

By: Senator(s) Dearing, Michel, White

To: Elections

SENATE BILL NO. 2056
(As Sent to Governor)

1 AN ACT TO PROHIBIT PERSONS FROM QUALIFYING AS A CANDIDATE FOR
2 MORE THAN ONE OFFICE FOR THE SAME ELECTION; TO PROVIDE THAT THE
3 APPROPRIATE EXECUTIVE COMMITTEES OR ELECTION COMMISSIONERS SHALL
4 DETERMINE WHETHER A PERSON HAS QUALIFIED AS A CANDIDATE FOR MORE
5 THAN ONE OFFICE AT AN ELECTION; TO PROVIDE THE OFFICE FOR WHICH
6 THE PERSON SHALL BE QUALIFIED IN THE EVENT THAT SUCH PERSON HAS
7 QUALIFIED FOR MORE THAN ONE OFFICE AT AN ELECTION; TO AMEND
8 SECTIONS 23-15-299, 23-15-309 AND 23-15-359, MISSISSIPPI CODE OF
9 1972, IN CONFORMITY THERETO; TO AMEND SECTION 23-15-853,
10 MISSISSIPPI CODE OF 1972, TO REVISE THE DATE UPON WHICH ELECTIONS
11 TO FILL VACANCIES IN CONGRESS ARE HELD; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) From and after July 1, 2008, no person may
14 qualify as a candidate for more than one (1) office if the
15 election for those offices occurs on the same day. If a person
16 takes the steps necessary to qualify for more than one (1) office,
17 the appropriate executive committee or election commissioner shall
18 determine the last office for which the person qualified and the
19 person shall be considered to be qualified as a candidate for that
20 office only and the person shall be notified of this
21 determination. The provisions of this subsection shall not apply
22 to elections for municipal office.

23 (2) From and after July 1, 2008, no person may qualify as a
24 candidate for more than one (1) municipal office if the election
25 for those offices occurs on the same day. If a person takes the
26 steps necessary to qualify for more than one (1) office, the
27 appropriate executive committee or election commissioner shall
28 determine the last office for which the person qualified and the
29 person shall be considered to be qualified as a candidate for that
30 office only and the person shall be notified of this
31 determination.

32 **SECTION 2.** Section 23-15-299, Mississippi Code of 1972, is
33 amended as follows:

34 **[Until July 1, 2008, this section shall read as follows:]**

35 23-15-299. (1) (a) Assessments made pursuant to paragraphs
36 (a), (b) and (c) of Section 23-15-297 and assessments made
37 pursuant to paragraph (d) of Section 23-15-297 for legislative
38 offices shall be paid by each candidate to the Secretary of the
39 State Executive Committee with which the candidate is affiliated
40 by 5:00 p.m. on March 1 of the year in which the primary election
41 for the office is held or on the date of the qualifying deadline
42 provided by statute for the office, whichever is earlier; however,
43 no such assessments may be paid before January 1 of the year in
44 which the primary election for the office is held.

45 (b) If the 2010 census redistricting information that
46 is provided to the state in accordance with federal Public Law
47 94-171 has not been received from the United States Secretary of
48 Commerce by the Governor of the State of Mississippi by January 1,
49 2011, then the qualifying deadline for legislative offices shall
50 be changed for the year 2011 only, as follows: Assessments made
51 pursuant to paragraph (d) of Section 23-15-297 for legislative
52 offices shall be paid by each candidate to the Secretary of the
53 State Executive Committee with which the candidate is affiliated
54 by 5:00 p.m. on June 1, 2011. This paragraph (b) shall stand
55 repealed on July 1, 2012; however, no such assessments may be paid
56 before January 1 of the year in which the election for the office
57 is held.

58 (2) Assessments made pursuant to paragraphs (d) and (e) of
59 Section 23-15-297, other than assessments made for legislative
60 offices, shall be paid by each candidate to the circuit clerk of
61 such candidate's county of residence by 5:00 p.m. on March 1 of
62 the year in which the primary election for the office is held or
63 on the date of the qualifying deadline provided by statute for the
64 office, whichever is earlier; however, no such assessments may be

65 paid before January 1 of the year in which the election for the
66 office is held. The circuit clerk shall forward the fee and all
67 necessary information to the secretary of the proper county
68 executive committee within two (2) business days.

