

Senate Amendments to House Bill No. 811

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

47 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
48 amended as follows:
49 23-15-299. (1) (a) Assessments made pursuant to subsection
50 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
51 each candidate who seeks a nomination in the political party
52 election to the secretary of the state executive committee with
53 which the candidate is affiliated by 5:00 p.m. on February 1 of
54 the year in which the primary election for the office is held or
55 on the date of the qualifying deadline provided by statute for the
56 office, whichever is earlier; however, no such assessments may be
57 paid before January 1 of the year in which the primary election
58 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.

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

77 (2) (a) Assessments made pursuant to subsection (1)(e) and
78 (f) of Section 23-15-297, shall be paid by each candidate who
79 seeks a nomination in the political party election to the circuit
80 clerk of that candidate's county of residence by 5:00 p.m. on
81 February 1 of the year in which the primary election for the
82 office is held or on the date of the qualifying deadline provided
83 by statute for the office, whichever is earlier; however, no such
84 assessments may be paid before January 1 of the year in which the
85 election for the office is held. If February 1 or the date of the
86 qualifying deadline provided by statute for the office occurs on a
87 Saturday, Sunday or legal holiday, then the assessments required
88 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
89 business day immediately following the Saturday, Sunday or legal

90 holiday. The circuit clerk shall forward the fee and all
91 necessary information to the secretary of the proper county
92 executive committee within two (2) business days. No candidate
93 may attempt to qualify with any political party that does not have
94 a duly organized county executive committee, and the circuit clerk
95 shall not accept any assessments paid for nonlegislative offices
96 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
97 circuit clerk does not have contact information for the secretary
98 of the county executive committee for that political party.

99 (b) Assessments made pursuant to subsection (3)(d) and
100 (e) of Section 23-15-297 shall be paid by each independent
101 candidate or special election candidate to the circuit clerk of
102 that candidate's county of residence by 5:00 p.m. on February 1 of
103 the year in which the primary election for the office is held or
104 on the date of the qualifying deadline provided by statute for the
105 office, whichever is earlier; however, no such assessments may be
106 paid before January 1 of the year in which the primary election
107 for the office is held. If February 1 or the date of the
108 qualifying deadline provided by statute for the office occurs on a
109 Saturday, Sunday or legal holiday, then the assessments required
110 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
111 business day immediately following the Saturday, Sunday or legal
112 holiday. The circuit clerk shall forward the fee and all
113 necessary information to the secretary of the proper county
114 election commission within two (2) business days.

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

139 (b) Assessments made pursuant to subsection (3)(f) and
140 (g) of Section 23-15-297 must be paid by each independent

141 candidate or special election candidate to the Secretary of State
142 by 5:00 p.m. sixty (60) days before the * * * congressional
143 preference primary in years in which a * * * congressional
144 preference primary is held; however, no such assessments may be
145 paid before * * * December 1 of the year in which the primary
146 election for the office is held. Assessments made pursuant to
147 subsection (3)(f) and (g) of Section 23-15-297, in years when
148 a * * * congressional preference primary is not being held, shall
149 be paid by each independent candidate or special election
150 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
151 year in which the primary election for the office is held;
152 however, no such assessments may be paid before * * * December 1
153 of the year * * * before the primary election for the office is
154 held. If sixty (60) days before the * * * congressional
155 preference primary in years in which a * * * congressional
156 preference primary is held, March 1, or the date of the qualifying
157 deadline provided by statute for the office occurs on a Saturday,
158 Sunday or legal holiday, then the assessments required to be paid
159 by this paragraph (b) shall be paid by 5:00 p.m. on the business
160 day immediately following the Saturday, Sunday or legal holiday.

