in which the primary election
87 for the office is held. If February 1 or the date of the
88 qualifying deadline provided by statute for the office occurs on a
89 Saturday, Sunday or legal holiday, then the assessments required
90 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
91 business day immediately following the Saturday, Sunday or legal
92 holiday. The circuit clerk shall forward the fee and all
93 necessary information to the secretary of the proper county
94 election commission within two (2) business days.

95 (3) (a) Assessments made pursuant to subsection (1)(g) and
96 (h) of Section 23-15-297 must be paid by each candidate who seeks
97 a nomination in the political party election to the secretary of
98 the state executive committee with which the candidate is
99 affiliated by 5:00 p.m. sixty (60) days before the presidential
100 preference primary in years in which a presidential preference
101 primary is held; however, no such assessments may be paid before
102 January 1 of the year in which the primary election for the office
103 is held. Assessments made pursuant to subsection (1)(g) and (h)



104 of Section 23-15-297, in years when a presidential preference
105 primary is not being held, shall be paid by each candidate who
106 seeks a nomination in the political party election to the
107 secretary of the state executive committee with which the
108 candidate is affiliated by 5:00 p.m. on March 1 of the year in
109 which the primary election for the office is held; however, no
110 such assessments may be paid before January 1 of the year in which
111 the primary election for the office is held. If sixty (60) days
112 before the presidential preference primary in years in which a
113 presidential preference primary is held, March 1, or the date of
114 the qualifying deadline provided by statute for the office occurs
115 on a Saturday, Sunday or legal holiday, then the assessments
116 required to be paid by this paragraph (a) shall be paid by 5:00
117 p.m. on the business day immediately following the Saturday,
118 Sunday or legal holiday.

119 (b) Assessments made pursuant to subsection (3)(f) and
120 (g) of Section 23-15-297 must be paid by each independent
121 candidate or special election candidate to the Secretary of State
122 by 5:00 p.m. sixty (60) days before the presidential preference
123 primary in years in which a presidential preference primary is
124 held; however, no such assessments may be paid before January 1 of
125 the year in which the primary election for the office is held.
126 Assessments made pursuant to subsection (3)(f) and (g) of Section
127 23-15-297, in years when a presidential preference primary is not
128 being held, shall be paid by each independent candidate or special



election candidate to the Secretary of State by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(4) (a) The fees paid pursuant to subsections (1), (2) and (3) of this section shall be accompanied by a written statement containing the name and address of the candidate, the party with which he or she is affiliated, if applicable, the email address of the candidate, if any, and the office for which he or she is a candidate.

(b) The state executive committee shall transmit to the Secretary of State a copy of the written statements accompanying the fees paid pursuant to subsections (1) and (2) of this section. All copies must be received by the Office of the Secretary of State by not later than 6:00 p.m. on the date of the qualifying deadline; provided, however, the failure of the Office of the Secretary of State to receive such copies by 6:00 p.m. on the date of the qualifying deadline shall not affect the qualification of a



154 person who pays the required fee and files the required statement
155 by 5:00 p.m. on the date of the qualifying deadline. The name of
156 any person who pays the required fee and files the required
157 statement after 5:00 p.m. on the date of the qualifying deadline
158 shall not be placed on the primary election ballot or the general
159 election ballot.

160 (5) The Secretary of State or the secretary or circuit clerk
161 to whom such payments are made shall promptly receipt for same
162 stating the office for which the candidate making payment is
163 running and the political party with which he or she is
164 affiliated, if applicable, and he or she shall keep an itemized
165 account in detail showing the exact time and date of the receipt
166 of each payment received by him or her and, where applicable, the
167 date of the postmark on the envelope containing the fee and from
168 whom, and for what office the party paying same is a candidate.