69 (3) Assessments made pursuant to paragraphs (f) and (g) of
70 Section 23-15-297 must be paid by each candidate to the Secretary
71 of the State Executive Committee with which the candidate is
72 affiliated by 5:00 p.m. sixty (60) days before the presidential
73 preference primary in years in which a presidential preference
74 primary is held; however, no such assessments may be paid before
75 January 1 of the year in which the primary election for the office
76 is held. Assessments made pursuant to paragraphs (f) and (g) of
77 Section 23-15-297, in years when a presidential preference primary
78 is not being held, shall be paid by each candidate to the
79 Secretary of the State Executive Committee with which the
80 candidate is affiliated by 5:00 p.m. on March 1 of the year in
81 which the primary election for the office is held; however, no
82 such assessments may be paid before January 1 of the year in which
83 the primary election for the office is held.

84 (4) (a) The fees paid pursuant to subsections (1), (2) and
85 (3) of this section shall be accompanied by a written statement
86 containing the name and address of the candidate, the party with
87 which he or she is affiliated and the office for which he or she
88 is a candidate.

89 (b) The State Executive Committee shall transmit to the
90 Secretary of State a copy of the written statements accompanying
91 the fees paid pursuant to subsections (1) and (2) of this section.
92 All copies must be received by the Office of the Secretary of
93 State by not later than 6:00 p.m. on the date of the qualifying
94 deadline; provided, however, the failure of the Office of the
95 Secretary of State to receive such copies by 6:00 p.m. on the date
96 of the qualifying deadline shall not affect the qualification of a
97 person who pays the required fee and files the required statement

98 by 5:00 p.m. on the date of the qualifying deadline. The name of
99 any person who pays the required fee and files the required
100 statement after 5:00 p.m. on the date of the qualifying deadline
101 shall not be placed on the primary election ballot.

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

111 (6) The secretaries of the proper executive committee shall
112 hold said funds to be finally disposed of by order of their
113 respective executive committees. Such funds may be used or
114 disbursed by the executive committee receiving same to pay all
115 necessary traveling or other necessary expenses of the members of
116 the executive committee incurred in discharging their duties as
117 committeemen, and of their secretary and may pay the secretary
118 such salary as may be reasonable.

119 (7) Upon receipt of the proper fee and all necessary
120 information, the proper executive committee shall then determine
121 whether each candidate is a qualified elector of the state, state
122 district, county or county district which they seek to serve, and
123 whether each candidate meets all other qualifications to hold the
124 office he is seeking or presents absolute proof that he will,
125 subject to no contingencies, meet all qualifications on or before
126 the date of the general or special election at which he could be
127 elected to office. The committee also shall determine whether any
128 candidate has been convicted of any felony in a court of this
129 state, or has been convicted on or after December 8, 1992, of any
130 offense in another state which is a felony under the laws of this

131 state, or has been convicted of any felony in a federal court on
132 or after December 8, 1992. Excepted from the above are
133 convictions of manslaughter and violations of the United States
134 Internal Revenue Code or any violations of the tax laws of this
135 state unless the offense also involved misuse or abuse of his
136 office or money coming into his hands by virtue of his office. If
137 the proper executive committee finds that a candidate either (a)
138 is not a qualified elector, (b) does not meet all qualifications
139 to hold the office he seeks and fails to provide absolute proof,
140 subject to no contingencies, that he will meet the qualifications
141 on or before the date of the general or special election at which
142 he could be elected, or (c) has been convicted of a felony as
143 described in this subsection, and not pardoned, then the name of
144 such candidate shall not be placed upon the ballot.

145 Where there is but one (1) candidate for each office
146 contested at the primary election, the proper executive committee
147 when the time has expired within which the names of candidates
148 shall be furnished shall declare such candidates the nominees.

149 (8) No candidate may qualify by filing the information
150 required by this section by using the Internet.

