

By: Representatives Felsher, Yates

To: Apportionment and  
ElectionsHOUSE BILL NO. 811  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT IN ORDER TO QUALIFY TO RUN FOR OFFICE, A CANDIDATE  
3 MUST SUBMIT, ALONG WITH THE QUALIFICATION FEES, A FORM PRESCRIBED  
4 BY THE SECRETARY OF STATE, AND A WRITTEN STATEMENT; TO REQUIRE  
5 EXECUTIVE COMMITTEES TO TRANSMIT ANY WRITTEN STATEMENTS AND  
6 REQUIRED DOCUMENTS AND ACCOMPANYING FEES TO THE SECRETARY OF STATE  
7 BY 6:00 P.M. ON THE DATE OF THE QUALIFYING DEADLINE; TO PROVIDE A  
8 TIMELINE FOR AN EXECUTIVE COMMITTEE OR THE SECRETARY OF STATE,  
9 WHICHEVER IS APPLICABLE, TO DETERMINE WHETHER A CANDIDATE MEETS  
10 THE QUALIFICATIONS TO HOLD THE OFFICE HE OR SHE SEEKS; TO PROVIDE  
11 THAT ONCE AN EXECUTIVE COMMITTEE HAS DETERMINED WHETHER A  
12 CANDIDATE IS QUALIFIED TO HOLD THE OFFICE HE OR SHE SEEKS, THE  
13 SECRETARY OF THE EXECUTIVE COMMITTEE SHALL TRANSMIT A LIST OF ALL  
14 OF THOSE CANDIDATES AND HOW THE EXECUTIVE COMMITTEE RULED ON THEIR  
15 QUALIFICATIONS TO THE SECRETARY OF STATE FOR REVIEW; TO PROVIDE  
16 THE SECRETARY OF STATE A TIMELINE TO DETERMINE IF THE CANDIDATES  
17 WERE PROPERLY QUALIFIED OR DISQUALIFIED; TO PROVIDE THAT IF THE  
18 SECRETARY OF STATE DISAGREES WITH A DECISION MADE BY AN EXECUTIVE  
19 COMMITTEE, THE SECRETARY OF STATE SHALL NOTIFY THE EXECUTIVE  
20 COMMITTEE AND CANDIDATE AND GIVE THE EXECUTIVE COMMITTEE AND  
21 CANDIDATE TEN DAYS TO APPEAL THAT DETERMINATION; TO PROVIDE THE  
22 SECRETARY OF STATE TEN DAYS TO CONSIDER THE APPEAL OF THE  
23 EXECUTIVE COMMITTEE OR CANDIDATE; TO PROVIDE THAT IF THE SECRETARY  
24 OF STATE UPHOLDS HIS OR HER DETERMINATION, THE CANDIDATE MAY  
25 APPEAL THAT DETERMINATION; TO PROVIDE THAT IF A CANDIDATE HAS  
26 VOTED IN ANY ELECTION OUTSIDE OF THE JURISDICTION IN WHICH HE OR  
27 SHE SEEKS TO REPRESENT DURING THE PERIOD IN WHICH THE CANDIDATE IS  
28 REQUIRED TO HAVE RESIDED WITHIN THE JURISDICTION, THE NAME OF SUCH  
29 CANDIDATE SHALL NOT APPEAR ON THE BALLOT; TO PROVIDE AN EXCEPTION  
30 TO THE CANDIDATE RESIDENCY REQUIREMENT WHEN REDISTRICTING HAS  
31 CHANGED A CANDIDATES JURISDICTION AND WOULD OTHERWISE MAKE HIM OR  
32 HER INELIGIBLE TO RUN AS A CANDIDATE IN THE JURISDICTION WHERE HE  
33 OR SHE CURRENTLY RESIDES; TO AMEND SECTION 23-15-961, MISSISSIPPI  
34 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND



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

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

**SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is amended as follows:

23-15-299. (1) (a) Assessments made pursuant to subsection (1)(a), (b), (c) and (d) of Section 23-15-297 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 February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be 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 (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)(a), (b) and (c) of Section 23-15-297 shall be paid by each independent



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

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



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

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



115           (3)   (a)   Assessments made pursuant to subsection (1)(g) and  
116   (h) of Section 23-15-297 must be paid by each candidate who seeks  
117   a nomination in the political party election to the secretary of  
118   the state executive committee with which the candidate is  
119   affiliated by 5:00 p.m. \* \* \* seventy-five (75) days before  
120   the \* \* \* congressional preference primary \* \* \*; however, no such  
121   assessments may be paid before \* \* \* December 1 of the year \* \* \*  
122   before the primary election for the office is held. \* \* \*  
123   If \* \* \* seventy-five (75) days before the \* \* \* congressional  
124   preference primary in years in which a \* \* \* congressional  
125   preference primary \* \* \* occurs on a Saturday, Sunday or legal  
126   holiday, then the assessments required to be paid by this  
127   paragraph (a) shall be paid by 5:00 p.m. on the business day  
128   immediately following the Saturday, Sunday or legal holiday.