169 (6) The secretaries of the proper executive committee shall
170 hold the funds to be finally disposed of by order of their
171 respective executive committees. The funds may be used or
172 disbursed by the executive committee receiving same to pay all
173 necessary traveling or other necessary expenses of the members of
174 the executive committee incurred in discharging their duties as
175 committee members, and of their secretary and may pay the
176 secretary such salary as may be reasonable. The Secretary of
177 State shall deposit any qualifying fees received from candidates
178 into the Elections Support Fund established in Section 23-15-5.



(7) (a) Upon receipt of the proper fee and all necessary information, the proper executive committee or the Secretary of State, whichever is applicable, shall then determine at the time of the qualifying deadline, unless otherwise provided by law, the following:

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

(ii) Whether each candidate 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 * * *; and

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

(iv) * * * Whether any candidate has been convicted of any of the following:

* * * 1. * * * Any felony in a court of this state * * *;

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



203 * * *3. * * * Any felony in a federal court
204 on or after December 8, 1992 * * *; or

205 * * *4. * * * Any offense that involved the
206 misuse or abuse of his or her office or money coming into his or
207 her hands by virtue of the office.

208 Excepted from * * * subparagraph (iv) are convictions of
209 manslaughter and violations of the United States Internal Revenue
210 Code or any violations of the tax laws of this state.

211 (b) If the proper executive committee or the Secretary
212 of State, whichever is applicable, finds that a candidate either
213 (i) is not a qualified elector, (ii) does not meet all
214 qualifications to hold the office he or she seeks and fails to
215 provide absolute proof, subject to no contingencies, that he or
216 she will meet the qualifications on or before the date of the
217 general or special election at which he or she could be elected,
218 or (iii) has been convicted of a felony or other disqualifying
219 offense as described in paragraph (a) of this subsection, and not
220 pardoned, then the executive committee shall notify the candidate
221 and give the candidate an opportunity to be heard. The executive
222 committee shall mail notice to the candidate at least three (3)
223 business days before the hearing to the address provided by the
224 candidate on the qualifying forms, and the committee shall attempt
225 to contact the candidate by telephone, email and facsimile if the
226 candidate provided this information on the forms. If the
227 candidate fails to appear at the hearing or to prove that he or



228 she meets all qualifications to hold the office subject to no
229 contingencies, then the name of that candidate shall not be placed
230 upon the ballot. The proper executive committee shall render a
231 decision on whether the name of the candidate shall appear on the
232 ballot within five (5) days of the hearing.

233 (c) (i) A candidate aggrieved by the decision of the
234 appropriate executive committee may file a petition for judicial
235 review to the circuit court of the county in which the election
236 officials whose decision is being reviewed sits. Such petition
237 must be filed no later than ten (10) days after the decision of
238 the executive committee. Such candidate filing for judicial
239 review shall give a cost bond in the sum of Three Hundred Dollars
240 (\$300.00) with two (2) or more sufficient sureties conditioned to
241 pay all costs in case his or her petition be dismissed, and an
242 additional bond may be required, by the court, if necessary, at
243 any subsequent stage of the proceedings.

244 (ii) The circuit court with whom such a petition
245 for judicial review has been filed shall at the earliest possible
246 date set the matter for hearing. Notice shall be given to the
247 interested parties of the time set for hearing by the circuit
248 clerk. The hearing before the circuit court shall be de novo.
249 The matter shall be tried to the circuit judge, without a jury.
250 After hearing the evidence, the circuit judge shall determine
251 whether the candidate whose qualifications have been challenged is
252 legally qualified to have his or her name placed upon the ballot



in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings.

(iii) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions that states the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of such appeals shall automatically suspend the decision of the circuit court and the appropriate election officials are entitled to proceed based upon their decision unless the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.



(iv) The procedure set forth above shall be the sole and only manner in which a candidate may appeal the appropriate executive committee's decision to not place the candidate's name on the ballot under this section. These provisions do not interfere with the rights of other persons to challenge the decision of the appropriate executive committee to place the name of the candidate on the ballot in accordance with Section 23-15-961. After any person assumes an elective office, his qualifications to hold that office may be contested as otherwise provided by law.

