

By: Senator(s) Bryan

To: Elections

SENATE BILL NO. 2382

1 AN ACT TO AMEND SECTIONS 23-15-359 AND 23-15-361, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT IN THE EVENT NOT MORE THAN ONE
3 PERSON QUALIFIES TO BE A CANDIDATE FOR EACH OFFICE ON THE GENERAL
4 ELECTION BALLOT, THE ELECTION FOR ALL OFFICES ON THE BALLOT SHALL
5 BE DISPENSED WITH EACH CANDIDATE DECLARED ELECTED WITHOUT
6 OPPOSITION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-359, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-359. (1) The ballot shall contain the names of all
11 party nominees certified by the appropriate executive committee,
12 and independent and special election candidates who have timely
13 filed petitions containing the required signatures. A petition
14 requesting that an independent or special election candidate's
15 name be placed on the ballot for any office shall be filed as
16 provided for in subsection (3) or (4) of this section, as
17 appropriate, and shall be signed by not less than the following
18 number of qualified electors:

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

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

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

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



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

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

35 (g) For an office elected by the qualified electors of
36 a supervisors district or justice court district, not less than
37 fifteen (15) qualified electors.

38 (2) Unless the petition required above shall be filed as
39 provided for in subsection (3) or (4) of this section, as
40 appropriate, the name of the person requested to be a candidate,
41 unless nominated by a political party, shall not be placed upon
42 the ballot. The ballot shall contain the names of each candidate
43 for each office, and such names shall be listed under the name of
44 the political party such candidate represents as provided by law
45 and as certified to the circuit clerk by the State Executive
46 Committee of such political party. In the event such candidate
47 qualifies as an independent as herein provided, he shall be listed
48 on the ballot as an independent candidate.

49 (3) Petitions for offices described in paragraphs (a), (b),
50 (c) and (d) of subsection (1) of this section, and petitions for
51 offices described in paragraph (e) of subsection (1) of this
52 section for districts composed of more than one (1) county or
53 parts of more than one (1) county, shall be filed with the State
54 Board of Election Commissioners by no later than 5:00 p.m. on the
55 same date by which candidates for nominations in the political
56 party primary elections are required to pay the fee provided for
57 in Section 23-15-297, Mississippi Code of 1972.

58 (4) Petitions for offices described in paragraphs (f) and
59 (g) of subsection (1) of this section, and petitions for offices
60 described in paragraph (e) of subsection (1) of this section for
61 districts composed of one (1) county or less, shall be filed with
62 the proper circuit clerk by no later than 5:00 p.m. on the same



63 date by which candidates for nominations in the political party
64 elections are required to pay the fee provided for in Section
65 23-15-297; provided, however, that no petition may be filed before
66 January 1 of the year in which the election for the office is
67 held. The circuit clerk shall notify the county commissioners of
68 election of all persons who have filed petitions with such clerk.
69 Such notification shall occur within two (2) business days and
70 shall contain all necessary information.

71 (5) The commissioners may also have printed upon the ballot
72 any local issue election matter that is authorized to be held on
73 the same date as the regular or general election pursuant to
74 Section 23-15-375; provided, however, that the ballot form of such
75 local issue must be filed with the commissioners of election by
76 the appropriate governing authority not less than sixty (60) days
77 previous to the date of the election.

78 (6) The provisions of this section shall not apply to
79 municipal elections or to the election of the offices of justice
80 of the Supreme Court, judge of the Court of Appeals, circuit
81 judge, chancellor, county court judge and family court judge.

82 (7) Nothing in this section shall prohibit special elections
83 to fill vacancies in either house of the Legislature from being
84 held as provided in Section 23-15-851. In all elections conducted
85 under the provisions of Section 23-15-851, the commissioner shall
86 have printed on the ballot the name of any candidate who, not
87 having been nominated by a political party, shall have been
88 requested to be a candidate for any office by a petition filed
89 with said commissioner by 5:00 p.m. not less than ten (10) working
90 days prior to the election, and signed by not less than fifty (50)
91 qualified electors.

92 (8) The appropriate election commission shall determine
93 whether each candidate is a qualified elector of the state, state
94 district, county or county district they seek to serve, and
95 whether each candidate meets all other qualifications to hold the



96 office he is seeking or presents absolute proof that he will,
97 subject to no contingencies, meet all qualifications on or before
98 the date of the general or special election at which he could be
99 elected to office. The election commission also shall determine
100 whether any candidate has been convicted of any felony in a court
101 of this state, or has been convicted on or after December 8, 1992,
102 of any offense in another state which is a felony under the laws
103 of this state, or has been convicted of any felony in a federal
104 court on or after December 8, 1992. Excepted from the above are
105 convictions of manslaughter and violations of the United States
106 Internal Revenue Code or any violations of the tax laws of this
107 state, unless the offense also involved misuse or abuse of his
108 office or money coming into his hands by virtue of his office. If
109 the appropriate election commission finds that a candidate either
110 (a) is not a qualified elector, (b) does not meet all
111 qualifications to hold the office he seeks and fails to provide
112 absolute proof, subject to no contingencies, that he will meet the
113 qualifications on or before the date of the general or special
114 election at which he could be elected, or (c) has been convicted
115 of a felony as described in this subsection, and not pardoned,
116 then the name of such candidate shall not be placed upon the
117 ballot.