129           (b)   Assessments made pursuant to subsection (3)(f) and  
130   (g) of Section 23-15-297 must be paid by each independent  
131   candidate or special election candidate to the Secretary of State  
132   by 5:00 p.m. \* \* \* seventy-five (75) days before the \* \* \*  
133   congressional preference primary in years in which a \* \* \*  
134   congressional preference primary is held; however, no such  
135   assessments may be paid before \* \* \* December 1 of the year in  
136   which the primary election for the office is held. \* \* \*  
137   If \* \* \* seventy-five (75) days before the \* \* \* congressional  
138   preference primary \* \* \* occurs on a Saturday, Sunday or legal  
139   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.

(4) (a) The fees paid pursuant to subsections (1), (2) and (3) of this section shall be accompanied by \* \* \* an affidavit under penalty of perjury containing the name \* \* \*, physical address of the candidate's residence, the party with which he or she is affiliated, if applicable, the candidate's phone number, the email address of the candidate, if any, and the office for which he or she is a candidate. Such affidavit shall require the candidate to certify that he or she meets all qualifications for the office for which he or she is a candidate.

(b) The state executive committee shall transmit to the Secretary of State a copy of the written statements and required documents accompanying the fees paid pursuant to subsections (1) and (2) of this section. All copies must be received by the Office of the Secretary of State by not later than 6:00 p.m. on the date of the qualifying deadline; provided, however, the failure of the Office of the Secretary of State to receive such copies by 6:00 p.m. on the date of the qualifying deadline shall not affect the qualification of a person who pays the required fee and files the required statement and the required documents by 5:00 p.m. on the date of the qualifying deadline. The Secretary of State shall assess a Five Hundred Dollar (\$500.00) fine to any state executive committee that fails to transmit any written statements and other required documents and accompanying fees to



165 the Secretary of State by 6:00 p.m. on the date of the qualifying  
166 deadline. Such fine shall be assessed for each written statement  
167 and other required documents and fees that were not turned in to  
168 the Office of the Secretary of State by 6:00 p.m.; however, in no  
169 case shall the total fines assessed to a state executive committee  
170 exceed Two Thousand Five Hundred Dollars (\$2,500.00) for a  
171 particular qualifying deadline. The Secretary of State shall  
172 deposit any fines received from any state executive committee into  
173 the Elections Support Fund established in Section 23-15-5. The  
174 name of any person who pays the required fee and files the  
175 required statement and documents after 5:00 p.m. on the date of  
176 the qualifying deadline shall not be placed on the primary  
177 election ballot or the general election ballot.

178 (5) The Secretary of State or the secretary or circuit clerk  
179 to whom such payments are made shall promptly receipt for same  
180 stating the office for which the candidate making payment is  
181 running and the political party with which he or she is  
182 affiliated, if applicable, and he or she shall keep an itemized  
183 account in detail showing the exact time and date of the receipt  
184 of each payment received by him or her and, where applicable, the  
185 date of the postmark on the envelope containing the fee and from  
186 whom, and for what office the party paying same is a candidate.

187 (6) The secretaries of the proper executive committee shall  
188 hold the funds to be finally disposed of by order of their  
189 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:



215                   \* \* \* 1. Any felony in a court of this  
216 state,

217                   \* \* \* 2. On or after December 8, 1992, \* \* \*  
218 any offense in another state which is a felony under the laws of  
219 this state,

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

222                   \* \* \* 4. Any offense that involved the  
223 misuse or abuse of his or her office or money coming into his or  
224 her hands by virtue of the office. Excepted from the above are  
225 convictions of manslaughter and violations of the United States  
226 Internal Revenue Code or any violations of the tax laws of this  
227 state \* \* \* ; and

228                   (v) Whether the candidate has voted in any  
229 election outside of the jurisdiction in which he or she seeks to  
230 represent during the period in which the candidate is required to  
231 have resided within the jurisdiction. If a candidate is found to  
232 have voted in any election outside of the jurisdiction that he or  
233 she seeks to represent during the period in which the candidate is  
234 required to have resided within the jurisdiction, the name of such  
235 candidate shall not appear on the ballot. However, if a candidate  
236 who votes in an election that he or she was properly registered  
237 for is then subsequently redistricted into the jurisdiction that  
238 he or she is currently seeking to represent, then he or she shall  
239 not be disqualified as a candidate due to voting in an election



240 outside of his or her current jurisdiction during the required  
241 residency period.