(* * *d) If the proper executive committee or the Secretary of State, whichever is applicable, 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.

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

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

SECTION 2. 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.

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

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



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

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

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

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

335 (2) (a) Unless the petition or fee, whichever is
336 applicable, required above shall be filed as provided for in
337 subsection (3), (4) or (5) of this section, as appropriate, the
338 name of the person requested to be a candidate, unless nominated
339 by a political party, shall not be placed upon the ballot. The
340 ballot shall contain the names of each candidate for each office,
341 and the names shall be listed under the name of the political
342 party that candidate represents as provided by law and as
343 certified to the circuit clerk by the state executive committee of
344 the political party. In the event the candidate qualifies as an
345 independent as provided in this section, he or she shall be listed
346 on the ballot as an independent candidate.



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

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

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

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



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

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

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

392 (9) (a) The appropriate election commission shall determine
393 the following:

394 (i) Whether each candidate is a qualified elector
395 of the state, state district, county or county district they seek
396 to serve * * *;



397 (ii) Whether each candidate meets all other
398 qualifications to hold the office he or she is seeking or presents
399 absolute proof that he or she will, subject to no contingencies,
400 meet all qualifications on or before the date of the general or
401 special election at which he or she could be elected to
402 office * * *;

403 (iii) * * * Whether the candidate has taken the
404 steps necessary to qualify for more than one (1) office at the
405 election * * *;

406 (iv) * * * Whether any candidate has been
407 convicted of any of the following:

408 * * * 1. * * * Any felony in a court of this
409 state * * *;

410 * * * 2. On or after December 8, 1992, * * *
411 any offense in another state which is a felony under the laws of
412 this state * * *;

413 * * * 3. * * * Any felony in a federal court
414 on or after December 8, 1992 * * *; or

415 * * * 4. * * * Any offense that involved the
416 misuse or abuse of his or her office or money coming into his or
417 her hands by virtue of the office.

418 Excepted from * * * subparagraph (iv) are convictions of
419 manslaughter and violations of the United States Internal Revenue
420 Code or any violations of the tax laws of this state.



(b) If the appropriate election commission finds that a candidate either (i) is not a qualified elector, (ii) 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 (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. The election commission shall render a decision on whether the name of the candidate shall appear on the ballot within five (5) days of the hearing. 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.



446 (c) (i) A candidate aggrieved by the decision of the
447 appropriate election commission may file a petition for judicial
448 review to the circuit court of the county in which the election
449 commission whose decision is being reviewed sits. Such petition
450 must be filed no later than ten (10) days after the decision of
451 the election commission. Such candidate filing for judicial
452 review shall give a cost bond in the sum of Three Hundred Dollars
453 (\$300.00) with two (2) or more sufficient sureties conditioned to
454 pay all costs in case his or her petition be dismissed, and an
455 additional bond may be required, by the court, if necessary, at
456 any subsequent stage of the proceedings.

457 (ii) The circuit court with whom such a petition
458 for judicial review has been filed shall at the earliest possible
459 date set the matter for hearing. Notice shall be given to the
460 interested parties of the time set for hearing by the circuit
461 clerk. The hearing before the circuit court shall be de novo.
462 The matter shall be tried to the circuit judge, without a jury.
463 After hearing the evidence, the circuit judge shall determine
464 whether the candidate whose qualifications have been challenged is
465 legally qualified to have his or her name placed upon the ballot
466 in question. The circuit judge may, upon disqualification of any
467 such candidate, order that such candidate shall bear the court
468 costs of the proceedings.

