

By: Representatives Rotenberry, Bondurant,  
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Smith (59th), Staples, Stevens, Upshaw,  
Wells-Smith, Woods, Zuber

To: Judiciary A;  
Apportionment and Elections

## HOUSE BILL NO. 1334

1 AN ACT TO PROHIBIT A PERSON FROM FILING MORE THAN ONE  
2 PETITION TO QUALIFY AS A JUDICIAL CANDIDATE FOR MORE THAN ONE  
3 JUDICIAL OFFICE OR BE QUALIFIED AS A JUDICIAL CANDIDATE FOR MORE  
4 THAN ONE OFFICE DURING THE SAME ELECTION OR ELECTIONS HELD AT THE  
5 SAME TIME; TO AMEND SECTIONS 23-15-359 AND 23-15-361, MISSISSIPPI  
6 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** No person may file more than one (1) petition to  
10 qualify as a judicial candidate for more than one (1) judicial  
11 office or be qualified as a candidate for more than one (1)  
12 judicial office during the same election or elections held at the  
13 same time. The name of any person who files a petition to qualify  
14 as a judicial candidate for more than one (1) office or is  
15 qualified as a candidate for more than one (1) judicial office  
16 during the same election or elections held at the same time shall  
17 not be placed on any ballot for such election or elections.

18 **SECTION 2.** Section 23-15-359, Mississippi Code of 1972, is  
19 amended as follows:

20 23-15-359. (1) The ballot shall contain the names of all  
21 party nominees certified by the appropriate executive committee,  
22 and independent and special election candidates who have timely  
23 filed petitions containing the required signatures. A petition  
24 requesting that an independent or special election candidate's  
25 name be placed on the ballot for any office shall be filed as  
26 provided for in subsection (3) or (4) of this section, as  
27 appropriate, and shall be signed by not less than the following  
28 number of qualified electors:

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

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

34           (c) For an office elected by the qualified electors of  
35 a congressional district, not less than two hundred (200)  
36 qualified electors.

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

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

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

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

48           (2) Unless the petition required above shall be filed as  
49 provided for in subsection (3) or (4) of this section, as  
50 appropriate, the name of the person requested to be a candidate,  
51 unless nominated by a political party, shall not be placed upon  
52 the ballot. The ballot shall contain the names of each candidate  
53 for each office, and such names shall be listed under the name of  
54 the political party such candidate represents as provided by law  
55 and as certified to the circuit clerk by the State Executive  
56 Committee of such political party. In the event such candidate  
57 qualifies as an independent as herein provided, he shall be listed  
58 on the ballot as an independent candidate.

59           (3) Petitions for offices described in paragraphs (a), (b),  
60 (c) and (d) of subsection (1) of this section, and petitions for  
61 offices described in paragraph (e) of subsection (1) of this

62 section for districts composed of more than one (1) county or  
63 parts of more than one (1) county, shall be filed with the State  
64 Board of Election Commissioners by no later than 5:00 p.m. on the  
65 same date by which candidates for nominations in the political  
66 party primary elections are required to pay the fee provided for  
67 in Section 23-15-297, Mississippi Code of 1972; however, no  
68 petition may be filed before January 1 of the year in which the  
69 election for the office is held.

70 (4) Petitions for offices described in paragraphs (f) and  
71 (g) of subsection (1) of this section, and petitions for offices  
72 described in paragraph (e) of subsection (1) of this section for  
73 districts composed of one (1) county or less, shall be filed with  
74 the proper circuit clerk by no later than 5:00 p.m. on the same  
75 date by which candidates for nominations in the political party  
76 elections are required to pay the fee provided for in Section  
77 23-15-297; however, no petition may be filed before January 1 of  
78 the year in which the election for the office is held. The  
79 circuit clerk shall notify the county commissioners of election of  
80 all persons who have filed petitions with such clerk. Such  
81 notification shall occur within two (2) business days and shall  
82 contain all necessary information.