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

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

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

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

252 If the proper executive committee or the Secretary of State,  
253 whichever is applicable, finds that a candidate either (i) is not  
254 a qualified elector, (ii) does not meet all qualifications to hold  
255 the office he or she seeks and fails to provide absolute proof,  
256 subject to no contingencies, that he or she will meet the  
257 qualifications on or before the date of the general or special  
258 election at which he or she could be elected, or (iii) has been  
259 convicted of a felony or other disqualifying offense as described  
260 in paragraph (a) of this subsection, and not pardoned, then the  
261 executive committee shall notify the candidate and give the  
262 candidate an opportunity to be heard. The executive committee  
263 shall mail notice to the candidate at least three (3) business  
264 days before the hearing to the address provided by the candidate



on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of that candidate shall not be placed upon the ballot.

(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 affidavit. \* \* \* 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



315 contestee are to be served in a reasonable manner as the judge may  
316 direct, in response to which notice the contestee shall promptly  
317 file his answer, and also his cross-complaint if he has a  
318 cross-complaint. The hearing before the trial court shall be de  
319 novo. The matter shall be tried to the trial judge, without a  
320 jury. After hearing the evidence, the trial judge shall determine  
321 whether the candidate whose qualifications have been challenged or  
322 who has been disqualified as provided in Section 23-15-299 is  
323 legally qualified to have his name placed upon the ballot in  
324 question. The trial judge may, upon disqualification of any such  
325 candidate, order that such candidate shall bear the court costs of  
326 the proceedings.

327 ( \* \* \*3) Within three (3) days after judgment is rendered  
328 by the circuit court, the contestant or contestee, or both, may  
329 file an appeal in the Supreme Court upon giving a cost bond in the  
330 sum of Three Hundred Dollars (\$300.00), together with a bill of  
331 exceptions which shall state the point or points of law at issue  
332 with a sufficient synopsis of the facts to fully disclose the  
333 bearing and relevancy of such points of law. The bill of  
334 exceptions shall be signed by the trial judge, or in case of his  
335 absence, refusal or disability, by two (2) disinterested  
336 attorneys, as is provided by law in other cases of bills of  
337 exception. The filing of such appeals shall automatically suspend  
338 the decision of the circuit court and the appropriate executive  
339 committee is entitled to proceed based upon their decision unless



and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.

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

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

23-15-963. (1) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-359, Mississippi Code of 1972, as a candidate for any office elected at a general election, shall file a petition specifically setting forth the grounds of the challenge not later than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-191, Mississippi Code



of 1972. Such petition shall be filed with the same body with whom the candidate in question qualified pursuant to Section 23-15-359, Mississippi Code of 1972.

(2) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-213, Mississippi Code of 1972, as a candidate for county election commissioner elected at a general election, shall file a petition specifically setting forth the grounds of the challenge no later than sixty (60) days prior to the general election. Such petition shall be filed with the county board of supervisors, being the same body with whom the candidate in question qualified pursuant to Section 23-15-213, Mississippi Code of 1972.

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



389           (4) Within ten (10) days of receipt of the petition  
390 described in subsections (1), (2) and (3) of this section, the  
391 appropriate election officials shall meet and rule upon the  
392 petition. At least two (2) days before the hearing to consider  
393 the petition, the appropriate election officials shall give notice  
394 to both the petitioner and the contested candidate of the time and  
395 place of the hearing on the petition. Each party shall be given  
396 an opportunity to be heard at such meeting and present evidence in  
397 support of his position.

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

402           (6) Any party aggrieved by the action or inaction of the  
403 appropriate election officials may file a petition for judicial  
404 review to the circuit court of the county in which the election  
405 officials whose decision is being reviewed sits. Such petition  
406 must be filed no later than fifteen (15) days after the date the  
407 petition was originally filed with the appropriate election  
408 officials. Such person filing for judicial review shall give a  
409 cost bond in the sum of Three Hundred Dollars (\$300.00) with two  
410 (2) or more sufficient sureties conditioned to pay all costs in  
411 case his petition be dismissed, and an additional bond may be  
412 required, by the court, if necessary, at any subsequent stage of  
413 the proceedings.



