

By: Representatives Felsher, Yates

To: Apportionment and
Elections

HOUSE BILL NO. 811

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IN ORDER TO QUALIFY TO RUN FOR OFFICE, A CANDIDATE
3 MUST SUBMIT, ALONG WITH THE QUALIFICATION FEES, A NOTARIZED
4 WRITTEN STATEMENT AND A COPY OF THE CANDIDATE'S MISSISSIPPI
5 IDENTIFICATION CARD; TO REQUIRE THE SECRETARY OF STATE TO ASSESS A
6 FIVE HUNDRED DOLLAR FINE TO ANY STATE EXECUTIVE COMMITTEE THAT
7 FAILS TO TRANSMIT ANY WRITTEN STATEMENTS AND OTHER REQUIRED
8 DOCUMENTS AND ACCOMPANYING FEES TO THE SECRETARY OF STATE BY 6:00
9 P.M. ON THE DATE OF THE QUALIFYING DEADLINE; TO PROVIDE THAT THE
10 FINE SHALL BE FOR EACH WRITTEN STATEMENT THAT IS SUBMITTED AFTER
11 6:00 P.M. ON THE DATE OF THE QUALIFYING DEADLINE; TO REQUIRE THE
12 SECRETARY OF STATE TO DEPOSIT ANY FINES RECEIVED FROM ANY STATE
13 EXECUTIVE COMMITTEE INTO THE ELECTIONS SUPPORT FUND; TO PROVIDE A
14 TIMELINE FOR AN EXECUTIVE COMMITTEE OR THE SECRETARY OF STATE,
15 WHICHEVER IS APPLICABLE, TO DETERMINE WHETHER A CANDIDATE MEETS
16 THE QUALIFICATIONS TO HOLD THE OFFICE HE OR SHE SEEKS; TO PROVIDE
17 THAT ONCE AN EXECUTIVE COMMITTEE HAS DETERMINED WHETHER A
18 CANDIDATE IS QUALIFIED TO HOLD THE OFFICE HE OR SHE SEEKS, THE
19 SECRETARY OF THE EXECUTIVE COMMITTEE SHALL TRANSMIT A LIST OF ALL
20 OF THOSE CANDIDATES AND HOW THE EXECUTIVE COMMITTEE RULED ON THEIR
21 QUALIFICATIONS TO THE SECRETARY OF STATE FOR REVIEW; TO PROVIDE
22 THE SECRETARY OF STATE A TIMELINE TO DETERMINE IF THE CANDIDATES
23 WERE PROPERLY QUALIFIED OR DISQUALIFIED; TO PROVIDE THAT IF THE
24 SECRETARY OF STATE DISAGREES WITH A DECISION MADE BY AN EXECUTIVE
25 COMMITTEE, THE SECRETARY OF STATE SHALL NOTIFY THE EXECUTIVE
26 COMMITTEE AND CANDIDATE AND GIVE THE EXECUTIVE COMMITTEE AND
27 CANDIDATE TEN DAYS TO APPEAL THAT DETERMINATION; TO PROVIDE THE
28 SECRETARY OF STATE TEN DAYS TO CONSIDER THE APPEAL OF THE
29 EXECUTIVE COMMITTEE OR CANDIDATE; TO PROVIDE THAT IF THE SECRETARY
30 OF STATE UPHOLDS HIS DETERMINATION, THE CANDIDATE MAY APPEAL THAT
31 DETERMINATION; TO PROVIDE THAT IF A CANDIDATE HAS VOTED IN ANY
32 ELECTION OUTSIDE OF THE JURISDICTION IN WHICH THEY SEEK TO
33 REPRESENT DURING THE PERIOD IN WHICH THE CANDIDATE IS REQUIRED TO
34 HAVE RESIDED WITHIN THE JURISDICTION, THE NAME OF SUCH CANDIDATE