151 **[From and after July 1, 2008, this section shall read as**
152 **follows:]**

153 23-15-299. (1) (a) Assessments made pursuant to paragraphs
154 (a), (b) and (c) of Section 23-15-297 and assessments made
155 pursuant to paragraph (d) of Section 23-15-297 for legislative
156 offices shall be paid by each candidate to the Secretary of the
157 State Executive Committee with which the candidate is affiliated
158 by 5:00 p.m. on March 1 of the year in which the primary election
159 for the office is held or on the date of the qualifying deadline
160 provided by statute for the office, whichever is earlier; however,
161 no such assessments may be paid before January 1 of the year in
162 which the primary election for the office is held.

163 (b) If the 2010 census redistricting information that
164 is provided to the state in accordance with Public Law 94-171 has
165 not been received from the United States Secretary of Commerce by
166 the Governor of the State of Mississippi by January 1, 2011, then
167 the qualifying deadline for legislative offices shall be changed
168 for the year 2011 only, as follows: Assessments made pursuant to
169 paragraph (d) of Section 23-15-297 for legislative offices shall
170 be paid by each candidate to the Secretary of the State Executive
171 Committee with which the candidate is affiliated by 5:00 p.m. on
172 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
173 2012; however, no such assessments may be paid before January 1 of
174 the year in which the election for the office is held.

175 (2) Assessments made pursuant to paragraphs (d) and (e) of
176 Section 23-15-297, other than assessments made for legislative
177 offices, shall be paid by each candidate to the circuit clerk of
178 such candidate's county of residence by 5:00 p.m. on March 1 of
179 the year in which the primary election for the office is held or
180 on the date of the qualifying deadline provided by statute for the
181 office, whichever is earlier; however, no such assessments may be
182 paid before January 1 of the year in which the election for the
183 office is held. The circuit clerk shall forward the fee and all
184 necessary information to the secretary of the proper county
185 executive committee within two (2) business days.

186 (3) Assessments made pursuant to paragraphs (f) and (g) of
187 Section 23-15-297 must be paid by each candidate to the Secretary
188 of the State Executive Committee with which the candidate is
189 affiliated by 5:00 p.m. sixty (60) days before the presidential
190 preference primary in years in which a presidential preference
191 primary is held; however, no such assessments may be paid before
192 January 1 of the year in which the primary election for the office
193 is held. Assessments made pursuant to paragraphs (f) and (g) of
194 Section 23-15-297, in years when a presidential preference primary
195 is not being held, shall be paid by each candidate to the

196 Secretary of the State Executive Committee with which the
197 candidate is affiliated by 5:00 p.m. on March 1 of the year in
198 which the primary election for the office is held; however, no
199 such assessments may be paid before January 1 of the year in which
200 the primary election for the office is held.

201 (4) (a) The fees paid pursuant to subsections (1), (2) and
202 (3) of this section shall be accompanied by a written statement
203 containing the name and address of the candidate, the party with
204 which he or she is affiliated and the office for which he or she
205 is a candidate.

206 (b) The State Executive Committee shall transmit to the
207 Secretary of State a copy of the written statements accompanying
208 the fees paid pursuant to subsections (1) and (2) of this section.
209 All copies must be received by the Office of the Secretary of
210 State by not later than 6:00 p.m. on the date of the qualifying
211 deadline; provided, however, the failure of the Office of the
212 Secretary of State to receive such copies by 6:00 p.m. on the date
213 of the qualifying deadline shall not affect the qualification of a
214 person who pays the required fee and files the required statement
215 by 5:00 p.m. on the date of the qualifying deadline. The name of
216 any person who pays the required fee and files the required
217 statement after 5:00 p.m. on the date of the qualifying deadline
218 shall not be placed on the primary election ballot.

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

228 (6) The secretaries of the proper executive committee shall
229 hold said funds to be finally disposed of by order of their
230 respective executive committees. Such funds may be used or
231 disbursed by the executive committee receiving same to pay all
232 necessary traveling or other necessary expenses of the members of
233 the executive committee incurred in discharging their duties as
234 committeemen, and of their secretary and may pay the secretary
235 such salary as may be reasonable.