414           (7) The circuit court with whom such a petition for judicial  
415 review has been filed shall at the earliest possible date set the  
416 matter for hearing. Notice shall be given the interested parties  
417 of the time set for hearing by the circuit clerk. The hearing  
418 before the circuit court shall be de novo. The matter shall be  
419 tried to the circuit judge, without a jury. After hearing the  
420 evidence, the circuit judge shall determine whether the candidate  
421 whose qualifications have been challenged is legally qualified to  
422 have his name placed upon the ballot in question. The circuit  
423 judge may, upon disqualification of any such candidate, order that  
424 such candidate shall bear the court costs of the proceedings.

425           (8) Within three (3) days after judgment is rendered by the  
426 circuit court, the contestant or contestee, or both, may file an  
427 appeal in the Supreme Court upon giving a cost bond in the sum of  
428 Three Hundred Dollars (\$300.00), together with a bill of  
429 exceptions which shall state the point or points of law at issue  
430 with a sufficient synopsis of the facts to fully disclose the  
431 bearing and relevancy of such points of law. The bill of  
432 exceptions shall be signed by the trial judge, or in case of his  
433 absence, refusal or disability, by two (2) disinterested  
434 attorneys, as is provided by law in other cases of bills of  
435 exception. The filing of such appeals shall automatically suspend  
436 the decision of the circuit court and the appropriate election  
437 officials are entitled to proceed based upon their decision unless  
438 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



464 that an independent or special election candidate's name be placed  
465 on the ballot for any office shall be filed as provided for in  
466 subsection (3) or (4) of this section, as appropriate, and shall  
467 be signed by not less than the following number of qualified  
468 electors:

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

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

474 (c) For an office elected by the qualified electors of  
475 a congressional district, not less than two hundred (200)  
476 qualified electors.

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

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

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

485 (g) For an office elected by the qualified electors of  
486 a supervisors district, not less than fifteen (15) qualified  
487 electors.



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

491 (2) (a) Unless the petition or fee, whichever is  
492 applicable, required above shall be filed as provided for in  
493 subsection (3), (4) or (5) of this section, as appropriate, the  
494 name of the person requested to be a candidate, unless nominated  
495 by a political party, shall not be placed upon the ballot. The  
496 ballot shall contain the names of each candidate for each office,  
497 and the names shall be listed under the name of the political  
498 party that candidate represents as provided by law and as  
499 certified to the circuit clerk by the state executive committee of  
500 the political party. In the event the candidate qualifies as an  
501 independent as provided in this section, he or she shall be listed  
502 on the ballot as an independent candidate.

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

506 (3) Petitions for offices described in paragraphs (a), (b),  
507 (c), (d) and (e) of subsection (1) of this section shall be filed  
508 with the Secretary of State, on a form prescribed by the Secretary  
509 of State, by no later than 5:00 p.m. on the same date or business  
510 day, as applicable, by which candidates are required to pay the  
511 fee provided for in Section 23-15-297; \* \* \* and, no petition may  
512 be filed before \* \* \* the date specified in Section 23-15-299.



513           (4) Petitions for offices described in paragraphs (f) and  
514 (g) of subsection (1) of this section shall be filed with the  
515 proper circuit clerk, on a form prescribed by the Secretary of  
516 State, by no later than 5:00 p.m. on the same date by which  
517 candidates are required to pay the fee provided for in Section  
518 23-15-297; however, no petition may be filed before January 1 of  
519 the year in which the election for the office is held. The  
520 circuit clerk shall notify the county election commissioners of  
521 all persons who have filed petitions with the clerk. The  
522 notification shall occur within two (2) business days and shall  
523 contain all necessary information.

524           (5) A petition required under this section, or any other  
525 petition for a special election, shall be accompanied by a  
526 statement, on a form prescribed by the Secretary of State,  
527 containing the name and physical address of the candidate, the  
528 email address of the candidate, if any, and the office he or she  
529 seeks. Each statement shall also require the candidate to certify  
530 that he or she meets all the qualifications to hold the office he  
531 or she seeks.

532           ( \* \* \*6) The assessment for the office described in  
533 paragraph (h) of subsection (1) of this section shall be paid to  
534 the Secretary of State. The Secretary of State shall deposit any  
535 qualifying fees received from candidates into the Elections  
536 Support Fund established in Section 23-15-5.