35 SHALL NOT APPEAR ON THE BALLOT; TO AMEND SECTION 23-15-961,
36 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
37 AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
38 PROCESS FOR THAT JUDICIAL REVIEW; TO PROVIDE THAT IF A CANDIDATE
39 HAS VOTED IN ANY ELECTION OUTSIDE OF THE JURISDICTION IN WHICH
40 THEY SEEK TO REPRESENT DURING THE PERIOD IN WHICH THE CANDIDATE IS
41 REQUIRED TO HAVE RESIDED WITHIN THE JURISDICTION, THE NAME OF SUCH
42 CANDIDATE SHALL NOT APPEAR ON THE BALLOT; TO PROVIDE THAT A
43 CANDIDATE AGGRIEVED BY THE DECISION OF THE APPROPRIATE ELECTION
44 COMMISSION MAY FILE A PETITION FOR JUDICIAL REVIEW TO THE CIRCUIT
45 COURT OF THE COUNTY IN WHICH THE ELECTION COMMISSION WHOSE
46 DECISION IS BEING REVIEWED SITS; TO AMEND SECTION 23-15-1093,
47 MISSISSIPPI CODE OF 1972, TO CHANGE THE DEADLINE TO QUALIFY TO RUN
48 FOR PRESIDENT FROM JANUARY 1 THROUGH JANUARY 15 TO NOVEMBER 15
49 THROUGH DECEMBER 15; TO BRING FORWARD SECTIONS 23-15-963,
50 23-15-1085 AND 23-15-1089, MISSISSIPPI CODE OF 1972, FOR THE
51 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

55 23-15-299. (1) (a) Assessments made pursuant to subsection
56 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
57 each candidate who seeks a nomination in the political party
58 election to the secretary of the state executive committee with
59 which the candidate is affiliated by 5:00 p.m. on February 1 of
60 the year in which the primary election for the office is held or
61 on the date of the qualifying deadline provided by statute for the
62 office, whichever is earlier; however, no such assessments may be
63 paid before January 1 of the year in which the primary election
64 for the office is held. If February 1 or the date of the
65 qualifying deadline provided by statute for the office occurs on a
66 Saturday, Sunday or legal holiday, then the assessments required
67 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the



68 business day immediately following the Saturday, Sunday or legal
69 holiday.

70 (b) Assessments made pursuant to subsection (3)(a), (b)
71 and (c) of Section 23-15-297 shall be paid by each independent
72 candidate or special election candidate to the Secretary of State
73 by 5:00 p.m. on February 1 of the year in which the primary
74 election for the office is held or on the date of the qualifying
75 deadline provided by statute for the office, whichever is earlier;
76 however, no such assessments may be paid before January 1 of the
77 year in which the primary election for the office is held. If
78 February 1 or the date of the qualifying deadline provided by
79 statute for the office occurs on a Saturday, Sunday or legal
80 holiday, then the assessments required to be paid by this
81 paragraph (b) shall be paid by 5:00 p.m. on the business day
82 immediately following the Saturday, Sunday or legal holiday.

83 (2) (a) Assessments made pursuant to subsection (1)(e) and
84 (f) of Section 23-15-297, shall be paid by each candidate who
85 seeks a nomination in the political party election to the circuit
86 clerk of that candidate's county of residence by 5:00 p.m. on
87 February 1 of the year in which the primary election for the
88 office is held or on the date of the qualifying deadline provided
89 by statute for the office, whichever is earlier; however, no such
90 assessments may be paid before January 1 of the year in which the
91 election for the office is held. If February 1 or the date of the
92 qualifying deadline provided by statute for the office occurs on a



93 Saturday, Sunday or legal holiday, then the assessments required
94 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
95 business day immediately following the Saturday, Sunday or legal
96 holiday. The circuit clerk shall forward the fee and all
97 necessary information to the secretary of the proper county
98 executive committee within two (2) business days. No candidate
99 may attempt to qualify with any political party that does not have
100 a duly organized county executive committee, and the circuit clerk
101 shall not accept any assessments paid for nonlegislative offices
102 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
103 circuit clerk does not have contact information for the secretary
104 of the county executive committee for that political party.