161 (4) (a) The fees paid pursuant to subsections (1), (2) and
162 (3) of this section shall be accompanied by a form prescribed by
163 the Secretary of State, along with a written statement containing
164 the name * * *, physical address of the candidate's residence, the
165 party with which he or she is affiliated, if applicable, the
166 candidate's phone number, the email address of the candidate, if

any, and the office for which he or she is a candidate. Such statement shall require the candidate to certify that he or she meets all qualifications for 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 and required documents 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 person who pays the required fee and files the required statement and the required documents 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 and documents 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

193 date of the postmark on the envelope containing the fee and from
194 whom, and for what office the party paying same is a candidate.

195 (6) The secretaries of the proper executive committee shall
196 hold the funds to be finally disposed of by order of their
197 respective executive committees. The funds may be used or
198 disbursed by the executive committee receiving same to pay all
199 necessary traveling or other necessary expenses of the members of
200 the executive committee incurred in discharging their duties as
201 committee members, and of their secretary and may pay the
202 secretary such salary as may be reasonable. The Secretary of
203 State shall deposit any qualifying fees received from candidates
204 into the Elections Support Fund established in Section 23-15-5.

205 (7) (a) Upon receipt of the proper fee and all necessary
206 information, the proper executive committee or the Secretary of
207 State, whichever is applicable, shall then determine * * * the
208 following:

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

212 (ii) Whether each candidate meets all other
213 qualifications to hold the office he or she is seeking or presents
214 absolute proof that he or she will, subject to no contingencies,
215 meet all qualifications on or before the date of the general or
216 special election at which he or she could be elected to
217 office * * * ; and

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

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

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

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

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

230 * * * 4. Any offense that involved the
231 misuse or abuse of his or her office or money coming into his or
232 her hands by virtue of the office. Excepted from the above are
233 convictions of manslaughter and violations of the United States
234 Internal Revenue Code or any violations of the tax laws of this
235 state * * *; and

236 (v) Whether the candidate has voted in any
237 election outside of the jurisdiction in which he or she seeks to
238 represent during the period in which the candidate is required to
239 have resided within the jurisdiction. If a candidate is found to
240 have voted in any election outside of the jurisdiction that he or
241 she seeks to represent during the period in which the candidate is
242 required to have resided within the jurisdiction, the name of such
243 candidate shall not appear on the ballot. However, if a candidate

244 who votes in an election that he or she was properly registered
245 for is then subsequently redistricted into the jurisdiction that
246 he or she is currently seeking to represent, then he or she shall
247 not be disqualified as a candidate due to voting in an election
248 outside of his or her current jurisdiction during the required
249 residency period.

250 (b) * * * The proper executive committee or the
251 Secretary of State, whichever is applicable, shall make the
252 determinations in paragraph (a) of this subsection within the
253 following time periods:

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

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

258 (iii) Thirty (30) days of the qualifying deadline
259 during statewide elections.

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

265 (d) Where there is but one (1) candidate for each
266 office contested at the primary election, the proper executive
267 committee or the Secretary of State, whichever is applicable, when
268 the time has expired within which the names of candidates shall be
269 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 ten (10) days after the qualifying * * * body renders a decision 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 form prescribed by the Secretary of State and 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

296 district other than that which embraces the district, subdistrict,
297 county or any of the counties, involved in the contest or
298 complaint, to proceed to the county in which the contest or
299 complaint has been filed to hear and determine the contest or
300 complaint. It shall be the official duty of the trial judge to
301 proceed to the discharge of the designated duty at the earliest
302 possible date to be fixed by the judge and of which the contestant
303 and contestee shall have reasonable notice. The contestant and
304 contestee are to be served in a reasonable manner as the judge may
305 direct, in response to which notice the contestee shall promptly
306 file his answer, and also his cross-complaint if he has a
307 cross-complaint. The hearing before the trial court shall be de
308 novo. The matter shall be tried to the trial judge, without a
309 jury. After hearing the evidence, the trial judge shall determine
310 whether the candidate whose qualifications have been challenged or
311 who has been disqualified as provided in Section 23-15-299 is
312 legally qualified to have his name placed upon the ballot in
313 question. The trial judge may, upon disqualification of any such
314 candidate, order that such candidate shall bear the court costs of
315 the proceedings.