537           ( \* \* \*7)   The election commissioners may also have printed  
538   upon the ballot any local issue election matter that is authorized  
539   to be held on the same date as the regular or general election  
540   pursuant to Section 23-15-375; however, the ballot form of the  
541   local issue must be filed with the election commissioners by the  
542   appropriate governing authority not less than sixty (60) days  
543   before the date of the election.

544           ( \* \* \*8)   The provisions of this section shall not apply to  
545   municipal elections or to the election of the offices of justice  
546   of the Supreme Court, judge of the Court of Appeals, circuit  
547   judge, chancellor, county court judge, justice court judge and  
548   family court judge.

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

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



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

563                   (ii) Whether each candidate meets all other  
564 qualifications to hold the office he or she is seeking or presents  
565 absolute proof that he or she will, subject to no contingencies,  
566 meet all qualifications on or before the date of the general or  
567 special election at which he or she could be elected to  
568 office \* \* \*; and

569                   (iii) \* \* \* Whether the candidate has taken the  
570 steps necessary to qualify for more than one (1) office at the  
571 election \* \* \*; and

572                   (iv) \* \* \* Whether any candidate has been  
573 convicted of any of the following:

574                               \* \* \*1. Any felony in a court of this state,  
575                               \* \* \*2. On or after December 8, 1992, \* \* \*  
576 any offense in another state which is a felony under the laws of  
577 this state,

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

580                               \* \* \*4. Any offense that involved the misuse  
581 or abuse of his or her office or money coming into his or her  
582 hands by virtue of the office. Excepted from the above are  
583 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. However, if a candidate  
who votes in an election that he or she was properly registered  
for is then subsequently redistricted into the jurisdiction that  
he or she is currently seeking to represent, then he or she shall  
not be disqualified as a candidate due to voting in an election  
outside of his or her current jurisdiction during the required  
residency period.

(b) If the appropriate election commission finds that a  
candidate either (i) is not a qualified elector, (ii) does not  
meet all qualifications to hold the office he or she seeks and  
fails to provide absolute proof, subject to no contingencies, that  
he or she will meet the qualifications on or before the date of  
the general or special election at which he or she could be  
elected, or (iii) has been convicted of a felony or other  
disqualifying offense as described in paragraph (a) of this  
subsection, and not pardoned, or (iv) has voted in any election



609 outside of the jurisdiction he or she is currently seeking to  
610 represent during the period in which the candidate is required to  
611 have resided within the jurisdiction, and is not subject to a  
612 redistricting exception as stated in paragraph (a) (v) of this  
613 subsection, then the election commission shall notify the  
614 candidate and give the candidate an opportunity to be heard. The  
615 election commission shall mail notice to the candidate at least  
616 three (3) business days before the hearing to the address provided  
617 by the candidate on the qualifying forms, and the committee shall  
618 attempt to contact the candidate by telephone, email and facsimile  
619 if the candidate provided this information on the forms. If the  
620 candidate fails to appear at the hearing or to prove that he or  
621 she meets all qualifications to hold the office subject to no  
622 contingencies, then the name of such candidate shall not be placed  
623 upon the ballot. If the appropriate election commission  
624 determines that the candidate has taken the steps necessary to  
625 qualify for more than one (1) office at the election, the action  
626 required by Section 23-15-905, shall be taken. The election  
627 commission shall render a decision on whether the name of the  
628 candidate shall appear on the ballot within five (5) days of the  
629 hearing.

630 (c) (i) A candidate aggrieved by the decision of the  
631 appropriate election commission may file a petition for judicial  
632 review to the circuit court of the county in which the election  
633 commission whose decision is being reviewed sits. Such petition



634 must be filed no later than ten (10) days after the decision of  
635 the election commission. Such candidate filing for judicial  
636 review shall give a cost bond in the sum of Three Hundred Dollars  
637 (\$300.00) with two (2) or more sufficient sureties conditioned to  
638 pay all costs in case his or her petition be dismissed, and an  
639 additional bond may be required, by the court, if necessary, at  
640 any subsequent stage of the proceedings.

641 (ii) The circuit court with whom such a petition  
642 for judicial review has been filed shall at the earliest possible  
643 date set the matter for hearing. Notice shall be given to the  
644 interested parties of the time set for hearing by the circuit  
645 clerk. The hearing before the circuit court shall be de novo.  
646 The matter shall be tried to the circuit judge, without a jury.  
647 After hearing the evidence, the circuit judge shall determine  
648 whether the candidate whose qualifications have been challenged is  
649 legally qualified to have his or her name placed upon the ballot  
650 in question. The circuit judge may, upon disqualification of any  
651 such candidate, order that such candidate shall bear the court  
652 costs of the proceedings.