105 (b) Assessments made pursuant to subsection (3)(d) and
106 (e) of Section 23-15-297 shall be paid by each independent
107 candidate or special election candidate to the circuit clerk of
108 that candidate's county of residence by 5:00 p.m. on February 1 of
109 the year in which the primary election for the office is held or
110 on the date of the qualifying deadline provided by statute for the
111 office, whichever is earlier; however, no such assessments may be
112 paid before January 1 of the year in which the primary election
113 for the office is held. If February 1 or the date of the
114 qualifying deadline provided by statute for the office occurs on a
115 Saturday, Sunday or legal holiday, then the assessments required
116 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
117 business day immediately following the Saturday, Sunday or legal



118 holiday. The circuit clerk shall forward the fee and all
119 necessary information to the secretary of the proper county
120 election commission within two (2) business days.

121 (3) (a) Assessments made pursuant to subsection (1)(g) and
122 (h) of Section 23-15-297 must be paid by each candidate who seeks
123 a nomination in the political party election to the secretary of
124 the state executive committee with which the candidate is
125 affiliated by 5:00 p.m. sixty (60) days before the presidential
126 preference primary in years in which a presidential preference
127 primary is held; however, no such assessments may be paid before
128 January 1 of the year in which the primary election for the office
129 is held. Assessments made pursuant to subsection (1)(g) and (h)
130 of Section 23-15-297, in years when a presidential preference
131 primary is not being held, shall be paid by each candidate who
132 seeks a nomination in the political party election to the
133 secretary of the state executive committee with which the
134 candidate is affiliated by 5:00 p.m. on March 1 of the year in
135 which the primary election for the office is held; however, no
136 such assessments may be paid before January 1 of the year in which
137 the primary election for the office is held. If sixty (60) days
138 before the presidential preference primary in years in which a
139 presidential preference primary is held, March 1, or the date of
140 the qualifying deadline provided by statute for the office occurs
141 on a Saturday, Sunday or legal holiday, then the assessments
142 required to be paid by this paragraph (a) shall be paid by 5:00



p.m. on the business day immediately following the Saturday,
Sunday or legal holiday.

(b) Assessments made pursuant to subsection (3)(f) and
(g) of Section 23-15-297 must be paid by each independent
candidate or special election candidate to the Secretary of State
by 5:00 p.m. sixty (60) days before the presidential preference
primary in years in which a presidential preference primary 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.
Assessments made pursuant to subsection (3)(f) and (g) of Section
23-15-297, in years when a presidential preference primary is not
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 notarized, written



168 statement containing the name and address of the candidate, the
169 party with which he or she is affiliated, if applicable, the email
170 address of the candidate, if any, * * * the office for which he or
171 she is a candidate and a copy of the candidate's Mississippi
172 identification card.

173 (b) The state executive committee shall transmit to the
174 Secretary of State a copy of the written statements and other
175 required documents accompanying the fees paid pursuant to
176 subsections (1) and (2) of this section. All copies must be
177 received by the Office of the Secretary of State by not later than
178 6:00 p.m. on the date of the qualifying deadline; provided,
179 however, the failure of the Office of the Secretary of State to
180 receive such copies by 6:00 p.m. on the date of the qualifying
181 deadline shall not affect the qualification of a person who pays
182 the required fee and files the required statement and all of the
183 required documents by 5:00 p.m. on the date of the qualifying
184 deadline. The Secretary of State shall assess a Five Hundred
185 Dollar (\$500.00) fine to any state executive committee that fails
186 to transmit any written statements and other required documents
187 and accompanying fees to the Secretary of State by 6:00 p.m. on
188 the date of the qualifying deadline. Such fine shall be assessed
189 for each written statement and other required documents and fees
190 that were not turned in to the Office of the Secretary of State by
191 6:00 p.m. The Secretary of State shall deposit any fines received
192 from any state executive committee into the Elections Support Fund



193 established in Section 23-15-5. The name of any person who pays
194 the required fee and files the required statement and the required
195 documents after 5:00 p.m. on the date of the qualifying deadline
196 shall not be placed on the primary election ballot or the general
197 election ballot.