83 (5) The commissioners may also have printed upon the ballot  
84 any local issue election matter that is authorized to be held on  
85 the same date as the regular or general election pursuant to  
86 Section 23-15-375; however, the ballot form of such local issue  
87 must be filed with the commissioners of election by the  
88 appropriate governing authority not less than sixty (60) days  
89 previous to the date of the election.

90 (6) The provisions of this section shall not apply to  
91 municipal elections or to the election of the offices of justice  
92 of the Supreme Court, judge of the Court of Appeals, circuit  
93 judge, chancellor, county court judge and family court judge.

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

104           (8) The appropriate election commission shall determine  
105 whether each candidate is a qualified elector of the state, state  
106 district, county or county district they seek to serve, and  
107 whether each candidate meets all other qualifications to hold the  
108 office he is seeking or presents absolute proof that he will,  
109 subject to no contingencies, meet all qualifications on or before  
110 the date of the general or special election at which he could be  
111 elected to office. The election commission also shall determine  
112 whether any candidate has been convicted of any felony in a court  
113 of this state, or has been convicted on or after December 8, 1992,  
114 of any offense in another state which is a felony under the laws  
115 of this state, or has been convicted of any felony in a federal  
116 court on or after December 8, 1992. Excepted from the above are  
117 convictions of manslaughter and violations of the United States  
118 Internal Revenue Code or any violations of the tax laws of this  
119 state, unless the offense also involved misuse or abuse of his  
120 office or money coming into his hands by virtue of his office. If  
121 the appropriate election commission finds that a candidate either  
122 (a) is not a qualified elector, (b) does not meet all  
123 qualifications to hold the office he seeks and fails to provide  
124 absolute proof, subject to no contingencies, that he will meet the  
125 qualifications on or before the date of the general or special  
126 election at which he could be elected, \* \* \* (c) has been

127 convicted of a felony as described in this subsection, and not  
128 pardoned, or (d) has qualified to be a candidate for more than one  
129 (1) judicial office on the ballot provided for by this section for  
130 the same election, or has qualified to be a candidate for judicial  
131 office on the ballot provided for by this section and qualified to  
132 be a judicial candidate for an office on the ballot provided for  
133 by any other provision of law for other judicial elections held at  
134 the same time, then the name of such candidate shall not be placed  
135 upon the ballot.

136 (9) If after the deadline to qualify as a candidate for an  
137 office or after the time for holding any party primary for an  
138 office, there shall be only one (1) person who has duly qualified  
139 to be a candidate for the office in the general election, the name  
140 of such person shall be placed on the ballot; provided, however,  
141 that if there shall be not more than one (1) person duly qualified  
142 to be a candidate for each office on the general election ballot,  
143 the election for all offices on the ballot shall be dispensed with  
144 and the appropriate election commission shall declare each  
145 candidate elected without opposition if the candidate meets all  
146 the qualifications to hold the office as determined pursuant to a  
147 review by the commission in accordance with the provisions of  
148 subsection (8) of this section and if the candidate has filed all  
149 required campaign finance disclosure reports as required by  
150 Section 23-15-807.

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

153 **SECTION 3.** Section 23-15-361, Mississippi Code of 1972, is  
154 amended as follows:

155 23-15-361. (1) The municipal general election ballot shall  
156 contain the names of all candidates who have been put in  
157 nomination by the municipal primary election of any political  
158 party. There shall be printed on the ballots the names of all  
159 persons so nominated, whether the nomination be otherwise known or

160 not, upon the written request of one or more of the candidates so  
161 nominated, or of any qualified elector who will make oath that he  
162 was a participant in the primary election, and that the person  
163 whose name is presented by him was nominated by such primary  
164 election. The municipal election commissioner designated to have  
165 the ballots printed shall also have printed on the ballot in any  
166 municipal general election the name of any candidate who, not  
167 having been nominated by a political party, shall have been  
168 requested to be a candidate for any office by a petition filed  
169 with the clerk of the municipality no later than 5:00 p.m. on the  
170 same date by which candidates for nomination in the municipal  
171 primary elections are required to pay the fee provided for in  
172 Section 23-15-309, and signed by not less than the following  
173 number of qualified electors:

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

177 (b) For an office elected by the qualified electors of  
178 a municipality having a population of less than one thousand  
179 (1,000), not less than fifteen (15) qualified electors.

