

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 811

BY: Committee

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

43 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
44 amended as follows:
45 23-15-299. (1) (a) Assessments made pursuant to subsection
46 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
47 each candidate who seeks a nomination in the political party
48 election to the secretary of the state executive committee with
49 which the candidate is affiliated by 5:00 p.m. on February 1 of
50 the year in which the primary election for the office is held or
51 on the date of the qualifying deadline provided by statute for the
52 office, whichever is earlier; however, no such assessments may be



53 paid before January 1 of the year in which the primary election
54 for the office is held. If February 1 or the date of the
55 qualifying deadline provided by statute for the office occurs on a
56 Saturday, Sunday or legal holiday, then the assessments required
57 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
58 business day immediately following the Saturday, Sunday or legal
59 holiday.

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

73 (2) (a) Assessments made pursuant to subsection (1)(e) and
74 (f) of Section 23-15-297, shall be paid by each candidate who
75 seeks a nomination in the political party election to the circuit
76 clerk of that candidate's county of residence by 5:00 p.m. on
77 February 1 of the year in which the primary election for the



78 office is held or on the date of the qualifying deadline provided
79 by statute for the office, whichever is earlier; however, no such
80 assessments may be paid before January 1 of the year in which the
81 election for the office is held. If February 1 or the date of the
82 qualifying deadline provided by statute for the office occurs on a
83 Saturday, Sunday or legal holiday, then the assessments required
84 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
85 business day immediately following the Saturday, Sunday or legal
86 holiday. The circuit clerk shall forward the fee and all
87 necessary information to the secretary of the proper county
88 executive committee within two (2) business days. No candidate
89 may attempt to qualify with any political party that does not have
90 a duly organized county executive committee, and the circuit clerk
91 shall not accept any assessments paid for nonlegislative offices
92 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
93 circuit clerk does not have contact information for the secretary
94 of the county executive committee for that political party.

95 (b) Assessments made pursuant to subsection (3)(d) and
96 (e) of Section 23-15-297 shall be paid by each independent
97 candidate or special election candidate to the circuit clerk of
98 that candidate's county of residence by 5:00 p.m. on February 1 of
99 the year in which the primary election for the office is held or
100 on the date of the qualifying deadline provided by statute for the
101 office, whichever is earlier; however, no such assessments may be
102 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 * * * congressional preference primary * * *; however, no such assessments may be paid before * * * December 1 of the year * * * before 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 * * * congressional 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 which the primary election for the office is held; however, no such assessments may be paid before * * * December 1 of the year * * * before the primary election for the office is held. If sixty (60) days before



the * * * congressional preference primary in years in which
a * * * congressional 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 (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 * * * congressional
preference primary in years in which a * * * congressional
preference primary is held; however, no such assessments may be
paid before * * * December 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 * * * congressional 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 * * * December 1
of the year * * * before the primary election for the office is
held. If sixty (60) days before the * * * congressional
preference primary in years in which a * * * congressional
preference primary is held, March 1, or the date of the qualifying



153 deadline provided by statute for the office occurs on a Saturday,
154 Sunday or legal holiday, then the assessments required to be paid
155 by this paragraph (b) shall be paid by 5:00 p.m. on the business
156 day immediately following the Saturday, Sunday or legal holiday.

157 (4) (a) The fees paid pursuant to subsections (1), (2)
158 and (3) of this section shall be accompanied by a form prescribed
159 by the Secretary of State, along with a written statement
160 containing the name * * *, physical address of the candidate's
161 residence, the party with which he or she is affiliated, if
162 applicable, the candidate's phone number, the email address of the
163 candidate, if any, and the office for which he or she is a
164 candidate. Such statement shall require the candidate to certify
165 that he or she meets all qualifications for the office for which
166 he or she is a candidate.

167 (b) The state executive committee shall transmit to the
168 Secretary of State a copy of the written statements and required
169 documents accompanying the fees paid pursuant to subsections (1)
170 and (2) of this section. All copies must be received by the Office
171 of the Secretary of State by not later than 6:00 p.m. on the date
172 of the qualifying deadline; provided, however, the failure of the
173 Office of the Secretary of State to receive such copies by 6:00
174 p.m. on the date of the qualifying deadline shall not affect the
175 qualification of a person who pays the required fee and files the
176 required statement and the required documents by 5:00 p.m. on the
177 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 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 * * * the following:

(i) Whether each candidate is a qualified elector of the state, state district, county or county district which 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 and not pardoned:

* * * 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 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.

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

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

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

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

(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 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 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 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



327 have the authority to grant such relief as is appropriate under
328 the circumstances.