118 (9) If after the deadline to qualify as a candidate for an
119 office or after the time for holding any party primary for an
120 office, there shall be only one (1) person who has duly qualified
121 to be a candidate for the office in the general election, the name
122 of such person shall be placed on the ballot; provided, however,
123 that if there shall be not more than one (1) person duly qualified
124 to be a candidate for each office on the general election ballot,
125 the election for all offices on the ballot shall be dispensed with
126 and the appropriate election commission shall declare each
127 candidate elected without opposition if the candidate meets all
128 the qualifications to hold the office as determined pursuant to a



129 review by the commission in accordance with the provisions of
130 subsection (8) of this section and if the candidate has filed all
131 required campaign finance disclosure reports as required by
132 Section 23-15-807.

133 (10) The petition required by this section may not be filed
134 by using the Internet.

135 **SECTION 2.** Section 23-15-361, Mississippi Code of 1972, is
136 amended as follows:

137 23-15-361. (1) The municipal general election ballot shall
138 contain the names of all candidates who have been put in
139 nomination by the municipal primary election of any political
140 party. There shall be printed on the ballots the names of all
141 persons so nominated, whether the nomination be otherwise known or
142 not, upon the written request of one or more of the candidates so
143 nominated, or of any qualified elector who will make oath that he
144 was a participant in the primary election, and that the person
145 whose name is presented by him was nominated by such primary
146 election. The municipal election commissioner designated to have
147 the ballots printed shall also have printed on the ballot in any
148 municipal general election the name of any candidate who, not
149 having been nominated by a political party, shall have been
150 requested to be a candidate for any office by a petition filed
151 with the clerk of the municipality no later than 5:00 p.m. on the
152 same date by which candidates for nomination in the municipal
153 primary elections are required to pay the fee provided for in
154 Section 23-15-309, and signed by not less than the following
155 number of qualified electors:

156 (a) For an office elected by the qualified electors of
157 a municipality having a population of one thousand (1,000) or
158 more, not less than fifty (50) qualified electors.

159 (b) For an office elected by the qualified electors of
160 a municipality having a population of less than one thousand
161 (1,000), not less than fifteen (15) qualified electors.



162 (2) Unless the petition required above shall be filed no
163 later than 5:00 p.m. on the same date by which candidates for
164 nomination in the municipal primary election are required to pay
165 the fee provided for in Section 23-15-309, the name of the person
166 requested to be a candidate, unless nominated by a political
167 party, shall not be placed upon the ballot. The ballot shall
168 contain the names of each candidate for each municipal office, and
169 such names shall be listed under the name of the political party
170 such candidate represents as provided by law and as certified to
171 the municipal clerk by the municipal executive committee of such
172 political party. Provided further, however, that nothing in this
173 section shall prohibit a person from qualifying as a nominee of a
174 political party, or from requesting to be a candidate for the
175 office by filing a petition, in the event of the death of a
176 candidate for the office which makes it impossible to have an
177 election contest. In the event such candidate qualifies as an
178 independent as herein provided, he shall be listed on the ballot
179 as an independent candidate.

180 (3) The clerk of the municipality shall notify the municipal
181 commissioners of election of all persons who have filed petitions
182 pursuant to subsection (1) of this section within two (2) business
183 days of the date of filing.

184 (4) The ballot in elections to fill vacancies in municipal
185 elective office shall contain the names of all persons who have
186 qualified as required by Section 23-15-857.

187 (5) The municipal commission shall determine whether each
188 party candidate in the municipal general election is a qualified
189 elector of the municipality, and of the ward if the office sought
190 is a ward office and shall determine whether each candidate either
191 meets all other qualifications to hold the office he is seeking or
192 presents absolute proof that he will, subject to no contingencies,
193 meet all qualifications on or before the date of the general or
194 special election at which he could be elected to office. The



195 municipal election commission also shall determine whether any
196 candidate has been convicted of any felony in a court of this
197 state, or has been convicted on or after December 8, 1992, of any
198 offense in another state which is a felony under the laws of this
199 state, or has been convicted of any felony in a federal court on
200 or after December 8, 1992. Excepted from the above are
201 convictions of manslaughter and violations of the United States
202 Internal Revenue Code or any violations of the tax laws of this
203 state unless such offense also involved misuse or abuse of his
204 office or money coming into his hands by virtue of his office. If
205 the municipal election commission finds that a candidate either
206 (a) is not a qualified elector, (b) does not meet all
207 qualifications to hold the office he seeks and fails to provide
208 absolute proof, subject to no contingencies, that he will meet the
209 qualifications on or before the date of the general or special
210 election at which he could be elected, or (c) has been convicted
211 of a felony as described above and not pardoned, then the name of
212 the candidate shall not be placed upon the ballot.

213 (6) If after the deadline to qualify as a candidate for an
214 office or after the time for holding any party primary election
215 for an office, there shall be only one (1) person who has duly
216 qualified to be a candidate for the office in the general election
217 the name of such person shall be placed on the ballot; provided,
218 however, that if there shall be not more than one (1) person duly
219 qualified to be a candidate for each office on the general
220 election ballot, the election for all offices on the ballot shall
221 be dispensed with and the municipal election commission shall
222 declare each candidate elected without opposition if the candidate
223 meets all the qualifications to hold the office as determined
224 pursuant to a review by the commission in accordance with the
225 provisions of subsection (5) of this section and if the candidate
226 has filed all required campaign finance disclosure reports as
227 required by Section 23-15-807.



228 **SECTION 3.** The Attorney General of the State of Mississippi
229 shall submit this act, immediately upon approval by the Governor,
230 or upon approval by the Legislature subsequent to a veto, to the
231 Attorney General of the United States or to the United States
232 District Court for the District of Columbia in accordance with the
233 provisions of the Voting Rights Act of 1965, as amended and
234 extended.

235 **SECTION 4.** This act shall take effect and be in force from
236 and after the date it is effectuated under Section 5 of the Voting
237 Rights Act of 1965, as amended and extended.