469 (iii) Within three (3) days after judgment is
470 rendered by the circuit court, the contestant or contestee, or



471 both, may file an appeal in the Supreme Court upon giving a cost
472 bond in the sum of Three Hundred Dollars (\$300.00), together with
473 a bill of exceptions that states the point or points of law at
474 issue with a sufficient synopsis of the facts to fully disclose
475 the bearing and relevancy of such points of law. The bill of
476 exceptions shall be signed by the trial judge, or in case of his
477 absence, refusal or disability, by two (2) disinterested
478 attorneys, as is provided by law in other cases of bills of
479 exception. The filing of such appeals shall automatically suspend
480 the decision of the circuit court and the appropriate election
481 officials are entitled to proceed based upon their decision unless
482 the Supreme Court, in its discretion, stays further proceedings in
483 the matter. The appeal shall be immediately docketed in the
484 Supreme Court and referred to the court en banc upon briefs
485 without oral argument unless the court shall call for oral
486 argument, and shall be decided at the earliest possible date, as a
487 preference case over all others. The Supreme Court shall have the
488 authority to grant such relief as is appropriate under the
489 circumstances.

490 (iv) The procedure set forth above shall be the
491 sole and only manner in which a candidate may appeal the
492 appropriate election commission's decision to not place the
493 candidate's name on the ballot under this section. These
494 provisions do not interfere with the rights of other persons to
495 challenge the decision of the appropriate election commission to



place the name of the candidate on the ballot in accordance with
Section 23-15-963. After any person assumes an elective office,
his qualifications to hold that office may be contested as
otherwise provided by law.

(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 3. Section 23-15-961, Mississippi Code of 1972, is brought forward as follows:

23-15-961. (1) Any person desiring to contest the qualifications of another person as a candidate for nomination in a political party primary election shall file a petition



specifically setting forth the grounds of the challenge within ten (10) days after the qualifying deadline for the office in question. The petition shall be filed with the executive committee with whom the candidate in question qualified.

(2) Within ten (10) days of receipt of the petition described in subsection (1) of this section, the appropriate executive committee shall meet and rule upon the petition. At least two (2) days before the hearing to consider the petition, the appropriate executive committee shall give notice to both the petitioner and the contested candidate of the time and place of the hearing on the petition. Each party shall be given an opportunity to be heard at that meeting and present evidence in support of his position.

(3) If the appropriate executive committee fails to rule upon the petition within the time required in subsection (2) of this section, that inaction shall be interpreted as a denial of the request for relief contained in the petition.

(4) Any party aggrieved by the action or inaction of the appropriate executive committee may file a petition for judicial review to the circuit court of the county in which the executive committee whose decision is being reviewed sits. The petition must be filed no later than fifteen (15) days after the date the petition was originally filed with the appropriate executive committee. The person filing for judicial review shall give a cost bond in the sum of Three Hundred Dollars (\$300.00) with two



(2) or more sufficient sureties conditioned to pay all costs in case his petition be dismissed, and an additional bond may be required, by the court, if necessary, at any subsequent stage of the proceedings.

(5) Upon the filing of the petition and bond, the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his absence, or disability, some other judge of the Supreme Court, who shall forthwith designate and notify a circuit judge or retired judge on senior status of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. It shall be the official duty of the trial judge to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge and of which the contestant and contestee shall have reasonable notice. The contestant and contestee are to be served in a reasonable manner as the judge may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if he has a cross-complaint. The hearing before the trial court shall be de novo. The matter shall be tried to the trial judge, without a jury. After hearing the evidence, the trial judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to



571 have his name placed upon the ballot in question. The trial judge
572 may, upon disqualification of any such candidate, order that such
573 candidate shall bear the court costs of the proceedings.

