

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2638

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT THE SECRETARY OF STATE PROVIDE FORMS FOR
3 CANDIDATES TO CERTIFY A WRITTEN STATEMENT THAT THEIR IDENTIFYING
4 INFORMATION IS CORRECT AND THAT THEY MEET ALL THE QUALIFICATIONS
5 FOR THE OFFICE FOR WHICH THEY ARE CANDIDATES; TO PROVIDE THAT A
6 CANDIDATE SHALL BE DISQUALIFIED IF IT IS DETERMINED THAT HE OR SHE
7 HAS VOTED OUTSIDE OF THE BOUNDARIES OF THE DISTRICT HE OR SHE IS
8 SEEKING A NOMINATION TO REPRESENT DURING THE TIME THE CANDIDATE IS
9 REQUIRED TO RESIDE WITHIN SAID BOUNDARIES; TO PROVIDE THE ONLY
10 PROCEDURE IN WHICH A CANDIDATE MAY APPEAL AN ELECTION COMMISSION'S
11 DECISION TO NOT PLACE THE CANDIDATES NAME ON THE BALLOT; TO AMEND
12 SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO CONFORM THE
13 PROVISIONS OF SPECIAL ELECTIONS THERETO; TO AMEND SECTION
14 23-15-317, MISSISSIPPI CODE OF 1972, TO PROHIBIT VACANCIES CAUSED
15 BY AN INDIVIDUAL WHO HAS BEEN REMOVED FROM OFFICE DUE TO NOT
16 MEETING THE QUALIFICATIONS TO HOLD SAID OFFICE, FROM HAVING THE
17 AUTHORITY TO NOMINATE AN QUALIFIED NOMINEE AS A CANDIDATE FOR SUCH
18 OFFICE; AND FOR RELATED PURPOSES.

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

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

22 23-15-299. (1) (a) Assessments made pursuant to subsection
23 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
24 each candidate who seeks a nomination in the political party
25 election to the secretary of the state executive committee with
26 which the candidate is affiliated by 5:00 p.m. on February 1 of



the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If February 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 (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)(a), (b) and (c) of Section 23-15-297 shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If February 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.

(2) (a) Assessments made pursuant to subsection (1)(e) and (f) of Section 23-15-297, shall be paid by each candidate who



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

72 (b) Assessments made pursuant to subsection (3)(d) and
73 (e) of Section 23-15-297 shall be paid by each independent
74 candidate or special election candidate to the circuit clerk of
75 that candidate's county of residence by 5:00 p.m. on February 1 of
76 the year in which the primary election for the office is held or



on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If February 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. The circuit clerk shall forward the fee and all necessary information to the secretary of the proper county election commission within two (2) business days.

(3) (a) Assessments made pursuant to subsection (1)(g) and (h) of Section 23-15-297 must be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated 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 (1)(g) and (h) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on March 1 of the year in



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

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



127 years in which a presidential preference primary is held, March 1,
128 or the date of the qualifying deadline provided by statute for the
129 office occurs on a Saturday, Sunday or legal holiday, then the
130 assessments required to be paid by this paragraph (b) shall be
131 paid by 5:00 p.m. on the business day immediately following the
132 Saturday, Sunday or legal holiday.

133 (4) (a) The fees paid pursuant to subsections (1), (2) and
134 (3) of this section shall be accompanied by a written statement,
135 on a form prescribed by the Secretary of State, containing the
136 name and address of the candidate, the party with which he or she
137 is affiliated, if applicable, the email address of the candidate,
138 if any, and the office for which he or she is a candidate. Such
139 statement shall also require the candidate to certify that he or
140 she meets all the qualifications for the office for which he or
141 she is a candidate.

142 (b) The state executive committee shall transmit to the
143 Secretary of State a copy of the written statements accompanying
144 the fees paid pursuant to subsections (1) and (2) of this section.
145 All copies must be received by the Office of the Secretary of
146 State by not later than 6:00 p.m. on the date of the qualifying
147 deadline; provided, however, the failure of the Office of the
148 Secretary of State to receive such copies by 6:00 p.m. on the date
149 of the qualifying deadline shall not affect the qualification of a
150 person who pays the required fee and files the required statement
151 by 5:00 p.m. on the date of the qualifying deadline. The name of



any person who pays the required fee and files the required statement after 5:00 p.m. on the date of the qualifying deadline shall not be placed on the primary election ballot or the general election ballot.