198 (5) The Secretary of State or the secretary or circuit clerk
199 to whom such payments are made shall promptly receipt for same
200 stating the office for which the candidate making payment is
201 running and the political party with which he or she is
202 affiliated, if applicable, and he or she shall keep an itemized
203 account in detail showing the exact time and date of the receipt
204 of each payment received by him or her and, where applicable, the
205 date of the postmark on the envelope containing the fee and from
206 whom, and for what office the party paying same is a candidate.

207 (6) The secretaries of the proper executive committee shall
208 hold the funds to be finally disposed of by order of their
209 respective executive committees. The funds may be used or
210 disbursed by the executive committee receiving same to pay all
211 necessary traveling or other necessary expenses of the members of
212 the executive committee incurred in discharging their duties as
213 committee members, and of their secretary and may pay the
214 secretary such salary as may be reasonable. The Secretary of
215 State shall deposit any qualifying fees received from candidates
216 into the Elections Support Fund established in Section 23-15-5.



217 (7) (a) Upon receipt of the proper fee and all necessary
218 information, the proper executive committee or the Secretary of
219 State, whichever is applicable, shall then determine * * * the
220 following:

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

224 (ii) Whether each candidate meets all other
225 qualifications to hold the office he or she is seeking or presents
226 absolute proof that he or she will, subject to no contingencies,
227 meet all qualifications on or before the date of the general or
228 special election at which he or she could be elected to
229 office * * * ; and

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

233 (iv) * * * Whether any candidate has been
234 convicted of any of the following and not pardoned:

235 * * * 1. Any felony in a court of this
236 state,

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

240 * * * 3. Any felony in a federal court on or
241 after December 8, 1992, or



242 * * * 4. Any offense that involved the
243 misuse or abuse of his or her office or money coming into his or
244 her hands by virtue of the office. Excepted from the above are
245 convictions of manslaughter and violations of the United States
246 Internal Revenue Code or any violations of the tax laws of this
247 state * * * ; and

248 (v) Whether the candidate has voted in any
249 election outside of the jurisdiction in which he or she seeks to
250 represent during the period in which the candidate is required to
251 have resided within the jurisdiction. If a candidate is found to
252 have voted in any election outside of the jurisdiction that he or
253 she seeks to represent during the period in which the candidate is
254 required to have resided within the jurisdiction, the name of such
255 candidate shall not appear on the ballot.

256 (b) * * * The proper executive committee or the
257 Secretary of State, whichever is applicable, shall make the
258 determinations in paragraph (a) of this subsection within the
259 following time periods:

260 (i) Five (5) days of the qualifying deadline
261 during presidential preference primary elections; or

262 (ii) Fifteen (15) days of the qualifying deadline
263 for federal mid-term elections; or

264 (iii) Thirty (30) days of the qualifying deadline
265 during statewide elections.



(c) Once the proper executive committee or the Secretary of State, whichever is applicable, has made the determinations required in paragraph (a) of this subsection within the time periods provided in paragraph (b) of this subsection, the secretary of each executive committee shall transmit the list of all of those candidates and how the executive committee ruled on their qualification to hold the office to the Secretary of State. Upon receipt of the list of candidates either qualified or disqualified by the proper executive committee, the Secretary of State shall have (i) five (5) days after the deadline of the executive committee provided in paragraph (b) of this subsection in presidential preference primaries; or (ii) fifteen (15) days after the deadline of the executive committee provided in paragraph (b) of this subsection in federal mid-term elections; or (iii) thirty (30) days after the deadline of the executive committee provided in paragraph (b) of this subsection in statewide elections to determine whether the candidates were properly qualified or disqualified. The executive committee shall provide any information as needed by the Secretary of State to assist him in making his determination. If the executive committee qualified a candidate to appear on the ballot and the Secretary of State determines that decision was proper, the name of that candidate shall be placed on the ballot. If the executive committee disqualified a candidate and the Secretary of State determines that decision was proper, the name of that candidate