236 (7) Upon receipt of the proper fee and all necessary
237 information, the proper executive committee shall then determine
238 whether each candidate is a qualified elector of the state, state
239 district, county or county district which they seek to serve, and
240 whether each candidate meets all other qualifications to hold the
241 office he is seeking or presents absolute proof that he will,
242 subject to no contingencies, meet all qualifications on or before
243 the date of the general or special election at which he could be
244 elected to office. The executive committee shall determine
245 whether the candidate has taken the steps necessary to qualify for
246 more than one (1) office at the election. The committee also
247 shall determine whether any candidate has been convicted of any
248 felony in a court of this state, or has been convicted on or after
249 December 8, 1992, of any offense in another state which is a
250 felony under the laws of this state, or has been convicted of any
251 felony in a federal court on or after December 8, 1992. Excepted
252 from the above are convictions of manslaughter and violations of
253 the United States Internal Revenue Code or any violations of the
254 tax laws of this state unless the offense also involved misuse or
255 abuse of his office or money coming into his hands by virtue of
256 his office. If the proper executive committee finds that a
257 candidate either (a) is not a qualified elector, (b) does not meet
258 all qualifications to hold the office he seeks and fails to
259 provide absolute proof, subject to no contingencies, that he will
260 meet the qualifications on or before the date of the general or

261 special election at which he could be elected, or (c) has been
262 convicted of a felony as described in this subsection, and not
263 pardoned, then the name of such candidate shall not be placed upon
264 the ballot. If the proper executive committee determines that the
265 candidate has taken the steps necessary to qualify for more than
266 one (1) office at the election, the action required by Section 1
267 of Senate Bill No. 2056, 2007 Regular Session, shall be taken.

268 Where there is but one (1) candidate for each office
269 contested at the primary election, the proper executive committee
270 when the time has expired within which the names of candidates
271 shall be furnished shall declare such candidates the nominees.

272 (8) No candidate may qualify by filing the information
273 required by this section by using the Internet.

274 **SECTION 3.** Section 23-15-309, Mississippi Code of 1972, is
275 amended as follows:

276 **[Until July 1, 2008, this section shall read as follows:]**

277 23-15-309. (1) Nominations for all municipal officers which
278 are elective shall be made at a primary election, or elections, to
279 be held in the manner prescribed by law. All persons desiring to
280 be candidates for the nomination in the primary elections shall
281 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
282 at least sixty (60) days prior to the first primary election, no
283 later than 5:00 p.m. on such deadline day.

284 (2) The fee paid pursuant to subsection (1) of this section
285 shall be accompanied by a written statement containing the name
286 and address of the candidate, the party with which he is
287 affiliated, and the office for which he is a candidate.

288 (3) The clerk shall promptly receipt the payment, stating
289 the office for which the person making the payment is running and
290 the political party with which such person is affiliated. The
291 clerk shall keep an itemized account in detail showing the time
292 and date of the receipt of such payment received by him, from whom
293 such payment was received, the party with which such person is

294 affiliated and for what office the person paying the fee is a
295 candidate. The clerk shall promptly supply all necessary
296 information and pay over all fees so received to the secretary of
297 the proper municipal executive committee. Such funds may be used
298 and disbursed in the same manner as is allowed in Section
299 23-15-299 in regard to other executive committees.

300 (4) Upon receipt of the above information, the proper
301 municipal executive committee shall then determine whether each
302 candidate is a qualified elector of the municipality, and of the
303 ward if the office sought is a ward office, shall determine
304 whether each candidate either meets all other qualifications to
305 hold the office he is seeking or presents absolute proof that he
306 will, subject to no contingencies, meet all qualifications on or
307 before the date of the general or special election at which he
308 could be elected to office. The committee also shall determine
309 whether any candidate has been convicted of any felony in a court
310 of this state, or has been convicted on or after December 8, 1992,
311 of any offense in another state which is a felony under the laws
312 of this state, or has been convicted of any felony in a federal
313 court on or after December 8, 1992. Excepted from the above are
314 convictions of manslaughter and violations of the United States
315 Internal Revenue Code or any violations of the tax laws of this
316 state unless such offense also involved misuse or abuse of his
317 office or money coming into his hands by virtue of his office. If
318 the proper municipal executive committee finds that a candidate
319 either (a) does not meet all qualifications to hold the office he
320 seeks and fails to provide absolute proof, subject to no
321 contingencies, that he will meet the qualifications on or before
322 the date of the general or special election at which he could be
323 elected, or (b) has been convicted of a felony as described in
324 this subsection and not pardoned, then the name of such candidate
325 shall not be placed upon the ballot.