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

(6) 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. The Secretary of State shall deposit any qualifying fees received from candidates 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, whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and 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. The proper executive committee or the Secretary of State, whichever is applicable, shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee or the Secretary of State, whichever is applicable, shall also determine whether any candidate has been convicted (i) of any felony in a court of this state, (ii) on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, (iii) of any felony in a federal court on or after December 8, 1992, or (iv) of any offense that involved the misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state. Additionally, the appropriate executive committee shall determine if the candidate has voted outside the boundaries of the office the candidate is seeking a nomination for during the period



202 in which the candidate is required to have resided within those
203 boundaries. If a candidate is found to have voted outside the
204 boundaries of the office the candidate is seeking nomination for
205 during the period in which the candidate is required to have
206 resided within those boundaries, the name of such candidate shall
207 not appear on the ballot. A person shall not be disqualified for
208 voting outside of the respective boundaries if the person has been
209 moved from one (1) district to another due to redistricting and
210 the previous vote outside of the district was from a residency now
211 contained in the district he or she is seeking to represent.

212 (b) If the proper executive committee or the Secretary
213 of State, whichever is applicable, finds that a candidate either
214 (i) is not a qualified elector, (ii) does not meet all
215 qualifications to hold the office he or she seeks and fails to
216 provide absolute proof, subject to no contingencies, that he or
217 she will meet the qualifications on or before the date of the
218 general or special election at which he or she could be
219 elected, * * * (iii) has been convicted of a felony or other
220 disqualifying offense as described in paragraph (a) of this
221 subsection, and not pardoned * * * or (iv) has voted outside of
222 the boundaries of the office the candidate is seeking nomination
223 for during the period in which the candidate is required to have
224 resided within those boundaries, then the executive committee
225 shall notify the candidate and give the candidate an opportunity
226 to be heard. The executive committee shall mail notice to the



227 candidate at least three (3) business days before the hearing to
228 the address provided by the candidate on the qualifying forms, and
229 the committee shall attempt to contact the candidate by telephone,
230 email and facsimile if the candidate provided this information on
231 the forms. If the candidate fails to appear at the hearing or to
232 prove that he or she meets all qualifications to hold the office
233 subject to no contingencies, then the name of that candidate shall
234 not be placed upon the ballot. The committee must render a
235 decision on whether the name of the candidate shall appear on the
236 ballot within five (5) days of the hearing.

237 (i) A candidate aggrieved by the decision of the
238 appropriate executive committee may file a petition for judicial
239 review to the circuit court of the county in which the election
240 official whose decision is being reviewed would sit. Such
241 petitions must be filed no later than ten (10) days of the
242 decision of the committee. Such person filing for judicial review
243 shall give a cost bond in the sum of Three Hundred Dollars
244 (\$300.00) with two (2) or more sufficient sureties conditioned to
245 pay all costs in case his or her petition be dismissed, and any
246 additional bond that may be required by the court, if necessary,
247 at any subsequent stage of the proceedings.

248 (ii) The circuit court with whom such a petition
249 for judicial review has been filed, shall at the earliest possible
250 date set the matter for hearing. Notice shall be given to the
251 interested parties of the time set for the hearing by the circuit



252 clerk. The hearing before the circuit court shall be de novo.
253 The matter shall be tried to the circuit judge without a jury.
254 After hearing the evidence, the circuit judge shall determine
255 whether the candidate whose qualifications have been challenged,
256 is legally qualified to have his or her name placed upon the
257 ballot in question. The circuit judge may, upon disqualification
258 of any such candidate, order that such candidate shall bear the
259 court costs of the proceedings.

260 (iii) Within three (3) days after judgement is
261 rendered by the circuit court, the contestant or contestee, or
262 both, may file an appeal with the Supreme Court upon giving bond
263 in the sum of Three Hundred Dollars (\$300.00), together with a
264 bill of exceptions which shall state the point or points of law at
265 issue with a sufficient synopsis of the facts to fully disclose
266 the bearing and relevancy of such points of law. The bill of
267 exceptions shall be signed by the trial judge, or in case of his
268 or her absence, refusal or disability, by two (2) disinterested
269 attorneys, as is provided by law in other cases of bills of
270 exception. The filing of such appeals shall automatically suspend
271 the decision of the circuit court, and the appropriate election
272 officials are entitled to proceed based upon their decision unless
273 and until the Supreme Court, in its discretion, stays further
274 proceedings in the matter. The appeal shall be immediately
275 docketed by the Supreme Court and referred to the court en banc
276 upon briefs without oral argument, unless the court shall call for



277 oral argument, and shall be decided at the earliest possible date,
278 as a preference case over all others. The Supreme Court shall
279 have the authority to grant such relief as is appropriate under
280 the circumstances.