180 (2) Unless the petition required above shall be filed no  
181 later than 5:00 p.m. on the same date by which candidates for  
182 nomination in the municipal primary election are required to pay  
183 the fee provided for in Section 23-15-309, the name of the person  
184 requested to be a candidate, unless nominated by a political  
185 party, shall not be placed upon the ballot. The ballot shall  
186 contain the names of each candidate for each municipal office, and  
187 such names shall be listed under the name of the political party  
188 such candidate represents as provided by law and as certified to  
189 the municipal clerk by the municipal executive committee of such  
190 political party. Provided further, however, that nothing in this  
191 section shall prohibit a person from qualifying as a nominee of a  
192 political party, or from requesting to be a candidate for the

193 office by filing a petition, in the event of the death of a  
194 candidate for the office which makes it impossible to have an  
195 election contest. In the event such candidate qualifies as an  
196 independent as herein provided, he shall be listed on the ballot  
197 as an independent candidate.

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

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

205 (5) The municipal commission shall determine whether each  
206 party candidate in the municipal general election is a qualified  
207 elector of the municipality, and of the ward if the office sought  
208 is a ward office and shall determine whether each candidate either  
209 meets all other qualifications to hold the office he is seeking or  
210 presents absolute proof that he will, subject to no contingencies,  
211 meet all qualifications on or before the date of the general or  
212 special election at which he could be elected to office. The  
213 municipal election commission also shall determine whether any  
214 candidate has been convicted of any felony in a court of this  
215 state, or has been convicted on or after December 8, 1992, of any  
216 offense in another state which is a felony under the laws of this  
217 state, or has been convicted of any felony in a federal court on  
218 or after December 8, 1992. Excepted from the above are  
219 convictions of manslaughter and violations of the United States  
220 Internal Revenue Code or any violations of the tax laws of this  
221 state unless such offense also involved misuse or abuse of his  
222 office or money coming into his hands by virtue of his office. If  
223 the municipal election commission finds that a candidate either  
224 (a) is not a qualified elector, (b) does not meet all  
225 qualifications to hold the office he seeks and fails to provide

226 absolute proof, subject to no contingencies, that he will meet the  
227 qualifications on or before the date of the general or special  
228 election at which he could be elected, \* \* \* (c) has been  
229 convicted of a felony as described above and not pardoned, or (d)  
230 has qualified to be a candidate for more than one (1) judicial  
231 office on the ballot provided for by this section for the same  
232 election, or has qualified to be a candidate for judicial office  
233 on the ballot provided for by this section and qualified to be a  
234 judicial candidate for an office on the ballot provided for by any  
235 other provision of law for other judicial elections held at the  
236 same time, then the name of the candidate shall not be placed upon  
237 the ballot.

238 (6) If after the deadline to qualify as a candidate for an  
239 office or after the time for holding any party primary election  
240 for an office, there shall be only one (1) person who has duly  
241 qualified to be a candidate for the office in the general election  
242 the name of such person shall be placed on the ballot; provided,  
243 however, that if there shall be not more than one (1) person duly  
244 qualified to be a candidate for each office on the general  
245 election ballot, the election for all offices on the ballot shall  
246 be dispensed with and the municipal election commission shall  
247 declare each candidate elected without opposition if the candidate  
248 meets all the qualifications to hold the office as determined  
249 pursuant to a review by the commission in accordance with the  
250 provisions of subsection (5) of this section and if the candidate  
251 has filed all required campaign finance disclosure reports as  
252 required by Section 23-15-807.

253 **SECTION 4.** The Attorney General of the State of Mississippi  
254 shall submit this act, immediately upon approval by the Governor,  
255 or upon approval by the Legislature subsequent to a veto, to the  
256 Attorney General of the United States or to the United States  
257 District Court for the District of Columbia in accordance with the



258 provisions of the Voting Rights Act of 1965, as amended and  
259 extended.

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