326 (5) Where there is but one (1) candidate, the proper
327 municipal executive committee when the time has expired within
328 which the names of candidates shall be furnished shall declare
329 such candidate the nominee.

330 **[From and after July 1, 2008, this section shall read as**
331 **follows:]**

332 23-15-309. (1) Nominations for all municipal officers
333 which are elective shall be made at a primary election, or
334 elections, to be held in the manner prescribed by law. All
335 persons desiring to be candidates for the nomination in the
336 primary elections shall first pay Ten Dollars (\$10.00) to the
337 clerk of the municipality, at least sixty (60) days prior to the
338 first primary election, no later than 5:00 p.m. on such deadline
339 day.

340 (2) The fee paid pursuant to subsection (1) of this section
341 shall be accompanied by a written statement containing the name
342 and address of the candidate, the party with which he is
343 affiliated, and the office for which he is a candidate.

344 (3) The clerk shall promptly receipt the payment, stating
345 the office for which the person making the payment is running and
346 the political party with which such person is affiliated. The
347 clerk shall keep an itemized account in detail showing the time
348 and date of the receipt of such payment received by him, from whom
349 such payment was received, the party with which such person is
350 affiliated and for what office the person paying the fee is a
351 candidate. The clerk shall promptly supply all necessary
352 information and pay over all fees so received to the secretary of
353 the proper municipal executive committee. Such funds may be used
354 and disbursed in the same manner as is allowed in Section
355 23-15-299 in regard to other executive committees.

356 (4) Upon receipt of the above information, the proper
357 municipal executive committee shall then determine whether each
358 candidate is a qualified elector of the municipality, and of the

359 ward if the office sought is a ward office, shall determine
360 whether each candidate either meets all other qualifications to
361 hold the office he is seeking or presents absolute proof that he
362 will, subject to no contingencies, meet all qualifications on or
363 before the date of the general or special election at which he
364 could be elected to office. The executive committee shall
365 determine whether the candidate has taken the steps necessary to
366 qualify for more than one (1) office at the election. The
367 committee also shall determine whether any candidate has been
368 convicted of any felony in a court of this state, or has been
369 convicted on or after December 8, 1992, of any offense in another
370 state which is a felony under the laws of this state, or has been
371 convicted of any felony in a federal court on or after December 8,
372 1992. Excepted from the above are convictions of manslaughter and
373 violations of the United States Internal Revenue Code or any
374 violations of the tax laws of this state unless such offense also
375 involved misuse or abuse of his office or money coming into his
376 hands by virtue of his office. If the proper municipal executive
377 committee finds that a candidate either (a) does not meet all
378 qualifications to hold the office he seeks and fails to provide
379 absolute proof, subject to no contingencies, that he will meet the
380 qualifications on or before the date of the general or special
381 election at which he could be elected, or (b) has been convicted
382 of a felony as described in this subsection and not pardoned, then
383 the name of such candidate shall not be placed upon the ballot.
384 If the executive committee determines that the candidate has taken
385 the steps necessary to qualify for more than one (1) office at the
386 election, the action required by Section 1 of Senate Bill No.
387 2056, 2007 Regular Session, shall be taken.

388 (5) Where there is but one (1) candidate, the proper
389 municipal executive committee when the time has expired within
390 which the names of candidates shall be furnished shall declare
391 such candidate the nominee.