281 (iv) The procedure set forth above shall be the
282 sole and only manner in which a candidate may appeal the
283 appropriate election commissioner's decision to not place the
284 candidate's name on the ballot under this section. These
285 provisions do not interfere with the rights of other persons to
286 challenge the decision of the appropriate executive committee to
287 place the name of the candidate on the ballot in accordance with
288 23-15-961. After any person assumes an elective office, his or
289 her qualifications to hold that office may be contested as
290 otherwise provided by law.

291 (c) If the proper executive committee or the Secretary
292 of State, whichever is applicable, determines that the candidate
293 has taken the steps necessary to qualify for more than one (1)
294 office at the election, the action required by Section 23-15-905,
295 shall be taken.

296 (d) Where there is but one (1) candidate for each
297 office contested at the primary election, the proper executive
298 committee or the Secretary of State, whichever is applicable, when
299 the time has expired within which the names of candidates shall be
300 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.



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

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

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

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

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

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



independent as provided in this section, he or she shall be listed on the ballot as an independent candidate.

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

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

(4) Petitions for offices described in paragraphs (f) and (g) of subsection (1) of this section shall be filed with the proper circuit clerk, on forms prescribed by the Secretary of State, 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) A petition required under this section, or any other petition for a special election, shall be accompanied by a statement, on a form prescribed by the Secretary of State, containing the name and address of the candidate, the email address of the candidate, if any, and the office for which he or she is a candidate. Such a statement shall also require the candidate to certify he or she meets all qualifications for the office for which he or she is a candidate.

(* * *6) 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.

(* * *7) 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.

(* * *8) 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.



398 (* * *9) Nothing in this section shall prohibit special
399 elections to fill vacancies in either house of the Legislature
400 from being held as provided in Section 23-15-851. In all
401 elections conducted under the provisions of Section 23-15-851,
402 there shall be printed on the ballot the name of any candidate
403 who, not having been nominated by a political party, shall have
404 been requested to be a candidate for any office by a petition
405 filed with the Secretary of State and signed by not less than
406 fifty (50) qualified electors.

407 (* * *10) (a) The appropriate election commission shall
408 determine whether each candidate is a qualified elector of the
409 state, state district, county or county district they seek to
410 serve, and whether each candidate meets all other qualifications
411 to hold the office he or she is seeking or presents absolute proof
412 that he or she will, subject to no contingencies, meet all
413 qualifications on or before the date of the general or special
414 election at which he or she could be elected to office. The
415 election commission shall determine whether the candidate has
416 taken the steps necessary to qualify for more than one (1) office
417 at the election. The election commission also shall determine
418 whether any candidate has been convicted (i) of any felony in a
419 court of this state, (ii) on or after December 8, 1992, of any
420 offense in another state which is a felony under the laws of this
421 state, (iii) of any felony in a federal court on or after December
422 8, 1992, or (iv) of any offense that involved the misuse or abuse



of his or her office or money coming into his or her hands by virtue of the office. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state. Additionally, the appropriate executive committee shall determine if the candidate has voted outside the boundaries of the office the candidate is seeking a nomination for during the period in which the candidate is required to have resided within those boundaries. If a candidate is found to have voted outside the boundaries of the office the candidate is seeking nomination for during the period in which the candidate is required to have resided within those boundaries, the name of such candidate shall not appear on the ballot. A person shall not be disqualified for voting outside of the respective boundaries if the person has been moved from one (1) district to another due to redistricting and the previous vote outside of the district was from a residency now contained in the district he or she is seeking to represent.

(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 * * * or (iv) has voted outside of
the boundaries of the office the candidate is seeking nomination
for during the period in which the candidate is required to have
resided within those boundaries, then the election commission
shall notify the candidate and give the candidate an opportunity
to be heard. The election commission shall mail notice to the
candidate at least three (3) business days before the hearing to
the address provided by the candidate on the qualifying forms, and
the committee shall attempt to contact the candidate by telephone,
email and facsimile if the candidate provided this information on
the forms. If the candidate fails to appear at the hearing or to
prove that he or she meets all qualifications to hold the office
subject to no contingencies, then the name of such candidate shall
not be placed upon the ballot. If the appropriate election
commission determines that the candidate has taken the steps
necessary to qualify for more than one (1) office at the election,
the action required by Section 23-15-905, shall be taken. The
committee must render a decision on whether the name of the
candidate shall appear on the ballot within five (5) days of the
hearing.