shall not be placed on the ballot. The candidate may appeal that decision of the Secretary of State as provided in Section 23-15-961. If the executive committee qualified or disqualified a candidate to appear on the ballot and the Secretary of State determines that decision was made erroneously, the Secretary of State shall provide notice of his determination to the executive committee and candidate and give the executive committee and candidate an opportunity to appeal the determination of the Secretary of State. Such appeal shall occur ten (10) business days after the determination was made. The Secretary of State shall mail notice of the appeal hearing to the executive committee and the candidate at the address provided by the candidate on the qualifying forms at least three (3) business days before the hearing, and the Secretary of State shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. After the appeal, the Secretary of State shall have ten (10) days to consider the appeal of the executive committee or candidate. If the Secretary of State upholds his determination and a candidate was improperly qualified, then the name of that candidate shall not be placed on the ballot. If the Secretary of State upholds his determination and a candidate was improperly disqualified, then the name of that candidate shall be placed on the ballot. Any candidate who is aggrieved by a decision of the Secretary of State may appeal that decision as provided in Section 23-15-961.



(c) 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.

(d) 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 23-15-961, Mississippi Code of 1972, is amended 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 or a candidate who has been disqualified under the provisions of Section 23-15-299 shall file a petition for judicial review specifically setting forth the grounds of the challenge within * * * twenty-one (21) days after the * * * Secretary of State finally determines whether a candidate is a qualified elector of the state, state district, county or county district for the office in question. The petition shall be filed with the * * * circuit court of the county



where the candidate in question resides according to his or her
notarized written statement.

* * *

* * * 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.

(* * *2) 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 or who has been disqualified as provided in Section 23-15-299 is legally qualified to have his name placed upon the ballot in question. The trial judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings.

(* * *3) 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 executive committee is 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



390 docketed in the Supreme Court and referred to the court en banc
391 upon briefs without oral argument unless the court shall call for
392 oral argument, and shall be decided at the earliest possible date,
393 as a preference case over all others. The Supreme Court shall
394 have the authority to grant such relief as is appropriate under
395 the circumstances.

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

404 **SECTION 3.** Section 23-15-963, Mississippi Code of 1972, is
405 brought forward as follows:

406 23-15-963. (1) Any person desiring to contest the
407 qualifications of another person who has qualified pursuant to the
408 provisions of Section 23-15-359, Mississippi Code of 1972, as a
409 candidate for any office elected at a general election, shall file
410 a petition specifically setting forth the grounds of the challenge
411 not later than thirty-one (31) days after the date of the first
412 primary election set forth in Section 23-15-191, Mississippi Code
413 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 challenge no later than sixty (60) days prior to the general election. Such petition shall be filed with the county board of supervisors, being the same body with whom the candidate in question qualified pursuant to Section 23-15-213, Mississippi Code of 1972.

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

(4) Within ten (10) days of receipt of the petition described in subsections (1), (2) and (3) of this section, the



appropriate election officials shall meet and rule upon the petition. At least two (2) days before the hearing to consider the petition, the appropriate election officials 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 such meeting and present evidence in support of his position.

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

(6) Any party aggrieved by the action or inaction of the appropriate election officials may file a petition for judicial review to the circuit court of the county in which the election officials whose decision is being reviewed sits. Such petition must be filed no later than fifteen (15) days after the date the petition was originally filed with the appropriate election officials. Such 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.

(7) The circuit court with whom such a petition for judicial review has been filed shall at the earliest possible date set the



464 matter for hearing. Notice shall be given the interested parties
465 of the time set for hearing by the circuit clerk. The hearing
466 before the circuit court shall be de novo. The matter shall be
467 tried to the circuit judge, without a jury. After hearing the
468 evidence, the circuit judge shall determine whether the candidate
469 whose qualifications have been challenged is legally qualified to
470 have his name placed upon the ballot in question. The circuit
471 judge may, upon disqualification of any such candidate, order that
472 such candidate shall bear the court costs of the proceedings.