316 (* * *3) Within three (3) days after judgment is rendered
317 by the circuit court, the contestant or contestee, or both, may
318 file an appeal in the Supreme Court upon giving a cost bond in the
319 sum of Three Hundred Dollars (\$300.00), together with a bill of
320 exceptions which shall state the point or points of law at issue
321 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 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.

(* * *4) 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 3. 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 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)

373 days after the date of the first primary election set forth in
374 Section 23-15-309, Mississippi Code of 1972. Such petition shall
375 be filed with the municipal commissioners of election, being the
376 same body with whom the candidate in question qualified pursuant
377 to Section 23-15-361, Mississippi Code of 1972.

378 (4) Within ten (10) days of receipt of the petition
379 described in subsections (1), (2) and (3) of this section, the
380 appropriate election officials shall meet and rule upon the
381 petition. At least two (2) days before the hearing to consider
382 the petition, the appropriate election officials shall give notice
383 to both the petitioner and the contested candidate of the time and
384 place of the hearing on the petition. Each party shall be given
385 an opportunity to be heard at such meeting and present evidence in
386 support of his position.

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

391 (6) Any party aggrieved by the action or inaction of the
392 appropriate election officials may file a petition for judicial
393 review to the circuit court of the county in which the election
394 officials whose decision is being reviewed sits. Such petition
395 must be filed no later than fifteen (15) days after the date the
396 petition was originally filed with the appropriate election
397 officials. Such person filing for judicial review shall give a
398 cost bond in the sum of Three Hundred Dollars (\$300.00) with two

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

403 (7) The circuit court with whom such a petition for judicial
404 review has been filed shall at the earliest possible date set the
405 matter for hearing. Notice shall be given the interested parties
406 of the time set for hearing by the circuit clerk. The hearing
407 before the circuit court shall be de novo. The matter shall be
408 tried to the circuit judge, without a jury. After hearing the
409 evidence, the circuit judge shall determine whether the candidate
410 whose qualifications have been challenged is legally qualified to
411 have his name placed upon the ballot in question. The circuit
412 judge may, upon disqualification of any such candidate, order that
413 such candidate shall bear the court costs of the proceedings.

414 (8) Within three (3) days after judgment is rendered by the
415 circuit court, the contestant or contestee, or both, may file an
416 appeal in the Supreme Court upon giving a cost bond in the sum of
417 Three Hundred Dollars (\$300.00), together with a bill of
418 exceptions which shall state the point or points of law at issue
419 with a sufficient synopsis of the facts to fully disclose the
420 bearing and relevancy of such points of law. The bill of
421 exceptions shall be signed by the trial judge, or in case of his
422 absence, refusal or disability, by two (2) disinterested
423 attorneys, as is provided by law in other cases of bills of
424 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 office who qualified pursuant to the provisions of Sections 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may be challenged prior to the time of his election. After any such person has been elected to public office, the election may be challenged as otherwise provided by law. After any person assumes an elective office, his qualifications to hold that office may be contested as otherwise provided by law.

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

23-15-359. (1) Except as provided in this section, the ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures and assessments that must be paid pursuant to

Section 23-15-297, if the candidates and nominees meet all of the qualifications to hold the office sought. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors:

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

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

(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.

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

480 (2) (a) Unless the petition or fee, whichever is
481 applicable, required above shall be filed as provided for in
482 subsection (3), (4) or (5) of this section, as appropriate, the
483 name of the person requested to be a candidate, unless nominated
484 by a political party, shall not be placed upon the ballot. The
485 ballot shall contain the names of each candidate for each office,
486 and the names shall be listed under the name of the political
487 party that candidate represents as provided by law and as
488 certified to the circuit clerk by the state executive committee of
489 the political party. In the event the candidate qualifies as an
490 independent as provided in this section, he or she shall be listed
491 on the ballot as an independent candidate.