(i) A candidate aggrieved by the decision of the
appropriate executive committee may file a petition for judicial
review to the circuit court of the county in which the election
official whose decision is being reviewed would sit. Such
petitions must be filed no later than ten (10) days of the



decision of the committee. 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 or her petition be dismissed, and any additional bond that 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 the 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 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 judgement is rendered by the circuit court, the contestant or contestee, or both, may file an appeal with the Supreme Court upon giving 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



498 exceptions shall be signed by the trial judge, or in case of his
499 or her absence, refusal or disability, by two (2) disinterested
500 attorneys, as is provided by law in other cases of bills of
501 exception. The filing of such appeals shall automatically suspend
502 the decision of the circuit court, and the appropriate election
503 officials are entitled to proceed based upon their decision unless
504 and until the Supreme Court, in its discretion, stays further
505 proceedings in the matter. The appeal shall be immediately
506 docketed by the Supreme Court and referred to the court en banc
507 upon briefs without oral argument, unless the court shall call for
508 oral argument, and shall be decided at the earliest possible date,
509 as a preference case over all others. The Supreme Court shall
510 have the authority to grant such relief as is appropriate under
511 the circumstances.

512 (iv) The procedure set forth above shall be the
513 sole and only manner in which a candidate may appeal the
514 appropriate election commissioner's decision to not place the
515 candidate's name on the ballot under this section. These
516 provisions do not interfere with the rights of other persons to
517 challenge the decision of the appropriate executive committee to
518 place the name of the candidate on the ballot in accordance with
519 23-15-963. After any person assumes an elective office, his or
520 her qualifications to hold that office may be contested as
521 otherwise provided by law.



(* * *11) 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.

(* * *12) The * * * documents required by this section may not be filed by using the internet.

SECTION 3. Section 23-15-317, Mississippi Code of 1972, is amended as follows:

23-15-317. If any person nominated for office in a primary election shall die, be removed after his or her nomination, except for those removed due to not meeting the qualifications to hold office, * * * withdraw or resign from his or her candidacy for a legitimate nonpolitical reason as defined in this section, and the vacancy in nomination shall occur between the primary election and the ensuing general election, then the municipal, county or state



547 executive committee with which the original nominee qualified as a
548 candidate in the primary election shall nominate a nominee for
549 such office. Where such a party nominee is unopposed each
550 political party registered with the State Board of Election
551 Commissioners shall have the privilege of nominating a candidate
552 for the office involved. Such nominee shall be duly certified by
553 the respective executive committee chair. Within two (2) days
554 after such nomination is made by the appropriate executive
555 committee, such committee shall formally notify the Secretary of
556 State of the name of the nominee. The Secretary of State shall
557 thereupon officially notify the appropriate officials charged with
558 conducting the election for the office wherein the vacancy
559 occurred of the name of the nominee. All nominations made
560 pursuant to the provisions of this section shall have the same
561 force and effect and shall entitle the nominees to all rights and
562 privileges that would accrue to them as if they had been nominated
563 in the regular primary election.

564 "Legitimate nonpolitical reason" as used in this section
565 shall be limited to the following:

566 (a) Reasons of health, which shall include any health
567 condition which, in the written opinion of a medical doctor, would
568 be harmful to the health of the candidate if he or she continued.

569 (b) Family crises, which shall include circumstances
570 which would substantially alter the duties and responsibilities of
571 the candidate to the family or to a family business.



572 (c) Substantial business conflict, which shall include
573 the policy of an employer prohibiting employees being candidates
574 for public offices and an employment change which would result in
575 the ineligibility of the candidate or which would impair his or
576 her capability to properly carry out the functions of the office
577 being sought.

578 Any candidate who withdraws based upon a "legitimate
579 nonpolitical reason" which is not covered by the above definition
580 shall have the strict burden of proof for his or her reason.

581 A candidate who wishes to withdraw for a legitimate
582 nonpolitical reason shall submit his or her reason by sworn
583 affidavit. Such affidavit shall be filed with the state party
584 chair of the nominee's party and the State Board of Election
585 Commissioners. No substitution of candidates shall be authorized,
586 except for death or disqualification, unless the State Board of
587 Election Commissioners approves the affidavit as constituting a
588 "legitimate nonpolitical reason" for the candidate's resignation
589 within five (5) days of the date the affidavit is submitted to the
590 board.

591 Immediately upon approval or disapproval of such affidavit,
592 the State Board of Election Commissioners shall notify the
593 respective executive committee of same.

594 **SECTION 4.** This act shall take effect and be in force from
595 and after July 1, 2025.