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

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

339 23-15-963. (1) Any person desiring to contest the
340 qualifications of another person who has qualified pursuant to the
341 provisions of Section 23-15-359, Mississippi Code of 1972, as a
342 candidate for any office elected at a general election, shall file
343 a petition specifically setting forth the grounds of the challenge
344 not later than thirty-one (31) days after the date of the first
345 primary election set forth in Section 23-15-191, Mississippi Code
346 of 1972. Such petition shall be filed with the same body with
347 whom the candidate in question qualified pursuant to Section
348 23-15-359, Mississippi Code of 1972.

349 (2) Any person desiring to contest the qualifications of
350 another person who has qualified pursuant to the provisions of
351 Section 23-15-213, Mississippi Code of 1972, as a candidate for



352 county election commissioner elected at a general election, shall
353 file a petition specifically setting forth the grounds of the
354 challenge no later than sixty (60) days prior to the general
355 election. Such petition shall be filed with the county board of
356 supervisors, being the same body with whom the candidate in
357 question qualified pursuant to Section 23-15-213, Mississippi Code
358 of 1972.

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

370 (4) Within ten (10) days of receipt of the petition
371 described in subsections (1), (2) and (3) of this section, the
372 appropriate election officials shall meet and rule upon the
373 petition. At least two (2) days before the hearing to consider
374 the petition, the appropriate election officials shall give notice
375 to both the petitioner and the contested candidate of the time and
376 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 matter for hearing. Notice shall be given 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.

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



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



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

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

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

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

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

466 (g) For an office elected by the qualified electors of
467 a supervisors district, not less than fifteen (15) qualified
468 electors.

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

472 (2) (a) Unless the petition or fee, whichever is
473 applicable, required above shall be filed as provided for in
474 subsection (3), (4) or (5) of this section, as appropriate, the
475 name of the person requested to be a candidate, unless nominated
476 by a political party, shall not be placed upon the ballot. The



477 ballot shall contain the names of each candidate for each office,
478 and the names shall be listed under the name of the political
479 party that candidate represents as provided by law and as
480 certified to the circuit clerk by the state executive committee of
481 the political party. In the event the candidate qualifies as an
482 independent as provided in this section, he or she shall be listed
483 on the ballot as an independent candidate.

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

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

495 (4) Petitions for offices described in paragraphs (f) and
496 (g) of subsection (1) of this section shall be filed with the
497 proper circuit clerk, on a form prescribed by the Secretary of
498 State, by no later than 5:00 p.m. on the same date by which
499 candidates are required to pay the fee provided for in Section
500 23-15-297; however, no petition may be filed before January 1 of
501 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 physical address of the candidate, the email address of the candidate, if any, and the office he or she seeks. Each statement shall also require the candidate to certify that he or she meets all the qualifications to hold the office he or she seeks.

(* * *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.



526 (* * *8) The provisions of this section shall not apply to
527 municipal elections or to the election of the offices of justice
528 of the Supreme Court, judge of the Court of Appeals, circuit
529 judge, chancellor, county court judge, justice court judge and
530 family court judge.

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

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

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

545 (ii) Whether each candidate meets all other
546 qualifications to hold the office he or she is seeking or presents
547 absolute proof that he or she will, subject to no contingencies,
548 meet all qualifications on or before the date of the general or
549 special election at which he or she could be elected to
550 office * * *; and



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

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

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

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

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

562 * * * 4. Any offense that involved the misuse
563 or abuse of his or her office or money coming into his or her
564 hands by virtue of the office. Excepted from the above are
565 convictions of manslaughter and violations of the United States
566 Internal Revenue Code or any violations of the tax laws of this
567 state * * * ; and

568 (v) Whether the candidate has voted in any
569 election outside of the jurisdiction in which he or she seeks to
570 represent during the period in which the candidate is required to
571 have resided within the jurisdiction. If a candidate is found to
572 have voted in any election outside of the jurisdiction that he or
573 she seeks to represent during the period in which the candidate is
574 required to have resided within the jurisdiction, the name of such
575 candidate shall not appear on the ballot.



576 (b) If the appropriate election commission finds that a
577 candidate either (i) is not a qualified elector, (ii) does not
578 meet all qualifications to hold the office he or she seeks and
579 fails to provide absolute proof, subject to no contingencies, that
580 he or she will meet the qualifications on or before the date of
581 the general or special election at which he or she could be
582 elected, or (iii) has been convicted of a felony or other
583 disqualifying offense as described in paragraph (a) of this
584 subsection, and not pardoned, or (iv) has voted in any election
585 outside of the jurisdiction he or she is currently seeking to
586 represent during the period in which the candidate is required to
587 have resided within the jurisdiction, then the election commission
588 shall notify the candidate and give the candidate an opportunity
589 to be heard. The election commission shall mail notice to the
590 candidate at least three (3) business days before the hearing to
591 the address provided by the candidate on the qualifying forms, and
592 the committee shall attempt to contact the candidate by telephone,
593 email and facsimile if the candidate provided this information on
594 the forms. If the candidate fails to appear at the hearing or to
595 prove that he or she meets all qualifications to hold the office
596 subject to no contingencies, then the name of such candidate shall
597 not be placed upon the ballot. If the appropriate election
598 commission determines that the candidate has taken the steps
599 necessary to qualify for more than one (1) office at the election,
600 the action required by Section 23-15-905, shall be taken. The



601 election commission shall render a decision on whether the name of
602 the candidate shall appear on the ballot within five (5) days of
603 the hearing.