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

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

503 (4) Petitions for offices described in paragraphs (f) and
504 (g) of subsection (1) of this section shall be filed with the
505 proper circuit clerk, on a form prescribed by the Secretary of
506 State, by no later than 5:00 p.m. on the same date by which
507 candidates are required to pay the fee provided for in Section
508 23-15-297; however, no petition may be filed before January 1 of
509 the year in which the election for the office is held. The
510 circuit clerk shall notify the county election commissioners of
511 all persons who have filed petitions with the clerk. The
512 notification shall occur within two (2) business days and shall
513 contain all necessary information.

514 (5) A petition required under this section, or any other
515 petition for a special election, shall be accompanied by a
516 statement, on a form prescribed by the Secretary of State,
517 containing the name and physical address of the candidate, the
518 email address of the candidate, if any, and the office he or she
519 seeks. Each statement shall also require the candidate to certify
520 that he or she meets all the qualifications to hold the office he
521 or she seeks.

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

527 (* * *7) The election commissioners may also have printed
528 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.

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

(* * *10) (a) The appropriate election commission shall determine the following:

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

(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,

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

* * *4. 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 * * *;
and

(v) Whether the candidate has voted in any
election outside of the jurisdiction in which he or she seeks to
represent during the period in which the candidate is required to
have resided within the jurisdiction. If a candidate is found to
have voted in any election outside of the jurisdiction that he or

581 she seeks to represent during the period in which the candidate is
582 required to have resided within the jurisdiction, the name of such
583 candidate shall not appear on the ballot. However, if a candidate
584 who votes in an election that he or she was properly registered
585 for is then subsequently redistricted into the jurisdiction that
586 he or she is currently seeking to represent, then he or she shall
587 not be disqualified as a candidate due to voting in an election
588 outside of his or her current jurisdiction during the required
589 residency period.

590 (b) If the appropriate election commission finds that a
591 candidate either (i) is not a qualified elector, (ii) does not
592 meet all qualifications to hold the office he or she seeks and
593 fails to provide absolute proof, subject to no contingencies, that
594 he or she will meet the qualifications on or before the date of
595 the general or special election at which he or she could be
596 elected, or (iii) has been convicted of a felony or other
597 disqualifying offense as described in paragraph (a) of this
598 subsection, and not pardoned, or (iv) has voted in any election
599 outside of the jurisdiction he or she is currently seeking to
600 represent during the period in which the candidate is required to
601 have resided within the jurisdiction, and is not subject to a
602 redistricting exception as stated in paragraph (a) (v) of this
603 subsection, then the election commission shall notify the
604 candidate and give the candidate an opportunity to be heard. The
605 election commission shall mail notice to the candidate at least
606 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 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.

(c) (i) A candidate aggrieved by the decision of the appropriate election commission may file a petition for judicial 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

633 date set the matter for hearing. Notice shall be given to the
634 interested parties of the time set for hearing by the circuit
635 clerk. The hearing before the circuit court shall be de novo.
636 The matter shall be tried to the circuit judge, without a jury.
637 After hearing the evidence, the circuit judge shall determine
638 whether the candidate whose qualifications have been challenged is
639 legally qualified to have his or her name placed upon the ballot
640 in question. The circuit judge may, upon disqualification of any
641 such candidate, order that such candidate shall bear the court
642 costs of the proceedings.