653 (iii) Within three (3) days after judgment is  
654 rendered by the circuit court, the contestant or contestee, or  
655 both, may file an appeal in the Supreme Court upon giving a cost  
656 bond in the sum of Three Hundred Dollars (\$300.00), together with  
657 a bill of exceptions that states the point or points of law at  
658 issue with a sufficient synopsis of the facts to fully disclose



659 the bearing and relevancy of such points of law. The bill of  
660 exceptions shall be signed by the trial judge, or in case of his  
661 or her absence, refusal or disability, by two (2) disinterested  
662 attorneys, as is provided by law in other cases of bills of  
663 exception. The filing of such appeals shall automatically suspend  
664 the decision of the circuit court and the appropriate election  
665 officials are entitled to proceed based upon their decision unless  
666 the Supreme Court, in its discretion, stays further proceedings in  
667 the matter. The appeal shall be immediately docketed in the  
668 Supreme Court and referred to the court en banc upon briefs  
669 without oral argument unless the court shall call for oral  
670 argument, and shall be decided at the earliest possible date, as a  
671 preference case over all others. The Supreme Court shall have the  
672 authority to grant such relief as is appropriate under the  
673 circumstances.

674 (iv) The procedure set forth above shall be the  
675 sole and only manner in which a candidate may appeal the  
676 appropriate election commission's decision to not place the  
677 candidate's name on the ballot under this section. These  
678 provisions do not interfere with the rights of other persons to  
679 challenge the decision of the appropriate election commission to  
680 place the name of the candidate on the ballot in accordance with  
681 Section 23-15-963. After any person assumes an elective office,  
682 his or her qualifications to hold that office may be contested as  
683 otherwise provided by law.



684 ( \* \* \*11) If after the deadline to qualify as a candidate  
685 for an office or after the time for holding any party primary for  
686 an office, only one (1) person has duly qualified to be a  
687 candidate for the office in the general election, the name of that  
688 person shall be placed on the ballot; provided, however, that if  
689 not more than one (1) person duly qualified to be a candidate for  
690 each office on the general election ballot, the election for all  
691 offices on the ballot shall be dispensed with and the appropriate  
692 election commission shall declare each candidate elected without  
693 opposition if the candidate meets all the qualifications to hold  
694 the office as determined pursuant to a review by the election  
695 commission in accordance with the provisions of subsection (9) of  
696 this section and if the candidate has filed all required campaign  
697 finance disclosure reports as required by Section 23-15-807.

698 ( \* \* \*12) The \* \* \* documents required by this section may  
699 not be filed by using the Internet.

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

702 23-15-1093. (1) Any person desiring to have his name placed  
703 on the presidential preference primary ballot shall pay a  
704 qualifying fee and file the petition or petitions, which shall be  
705 on a form prescribed by the Secretary of State, as described in  
706 this section.

707 (2) (a) For candidates entering the race for party  
708 nominations for office, the amount of the qualifying fee shall be



the amount determined by the state executive committee of the party pursuant to Section 23-15-297(2) but no less than Two Thousand Five Hundred Dollars (\$2,500.00) and no more than Twenty-five Thousand Dollars (\$25,000.00).

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

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

(3) 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.

(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



734 comply with this section, a candidate may file a petition or  
735 petitions signed by a total of not less than five hundred (500)  
736 qualified electors of the state, or petitions signed by not less  
737 than one hundred (100) qualified electors of each congressional  
738 district of the state, in which case there shall be a separate  
739 petition for each congressional district. The petitions shall be  
740 in such form as prescribed by the state executive committee or  
741 Secretary of State, whichever is applicable; provided, that there  
742 shall be a space for the county of residence of each signer next  
743 to the space provided for his signature. No signature may be  
744 counted as valid unless the county of residence of the signer is  
745 provided. Each petition shall contain an affirmation under the  
746 penalties of perjury that each signer is a qualified elector in  
747 his congressional district or in the state, as appropriate.

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

750       23-15-1085. The chairman of a party's state executive  
751 committee shall notify the Secretary of State if the party intends  
752 to hold a presidential preference primary. The Secretary of State  
753 shall be notified prior to December 1 of the year preceding the  
754 year in which a presidential preference primary may be held  
755 pursuant to Section 23-15-1081. Upon such notification, the  
756 Secretary of State shall issue a proclamation setting every  
757 party's congressional and senatorial primary elections that are to  
758 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.