473 (8) Within three (3) days after judgment is rendered by the
474 circuit court, the contestant or contestee, or both, may file an
475 appeal in the Supreme Court upon giving a cost bond in the sum of
476 Three Hundred Dollars (\$300.00), together with a bill of
477 exceptions which shall state the point or points of law at issue
478 with a sufficient synopsis of the facts to fully disclose the
479 bearing and relevancy of such points of law. The bill of
480 exceptions shall be signed by the trial judge, or in case of his
481 absence, refusal or disability, by two (2) disinterested
482 attorneys, as is provided by law in other cases of bills of
483 exception. The filing of such appeals shall automatically suspend
484 the decision of the circuit court and the appropriate election
485 officials are entitled to proceed based upon their decision unless
486 and until the Supreme Court, in its discretion, stays further
487 proceedings in the matter. The appeal shall be immediately
488 docketed in the Supreme Court and referred to the court en banc



489 upon briefs without oral argument unless the court shall call for
490 oral argument, and shall be decided at the earliest possible date,
491 as a preference case over all others. The Supreme Court shall
492 have the authority to grant such relief as is appropriate under
493 the circumstances.

494 (9) The procedure set forth above shall be the sole and only
495 manner in which the qualifications of a candidate seeking public
496 office who qualified pursuant to the provisions of Sections
497 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
498 be challenged prior to the time of his election. After any such
499 person has been elected to public office, the election may be
500 challenged as otherwise provided by law. After any person assumes
501 an elective office, his qualifications to hold that office may be
502 contested as otherwise provided by law.

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

505 23-15-359. (1) Except as provided in this section, the
506 ballot shall contain the names of all party nominees certified by
507 the appropriate executive committee, and independent and special
508 election candidates who have timely filed petitions containing the
509 required signatures and assessments that must be paid pursuant to
510 Section 23-15-297, if the candidates and nominees meet all of the
511 qualifications to hold the office sought. A petition requesting
512 that an independent or special election candidate's name be placed
513 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.

(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).



539 (2) (a) Unless the petition or fee, whichever is
540 applicable, required above shall be filed as provided for in
541 subsection (3), (4) or (5) of this section, as appropriate, the
542 name of the person requested to be a candidate, unless nominated
543 by a political party, shall not be placed upon the ballot. The
544 ballot shall contain the names of each candidate for each office,
545 and the names shall be listed under the name of the political
546 party that candidate represents as provided by law and as
547 certified to the circuit clerk by the state executive committee of
548 the political party. In the event the candidate qualifies as an
549 independent as provided in this section, he or she shall be listed
550 on the ballot as an independent candidate.

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

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

561 (4) Petitions for offices described in paragraphs (f) and
562 (g) of subsection (1) of this section shall be filed with the
563 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.



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

596 (9) (a) The appropriate election commission shall determine
597 the following:

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

601 (ii) Whether each candidate meets all other
602 qualifications to hold the office he or she is seeking or presents
603 absolute proof that he or she will, subject to no contingencies,
604 meet all qualifications on or before the date of the general or
605 special election at which he or she could be elected to
606 office * * *; and

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

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

612 * * *1. Any felony in a court of this state,



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

616 * * *3. * * * Any felony in a federal court
617 on or after December 8, 1992, or

618 * * *4. Any offense that involved the misuse
619 or abuse of his or her office or money coming into his or her
620 hands by virtue of the office. Excepted from the above are
621 convictions of manslaughter and violations of the United States
622 Internal Revenue Code or any violations of the tax laws of this
623 state * * *; and

624 (v) Whether the candidate has voted in any
625 election outside of the jurisdiction in which they seek to
626 represent during the period in which the candidate is required to
627 have resided within the jurisdiction. If a candidate is found to
628 have voted in any election outside of the jurisdiction that they
629 seek to represent during the period in which the candidate is
630 required to have resided within the jurisdiction, the name of such
631 candidate shall not appear on the ballot.