643 (iii) Within three (3) days after judgment is
644 rendered by the circuit court, the contestant or contestee, or
645 both, may file an appeal in the Supreme Court upon giving a cost
646 bond in the sum of Three Hundred Dollars (\$300.00), together with
647 a bill of exceptions that states the point or points of law at
648 issue with a sufficient synopsis of the facts to fully disclose
649 the bearing and relevancy of such points of law. The bill of
650 exceptions shall be signed by the trial judge, or in case of his
651 or her absence, refusal or disability, by two (2) disinterested
652 attorneys, as is provided by law in other cases of bills of
653 exception. The filing of such appeals shall automatically suspend
654 the decision of the circuit court and the appropriate election
655 officials are entitled to proceed based upon their decision unless
656 the Supreme Court, in its discretion, stays further proceedings in
657 the matter. The appeal shall be immediately docketed in the
658 Supreme Court and referred to the court en banc upon briefs

659 without oral argument unless the court shall call for oral
660 argument, and shall be decided at the earliest possible date, as a
661 preference case over all others. The Supreme Court shall have the
662 authority to grant such relief as is appropriate under the
663 circumstances.

664 (iv) The procedure set forth above shall be the
665 sole and only manner in which a candidate may appeal the
666 appropriate election commission's decision to not place the
667 candidate's name on the ballot under this section. These
668 provisions do not interfere with the rights of other persons to
669 challenge the decision of the appropriate election commission to
670 place the name of the candidate on the ballot in accordance with
671 Section 23-15-963. After any person assumes an elective office,
672 his or her qualifications to hold that office may be contested as
673 otherwise provided by law.

674 (* * *11) If after the deadline to qualify as a candidate
675 for an office or after the time for holding any party primary for
676 an office, only one (1) person has duly qualified to be a
677 candidate for the office in the general election, the name of that
678 person shall be placed on the ballot; provided, however, that if
679 not more than one (1) person duly qualified to be a candidate for
680 each office on the general election ballot, the election for all
681 offices on the ballot shall be dispensed with and the appropriate
682 election commission shall declare each candidate elected without
683 opposition if the candidate meets all the qualifications to hold
684 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 5. Section 23-15-1093, Mississippi Code of 1972, is amended as follows:

23-15-1093. (1) Any person desiring to have his name placed on the presidential preference primary ballot shall pay a qualifying fee and file the petition or petitions, which shall be on a form prescribed by the Secretary of State, as described in 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.

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

718 (4) A candidate shall file a petition or petitions in
719 support of his or her candidacy with the state executive committee
720 of the appropriate political party or the Secretary of State,
721 whichever is applicable, after * * * November 15 of the year * * *
722 preceding the year in which the presidential preference primary is
723 to be held and before * * * December 15 of that same year. To
724 comply with this section, a candidate may file a petition or
725 petitions signed by a total of not less than five hundred (500)
726 qualified electors of the state, or petitions signed by not less
727 than one hundred (100) qualified electors of each congressional
728 district of the state, in which case there shall be a separate
729 petition for each congressional district. The petitions shall be
730 in such form as prescribed by the state executive committee or
731 Secretary of State, whichever is applicable; provided, that there
732 shall be a space for the county of residence of each signer next
733 to the space provided for his signature. No signature may be
734 counted as valid unless the county of residence of the signer is
735 provided. Each petition shall contain an affirmation under the

penalties of perjury that each signer is a qualified elector in his congressional district or in the state, as appropriate.