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

394 **[Until July 1, 2008, this section shall read as follows:]**

395 23-15-359. (1) The ballot shall contain the names of all
396 party nominees certified by the appropriate executive committee,
397 and independent and special election candidates who have timely
398 filed petitions containing the required signatures. A petition
399 requesting that an independent or special election candidate's
400 name be placed on the ballot for any office shall be filed as
401 provided for in subsection (3) or (4) of this section, as
402 appropriate, and shall be signed by not less than the following
403 number of qualified electors:

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

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

409 (c) For an office elected by the qualified electors of
410 a congressional district, not less than two hundred (200)
411 qualified electors.

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

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

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

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

423 (2) Unless the petition required above shall be filed as
424 provided for in subsection (3) or (4) of this section, as

425 appropriate, the name of the person requested to be a candidate,
426 unless nominated by a political party, shall not be placed upon
427 the ballot. The ballot shall contain the names of each candidate
428 for each office, and such names shall be listed under the name of
429 the political party such candidate represents as provided by law
430 and as certified to the circuit clerk by the State Executive
431 Committee of such political party. In the event such candidate
432 qualifies as an independent as herein provided, he shall be listed
433 on the ballot as an independent candidate.

434 (3) Petitions for offices described in paragraphs (a), (b),
435 (c) and (d) of subsection (1) of this section, and petitions for
436 offices described in paragraph (e) of subsection (1) of this
437 section for districts composed of more than one (1) county or
438 parts of more than one (1) county, shall be filed with the State
439 Board of Election Commissioners by no later than 5:00 p.m. on the
440 same date by which candidates for nominations in the political
441 party primary elections are required to pay the fee provided for
442 in Section 23-15-297, Mississippi Code of 1972; however, no
443 petition may be filed before January 1 of the year in which the
444 election for the office is held.

445 (4) Petitions for offices described in paragraphs (f) and
446 (g) of subsection (1) of this section, and petitions for offices
447 described in paragraph (e) of subsection (1) of this section for
448 districts composed of one (1) county or less, shall be filed with
449 the proper circuit clerk by no later than 5:00 p.m. on the same
450 date by which candidates for nominations in the political party
451 elections are required to pay the fee provided for in Section
452 23-15-297; however, no petition may be filed before January 1 of
453 the year in which the election for the office is held. The
454 circuit clerk shall notify the county commissioners of election of
455 all persons who have filed petitions with such clerk. Such
456 notification shall occur within two (2) business days and shall
457 contain all necessary information.

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

465 (6) The provisions of this section shall not apply to
466 municipal elections or to the election of the offices of justice
467 of the Supreme Court, judge of the Court of Appeals, circuit
468 judge, chancellor, county court judge and family court judge.

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

479 (8) The appropriate election commission shall determine
480 whether each candidate is a qualified elector of the state, state
481 district, county or county district they seek to serve, and
482 whether each candidate meets all other qualifications to hold the
483 office he is seeking or presents absolute proof that he will,
484 subject to no contingencies, meet all qualifications on or before
485 the date of the general or special election at which he could be
486 elected to office. The election commission also shall determine
487 whether any candidate has been convicted of any felony in a court
488 of this state, or has been convicted on or after December 8, 1992,
489 of any offense in another state which is a felony under the laws
490 of this state, or has been convicted of any felony in a federal

491 court on or after December 8, 1992. Excepted from the above are
492 convictions of manslaughter and violations of the United States
493 Internal Revenue Code or any violations of the tax laws of this
494 state, unless the offense also involved misuse or abuse of his
495 office or money coming into his hands by virtue of his office. If
496 the appropriate election commission finds that a candidate either
497 (a) is not a qualified elector, (b) does not meet all
498 qualifications to hold the office he seeks and fails to provide
499 absolute proof, subject to no contingencies, that he will meet the
500 qualifications on or before the date of the general or special
501 election at which he could be elected, or (c) has been convicted
502 of a felony as described in this subsection, and not pardoned,
503 then the name of such candidate shall not be placed upon the
504 ballot.