574 (6) Within three (3) days after judgment is rendered by the
575 circuit court, the contestant or contestee, or both, may file an
576 appeal in the Supreme Court upon giving a cost bond in the sum of
577 Three Hundred Dollars (\$300.00), together with a bill of
578 exceptions which shall state the point or points of law at issue
579 with a sufficient synopsis of the facts to fully disclose the
580 bearing and relevancy of such points of law. The bill of
581 exceptions shall be signed by the trial judge, or in case of his
582 absence, refusal or disability, by two (2) disinterested
583 attorneys, as is provided by law in other cases of bills of
584 exception. The filing of such appeals shall automatically suspend
585 the decision of the circuit court and the appropriate executive
586 committee is entitled to proceed based upon their decision unless
587 and until the Supreme Court, in its discretion, stays further
588 proceedings in the matter. The appeal shall be immediately
589 docketed in the Supreme Court and referred to the court en banc
590 upon briefs without oral argument unless the court shall call for
591 oral argument, and shall be decided at the earliest possible date,
592 as a preference case over all others. The Supreme Court shall
593 have the authority to grant such relief as is appropriate under
594 the circumstances.



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

SECTION 4. Section 23-15-963, Mississippi Code of 1972, is brought forward as follows:

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

(2) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-213, Mississippi Code of 1972, as a candidate for county election commissioner elected at a general election, shall file a petition specifically setting forth the grounds of the



620 challenge no later than sixty (60) days prior to the general
621 election. Such petition shall be filed with the county board of
622 supervisors, being the same body with whom the candidate in
623 question qualified pursuant to Section 23-15-213, Mississippi Code
624 of 1972.

625 (3) Any person desiring to contest the qualifications of
626 another person who has qualified pursuant to the provisions of
627 Section 23-15-361, Mississippi Code of 1972, as a candidate for
628 municipal office elected on the date designated by law for regular
629 municipal elections, shall file a petition specifically setting
630 forth the grounds of the challenge no later than thirty-one (31)
631 days after the date of the first primary election set forth in
632 Section 23-15-309, Mississippi Code of 1972. Such petition shall
633 be filed with the municipal commissioners of election, being the
634 same body with whom the candidate in question qualified pursuant
635 to Section 23-15-361, Mississippi Code of 1972.

636 (4) Within ten (10) days of receipt of the petition
637 described in subsections (1), (2) and (3) of this section, the
638 appropriate election officials shall meet and rule upon the
639 petition. At least two (2) days before the hearing to consider
640 the petition, the appropriate election officials shall give notice
641 to both the petitioner and the contested candidate of the time and
642 place of the hearing on the petition. Each party shall be given
643 an opportunity to be heard at such meeting and present evidence in
644 support of his position.



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

649 (6) Any party aggrieved by the action or inaction of the
650 appropriate election officials may file a petition for judicial
651 review to the circuit court of the county in which the election
652 officials whose decision is being reviewed sits. Such petition
653 must be filed no later than fifteen (15) days after the date the
654 petition was originally filed with the appropriate election
655 officials. Such person filing for judicial review shall give a
656 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
657 (2) or more sufficient sureties conditioned to pay all costs in
658 case his petition be dismissed, and an additional bond may be
659 required, by the court, if necessary, at any subsequent stage of
660 the proceedings.

661 (7) The circuit court with whom such a petition for judicial
662 review has been filed shall at the earliest possible date set the
663 matter for hearing. Notice shall be given the interested parties
664 of the time set for hearing by the circuit clerk. The hearing
665 before the circuit court shall be de novo. The matter shall be
666 tried to the circuit judge, without a jury. After hearing the
667 evidence, the circuit judge shall determine whether the candidate
668 whose qualifications have been challenged is legally qualified to
669 have his name placed upon the ballot in question. The circuit



judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings.

(8) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions which shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of such appeals shall automatically suspend the decision of the circuit court and the appropriate election officials are entitled to proceed based upon their decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

(9) The procedure set forth above shall be the sole and only manner in which the qualifications of a candidate seeking public



695 office who qualified pursuant to the provisions of Sections
696 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
697 be challenged prior to the time of his election. After any such
698 person has been elected to public office, the election may be
699 challenged as otherwise provided by law. After any person assumes
700 an elective office, his qualifications to hold that office may be
701 contested as otherwise provided by law.

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