604 (c) (i) A candidate aggrieved by the decision of the
605 appropriate election commission may file a petition for judicial
606 review to the circuit court of the county in which the election
607 commission whose decision is being reviewed sits. Such petition
608 must be filed no later than ten (10) days after the decision of
609 the election commission. Such candidate filing for judicial
610 review shall give a cost bond in the sum of Three Hundred Dollars
611 (\$300.00) with two (2) or more sufficient sureties conditioned to
612 pay all costs in case his or her petition be dismissed, and an
613 additional bond may be required, by the court, if necessary, at
614 any subsequent stage of the proceedings.

615 (ii) The circuit court with whom such a petition
616 for judicial review has been filed shall at the earliest possible
617 date set the matter for hearing. Notice shall be given to the
618 interested parties of the time set for hearing by the circuit
619 clerk. The hearing before the circuit court shall be de novo.
620 The matter shall be tried to the circuit judge, without a jury.
621 After hearing the evidence, the circuit judge shall determine
622 whether the candidate whose qualifications have been challenged is
623 legally qualified to have his or her name placed upon the ballot
624 in question. The circuit judge may, upon disqualification of any



625 such candidate, order that such candidate shall bear the court
626 costs of the proceedings.

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

648 (iv) The procedure set forth above shall be the
649 sole and only manner in which a candidate may appeal the



650 appropriate election commission's decision to not place the
651 candidate's name on the ballot under this section. These
652 provisions do not interfere with the rights of other persons to
653 challenge the decision of the appropriate election commission to
654 place the name of the candidate on the ballot in accordance with
655 Section 23-15-963. After any person assumes an elective office,
656 his or her qualifications to hold that office may be contested as
657 otherwise provided by law.

658 (* * *11) If after the deadline to qualify as a candidate
659 for an office or after the time for holding any party primary for
660 an office, only one (1) person has duly qualified to be a
661 candidate for the office in the general election, the name of that
662 person shall be placed on the ballot; provided, however, that if
663 not more than one (1) person duly qualified to be a candidate for
664 each office on the general election ballot, the election for all
665 offices on the ballot shall be dispensed with and the appropriate
666 election commission shall declare each candidate elected without
667 opposition if the candidate meets all the qualifications to hold
668 the office as determined pursuant to a review by the election
669 commission in accordance with the provisions of subsection (9) of
670 this section and if the candidate has filed all required campaign
671 finance disclosure reports as required by Section 23-15-807.

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



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

676 23-15-1093. (1) Any person desiring to have his name placed
677 on the presidential preference primary ballot shall pay a
678 qualifying fee and file the petition or petitions, which shall be
679 on a form prescribed by the Secretary of State, as described in
680 this section.

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

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

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

694 (3) The secretaries of the proper executive committee shall
695 hold the funds to be finally disposed of by order of their
696 respective executive committees. The funds may be used or
697 disbursed by the executive committee receiving same to pay all
698 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 or her 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 the year in which the presidential preference primary is to be held and before * * * December 15 of that same year. To comply with this section, a candidate may file a petition or petitions signed by a total of not less than five hundred (500) qualified electors of the state, or petitions signed by not less than one hundred (100) qualified electors of each congressional district of the state, in which case there shall be a separate petition for each congressional district. The petitions shall be in such form as prescribed by the state executive committee or Secretary of State, whichever is applicable; provided, that there shall be a space for the county of residence of each signer next to the space provided for his signature. No signature may be counted as valid unless the county of residence of the signer is 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 AMEND SECTION 23-15-961, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO PROVIDE THE PROCESS FOR THAT JUDICIAL REVIEW; TO PROVIDE THAT A CANDIDATE AGGRIEVED BY THE DECISION OF THE APPROPRIATE ELECTION COMMISSION MAY FILE A PETITION FOR JUDICIAL REVIEW TO THE CIRCUIT



35 COURT OF THE COUNTY IN WHICH THE ELECTION COMMISSION WHOSE
36 DECISION IS BEING REVIEWED SITS; TO AMEND SECTION 23-15-1093,
37 MISSISSIPPI CODE OF 1972, TO CHANGE THE DEADLINE TO QUALIFY TO RUN
38 FOR PRESIDENT FROM JANUARY 1 THROUGH JANUARY 15 TO NOVEMBER 15
39 THROUGH DECEMBER 15; TO BRING FORWARD SECTIONS 23-15-963,
40 23-15-1085 AND 23-15-1089, MISSISSIPPI CODE OF 1972, FOR THE
41 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