505 (9) If after the deadline to qualify as a candidate for an
506 office or after the time for holding any party primary for an
507 office, there shall be only one (1) person who has duly qualified
508 to be a candidate for the office in the general election, the name
509 of such person shall be placed on the ballot; provided, however,
510 that if there shall be not more than one (1) person duly qualified
511 to be a candidate for each office on the general election ballot,
512 the election for all offices on the ballot shall be dispensed with
513 and the appropriate election commission shall declare each
514 candidate elected without opposition if the candidate meets all
515 the qualifications to hold the office as determined pursuant to a
516 review by the commission in accordance with the provisions of
517 subsection (8) of this section and if the candidate has filed all
518 required campaign finance disclosure reports as required by
519 Section 23-15-807.

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

522 **[From and after July 1, 2008, this section shall read as**
523 **follows:]**

524 23-15-359. (1) The ballot shall contain the names of all
525 party nominees certified by the appropriate executive committee,
526 and independent and special election candidates who have timely
527 filed petitions containing the required signatures. A petition
528 requesting that an independent or special election candidate's
529 name be placed on the ballot for any office shall be filed as
530 provided for in subsection (3) or (4) of this section, as
531 appropriate, and shall be signed by not less than the following
532 number of qualified electors:

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

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

538 (c) For an office elected by the qualified electors of
539 a congressional district, not less than two hundred (200)
540 qualified electors.

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

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

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

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

552 (2) Unless the petition required above shall be filed as
553 provided for in subsection (3) or (4) of this section, as
554 appropriate, the name of the person requested to be a candidate,
555 unless nominated by a political party, shall not be placed upon
556 the ballot. The ballot shall contain the names of each candidate

557 for each office, and such names shall be listed under the name of
558 the political party such candidate represents as provided by law
559 and as certified to the circuit clerk by the State Executive
560 Committee of such political party. In the event such candidate
561 qualifies as an independent as herein provided, he shall be listed
562 on the ballot as an independent candidate.

563 (3) Petitions for offices described in paragraphs (a), (b),
564 (c) and (d) of subsection (1) of this section, and petitions for
565 offices described in paragraph (e) of subsection (1) of this
566 section for districts composed of more than one (1) county or
567 parts of more than one (1) county, shall be filed with the State
568 Board of Election Commissioners by no later than 5:00 p.m. on the
569 same date by which candidates for nominations in the political
570 party primary elections are required to pay the fee provided for
571 in Section 23-15-297, Mississippi Code of 1972; however, no
572 petition may be filed before January 1 of the year in which the
573 election for the office is held.

574 (4) Petitions for offices described in paragraphs (f) and
575 (g) of subsection (1) of this section, and petitions for offices
576 described in paragraph (e) of subsection (1) of this section for
577 districts composed of one (1) county or less, shall be filed with
578 the proper circuit clerk by no later than 5:00 p.m. on the same
579 date by which candidates for nominations in the political party
580 elections are required to pay the fee provided for in Section
581 23-15-297; however, no petition may be filed before January 1 of
582 the year in which the election for the office is held. The
583 circuit clerk shall notify the county commissioners of election of
584 all persons who have filed petitions with such clerk. Such
585 notification shall occur within two (2) business days and shall
586 contain all necessary information.

587 (5) The commissioners may also have printed upon the ballot
588 any local issue election matter that is authorized to be held on
589 the same date as the regular or general election pursuant to

590 Section 23-15-375; however, the ballot form of such local issue
591 must be filed with the commissioners of election by the
592 appropriate governing authority not less than sixty (60) days
593 previous to the date of the election.

594 (6) The provisions of this section shall not apply to
595 municipal elections or to the election of the offices of justice
596 of the Supreme Court, judge of the Court of Appeals, circuit
597 judge, chancellor, county court judge and family court judge.