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

23-15-1085. The chairman of a party's state executive committee shall notify the Secretary of State if the party intends to hold a presidential preference primary. The Secretary of State shall be notified prior to December 1 of the year preceding the year in which a presidential preference primary may be held pursuant to Section 23-15-1081. Upon such notification, the 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, and shall stand repealed on June 30, 2025.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ORDER TO QUALIFY TO RUN FOR OFFICE, A CANDIDATE MUST SUBMIT, ALONG WITH THE QUALIFICATION FEES, A FORM PRESCRIBED BY THE SECRETARY OF STATE, AND A WRITTEN STATEMENT; TO REQUIRE EXECUTIVE COMMITTEES TO TRANSMIT ANY WRITTEN STATEMENTS AND REQUIRED DOCUMENTS AND ACCOMPANYING FEES TO THE SECRETARY OF STATE BY 6:00 P.M. ON THE DATE OF THE QUALIFYING DEADLINE; TO PROVIDE A TIMELINE FOR AN EXECUTIVE COMMITTEE OR THE SECRETARY OF STATE, WHICHEVER IS APPLICABLE, TO DETERMINE WHETHER A CANDIDATE MEETS THE QUALIFICATIONS TO HOLD THE OFFICE HE OR SHE SEEKS; TO PROVIDE THAT ONCE AN EXECUTIVE COMMITTEE HAS DETERMINED WHETHER A CANDIDATE IS QUALIFIED TO HOLD THE OFFICE HE OR SHE SEEKS, THE SECRETARY OF THE EXECUTIVE COMMITTEE SHALL TRANSMIT A LIST OF ALL OF THOSE CANDIDATES AND HOW THE EXECUTIVE COMMITTEE RULED ON THEIR QUALIFICATIONS TO THE SECRETARY OF STATE FOR REVIEW; TO PROVIDE THE SECRETARY OF STATE A TIMELINE TO DETERMINE IF THE CANDIDATES WERE PROPERLY QUALIFIED OR DISQUALIFIED; TO PROVIDE THAT IF THE SECRETARY OF STATE DISAGREES WITH A DECISION MADE BY AN EXECUTIVE COMMITTEE, THE SECRETARY OF STATE SHALL NOTIFY THE EXECUTIVE COMMITTEE AND CANDIDATE AND GIVE THE EXECUTIVE COMMITTEE AND CANDIDATE TEN DAYS TO APPEAL THAT DETERMINATION; TO PROVIDE THE SECRETARY OF STATE TEN DAYS TO CONSIDER THE APPEAL OF THE EXECUTIVE COMMITTEE OR CANDIDATE; TO PROVIDE THAT IF THE SECRETARY OF STATE UPHOLDS HIS OR HER DETERMINATION, THE CANDIDATE MAY APPEAL THAT DETERMINATION; TO PROVIDE THAT IF A CANDIDATE HAS VOTED IN ANY ELECTION OUTSIDE OF THE JURISDICTION IN WHICH HE OR SHE SEEKS TO REPRESENT DURING THE PERIOD IN WHICH THE CANDIDATE IS REQUIRED TO HAVE RESIDED WITHIN THE JURISDICTION, THE NAME OF SUCH CANDIDATE SHALL NOT APPEAR ON THE BALLOT; TO PROVIDE AN EXCEPTION TO THE CANDIDATE RESIDENCY REQUIREMENT WHEN REDISTRICTING HAS

31 CHANGED A CANDIDATES JURISDICTION AND WOULD OTHERWISE MAKE HIM OR
32 HER INELIGIBLE TO RUN AS A CANDIDATE IN THE JURISDICTION WHERE HE
33 OR SHE CURRENTLY RESIDES; TO AMEND SECTION 23-15-961, MISSISSIPPI
34 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND
35 SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
36 PROCESS FOR THAT JUDICIAL REVIEW; TO PROVIDE THAT A CANDIDATE
37 AGGRIEVED BY THE DECISION OF THE APPROPRIATE ELECTION COMMISSION
38 MAY FILE A PETITION FOR JUDICIAL REVIEW TO THE CIRCUIT COURT OF
39 THE COUNTY IN WHICH THE ELECTION COMMISSION WHOSE DECISION IS
40 BEING REVIEWED SITS; TO AMEND SECTION 23-15-1093, MISSISSIPPI CODE
41 OF 1972, TO CHANGE THE DEADLINE TO QUALIFY TO RUN FOR PRESIDENT
42 FROM JANUARY 1 THROUGH JANUARY 15 TO NOVEMBER 15 THROUGH DECEMBER
43 15; TO BRING FORWARD SECTIONS 23-15-963, 23-15-1085 AND
44 23-15-1089, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
45 AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB811PS.J

Amanda White
Secretary of the Senate