632 (b) If the appropriate election commission finds that a
633 candidate either (i) is not a qualified elector, (ii) does not
634 meet all qualifications to hold the office he or she seeks and
635 fails to provide absolute proof, subject to no contingencies, that
636 he or she will meet the qualifications on or before the date of
637 the general or special election at which he or she could be



638 elected, or (iii) has been convicted of a felony or other
639 disqualifying offense as described in paragraph (a) of this
640 subsection, and not pardoned, or (iv) has voted in any election
641 outside of the jurisdiction they are currently seeking to
642 represent during the period in which the candidate is required to
643 have resided within the jurisdiction, then the election commission
644 shall notify the candidate and give the candidate an opportunity
645 to be heard. The election commission shall mail notice to the
646 candidate at least three (3) business days before the hearing to
647 the address provided by the candidate on the qualifying forms, and
648 the committee shall attempt to contact the candidate by telephone,
649 email and facsimile if the candidate provided this information on
650 the forms. If the candidate fails to appear at the hearing or to
651 prove that he or she meets all qualifications to hold the office
652 subject to no contingencies, then the name of such candidate shall
653 not be placed upon the ballot. If the appropriate election
654 commission determines that the candidate has taken the steps
655 necessary to qualify for more than one (1) office at the election,
656 the action required by Section 23-15-905, shall be taken. The
657 election commission shall render a decision on whether the name of
658 the candidate shall appear on the ballot within five (5) days of
659 the hearing.

660 (c) (i) A candidate aggrieved by the decision of the
661 appropriate election commission may file a petition for judicial
662 review to the circuit court of the county in which the election



commission whose decision is being reviewed sits. Such petition must be filed no later than ten (10) days after the decision of the election commission. Such candidate 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 or her petition be dismissed, and an additional bond may be required, by the court, if necessary, at any subsequent stage of the proceedings.

(ii) The circuit court with whom such a petition for judicial review has been filed shall at the earliest possible date set the matter for hearing. Notice shall be given to the interested parties of the time set for hearing by the circuit clerk. The hearing before the circuit court shall be de novo. The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to 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.

(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



688 issue with a sufficient synopsis of the facts to fully disclose
689 the bearing and relevancy of such points of law. The bill of
690 exceptions shall be signed by the trial judge, or in case of his
691 absence, refusal or disability, by two (2) disinterested
692 attorneys, as is provided by law in other cases of bills of
693 exception. The filing of such appeals shall automatically suspend
694 the decision of the circuit court and the appropriate election
695 officials are entitled to proceed based upon their decision unless
696 the Supreme Court, in its discretion, stays further proceedings in
697 the matter. The appeal shall be immediately docketed in the
698 Supreme Court and referred to the court en banc upon briefs
699 without oral argument unless the court shall call for oral
700 argument, and shall be decided at the earliest possible date, as a
701 preference case over all others. The Supreme Court shall have the
702 authority to grant such relief as is appropriate under the
703 circumstances.

704 (iv) The procedure set forth above shall be the
705 sole and only manner in which a candidate may appeal the
706 appropriate election commission's decision to not place the
707 candidate's name on the ballot under this section. These
708 provisions do not interfere with the rights of other persons to
709 challenge the decision of the appropriate election commission to
710 place the name of the candidate on the ballot in accordance with
711 Section 23-15-963. After any person assumes an elective office,



712 his qualifications to hold that office may be contested as
713 otherwise provided by law.