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

608 (8) The appropriate election commission shall determine
609 whether each candidate is a qualified elector of the state, state
610 district, county or county district they seek to serve, and
611 whether each candidate meets all other qualifications to hold the
612 office he is seeking or presents absolute proof that he will,
613 subject to no contingencies, meet all qualifications on or before
614 the date of the general or special election at which he could be
615 elected to office. The election commission shall determine
616 whether the candidate has taken the steps necessary to qualify for
617 more than one (1) office at the election. The election commission
618 also shall determine whether any candidate has been convicted of
619 any felony in a court of this state, or has been convicted on or
620 after December 8, 1992, of any offense in another state which is a
621 felony under the laws of this state, or has been convicted of any
622 felony in a federal court on or after December 8, 1992. Excepted

623 from the above are convictions of manslaughter and violations of
624 the United States Internal Revenue Code or any violations of the
625 tax laws of this state, unless the offense also involved misuse or
626 abuse of his office or money coming into his hands by virtue of
627 his office. If the appropriate election commission finds that a
628 candidate either (a) is not a qualified elector, (b) does not meet
629 all qualifications to hold the office he seeks and fails to
630 provide absolute proof, subject to no contingencies, that he will
631 meet the qualifications on or before the date of the general or
632 special election at which he could be elected, or (c) has been
633 convicted of a felony as described in this subsection, and not
634 pardoned, then the name of such candidate shall not be placed upon
635 the ballot. If the appropriate election commission determines
636 that the candidate has taken the steps necessary to qualify for
637 more than one (1) office at the election, the action required by
638 Section 1 of Senate Bill No. 2056, 2007 Regular Session, shall be
639 taken.

640 (9) If after the deadline to qualify as a candidate for an
641 office or after the time for holding any party primary for an
642 office, there shall be only one (1) person who has duly qualified
643 to be a candidate for the office in the general election, the name
644 of such person shall be placed on the ballot; provided, however,
645 that if there shall be not more than one (1) person duly qualified
646 to be a candidate for each office on the general election ballot,
647 the election for all offices on the ballot shall be dispensed with
648 and the appropriate election commission shall declare each
649 candidate elected without opposition if the candidate meets all
650 the qualifications to hold the office as determined pursuant to a
651 review by the commission in accordance with the provisions of
652 subsection (8) of this section and if the candidate has filed all
653 required campaign finance disclosure reports as required by
654 Section 23-15-807.

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

657 **SECTION 5.** Section 23-15-853, Mississippi Code of 1972, is
658 amended as follows:

659 23-15-853. (1) If a vacancy happens in the representation
660 in Congress, the vacancy shall be filled for the unexpired term by
661 a special election, to be ordered by the Governor, within sixty
662 (60) days after such vacancy occurs, and to be held at a time
663 fixed by his order, and which time shall be not less than sixty
664 (60) days after the issuance of the order of the Governor, which
665 shall be directed to the commissioners of election of the several
666 counties of the district, who shall, immediately on the receipt of
667 the order, give notice of the election by publishing the same in
668 some newspaper having a general circulation in the county and by
669 posting notice thereof at the front door of the courthouse. The
670 order shall also be directed to the State Board of Election
671 Commissioners. The election shall be prepared for and conducted,
672 and returns shall be made, in all respects as provided for a
673 special election to fill vacancies.

674 (2) Candidates for the office in such an election must
675 qualify with the Secretary of State by 5:00 p.m. not less than
676 forty-five (45) days previous to the date of the election. The
677 commissioners of election shall have printed on the ballot in such
678 special election the name of any candidate who shall have been
679 requested to be a candidate for the office by a petition filed
680 with the Secretary of State and personally signed by not less than
681 one thousand (1,000) qualified electors of the district. The
682 petition shall be filed by 5:00 p.m. not less than forty-five (45)
683 days previous to the date of the election.

684 There shall be attached to each petition above provided for,
685 upon the time of filing with said Secretary of State, a
686 certificate from the appropriate registrar or registrars showing

687 the number of qualified electors appearing upon each such petition
688 which the registrar shall furnish to the petitioner upon request.

689 **SECTION 6.** The Attorney General of the State of Mississippi
690 shall submit this act, immediately upon approval by the Governor,
691 or upon approval by the Legislature subsequent to a veto, to the
692 Attorney General of the United States or to the United States
693 District Court for the District of Columbia in accordance with the
694 provisions of the Voting Rights Act of 1965, as amended and
695 extended.

696 **SECTION 7.** This act shall take effect and be in force from
697 and after the date it is effectuated under Section 5 of the Voting
698 Rights Act of 1965, or July 1, 2007, whichever occurs later, as
699 amended and extended.