714 (10) If after the deadline to qualify as a candidate for an
715 office or after the time for holding any party primary for an
716 office, only one (1) person has duly qualified to be a candidate
717 for the office in the general election, the name of that person
718 shall be placed on the ballot; provided, however, that if not more
719 than one (1) person duly qualified to be a candidate for each
720 office on the general election ballot, the election for all
721 offices on the ballot shall be dispensed with and the appropriate
722 election commission shall declare each candidate elected without
723 opposition if the candidate meets all the qualifications to hold
724 the office as determined pursuant to a review by the election
725 commission in accordance with the provisions of subsection (9) of
726 this section and if the candidate has filed all required campaign
727 finance disclosure reports as required by Section 23-15-807.

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

730 **SECTION 5.** Section 23-15-1093, Mississippi Code of 1972, is
731 amended as follows:

732 23-15-1093. (1) Any person desiring to have his name placed
733 on the presidential preference primary ballot shall pay a
734 qualifying fee and file the petition or petitions as described in
735 this section.



(2) (a) For candidates entering the race for party nominations for office, the amount of the qualifying fee shall be the amount determined by the state executive committee of the party pursuant to Section 23-15-297(2) but no less than Two Thousand Five Hundred Dollars (\$2,500.00) and no more than Twenty-five Thousand Dollars (\$25,000.00).

(b) For independent candidates entering the race for office, the amount of the qualifying fee shall be Two Thousand Five Hundred Dollars (\$2,500.00).

(c) Each independent candidate shall pay the qualifying fee to the Secretary of State. Each political party candidate shall pay the qualifying fee to the state executive committee of the appropriate political party.

(3) The secretaries of the proper executive committee shall hold the funds to be finally disposed of by order of their respective executive committees. The funds may be used or disbursed by the executive committee receiving same to pay all necessary traveling or other necessary expenses of the members of the executive committee incurred in discharging their duties as committee members, and of their secretary and may pay the secretary such salary as may be reasonable.

(4) A candidate shall file a petition or petitions in support of his candidacy with the state executive committee of the appropriate political party or the Secretary of State, whichever is applicable, after * * * November 15 of the year * * * preceding



761 the year in which the presidential preference primary is to be
762 held and before * * * December 15 of that same year. To comply
763 with this section, a candidate may file a petition or petitions
764 signed by a total of not less than five hundred (500) qualified
765 electors of the state, or petitions signed by not less than one
766 hundred (100) qualified electors of each congressional district of
767 the state, in which case there shall be a separate petition for
768 each congressional district. The petitions shall be in such form
769 as prescribed by the state executive committee or Secretary of
770 State, whichever is applicable; provided, that there shall be a
771 space for the county of residence of each signer next to the space
772 provided for his signature. No signature may be counted as valid
773 unless the county of residence of the signer is provided. Each
774 petition shall contain an affirmation under the penalties of
775 perjury that each signer is a qualified elector in his
776 congressional district or in the state, as appropriate.

777 **SECTION 6.** Section 23-15-1085, Mississippi Code of 1972, is
778 brought forward as follows:

779 23-15-1085. The chairman of a party's state executive
780 committee shall notify the Secretary of State if the party intends
781 to hold a presidential preference primary. The Secretary of State
782 shall be notified prior to December 1 of the year preceding the
783 year in which a presidential preference primary may be held
784 pursuant to Section 23-15-1081. Upon such notification, the
785 Secretary of State shall issue a proclamation setting every



party's congressional and senatorial primary elections that are to be held in the year in which the presidential preference primary is to be held on the date provided for in Section 23-15-1083. Once the Secretary of State has issued a proclamation pursuant to this section, the date of the congressional and senatorial primary elections shall not be changed.

SECTION 7. Section 23-15-1089, Mississippi Code of 1972, is brought forward as follows:

23-15-1089. The Secretary of State shall place the name of a candidate upon the presidential preference primary ballot when the Secretary of State shall have determined that such a candidate is qualified under Section 23-15-1093.

On or after January 15 immediately preceding a presidential preference primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential preference primary election. Following this announcement he shall not add candidates to his selection, and he shall not delete any candidate whose name appears on the announced list, unless the candidate dies or has withdrawn as a candidate as provided in this chapter.

SECTION 8. This act shall take effect and be in force from and after July 1, 2025.

