

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 811: Candidate qualifications; revise process for.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

47 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
48 amended as follows:
49 23-15-299. (1) (a) Assessments made pursuant to subsection
50 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
51 each candidate who seeks a nomination in the political party
52 election to the secretary of the state executive committee with
53 which the candidate is affiliated by 5:00 p.m. on February 1 of
54 the year in which the primary election for the office is held or
55 on the date of the qualifying deadline provided by statute for the
56 office, whichever is earlier; however, no such assessments may be
57 paid before January 1 of the year in which the primary election
58 for the office is held. If February 1 or the date of the
59 qualifying deadline provided by statute for the office occurs on a
60 Saturday, Sunday or legal holiday, then the assessments required



61 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
62 business day immediately following the Saturday, Sunday or legal
63 holiday.

64 (b) Assessments made pursuant to subsection (3)(a), (b)
65 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
140 paragraph (b) shall be paid by 5:00 p.m. on the business day
141 immediately following the Saturday, Sunday or legal holiday.

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

151 (b) The state executive committee shall transmit to the
152 Secretary of State a copy of the written statements and required
153 documents accompanying the fees paid pursuant to subsections (1)
154 and (2) of this section. All copies must be received by the
155 Office of the Secretary of State by not later than 6:00 p.m. on
156 the date of the qualifying deadline; provided, however, the
157 failure of the Office of the Secretary of State to receive such
158 copies by 6:00 p.m. on the date of the qualifying deadline shall
159 not affect the qualification of a person who pays the required fee
160 and files the required statement and the required documents by



161 5:00 p.m. on the date of the qualifying deadline. The Secretary
162 of State shall assess a Five Hundred Dollar (\$500.00) fine to any
163 state executive committee that fails to transmit any written
164 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
190 disbursed by the executive committee receiving same to pay all
191 necessary traveling or other necessary expenses of the members of
192 the executive committee incurred in discharging their duties as
193 committee members, and of their secretary and may pay the
194 secretary such salary as may be reasonable. The Secretary of
195 State shall deposit any qualifying fees received from candidates
196 into the Elections Support Fund established in Section 23-15-5.

197 (7) (a) Upon receipt of the proper fee and all necessary
198 information, the proper executive committee or the Secretary of
199 State, whichever is applicable, shall then determine * * * the
200 following:

201 (i) Whether each candidate is a qualified elector
202 of the state, state district, county or county district which they
203 seek to serve * * *; and

204 (ii) Whether each candidate meets all other
205 qualifications to hold the office he or she is seeking or presents
206 absolute proof that he or she will, subject to no contingencies,
207 meet all qualifications on or before the date of the general or
208 special election at which he or she could be elected to
209 office * * *; and



210 (iii) * * * Whether the candidate has taken the
211 steps necessary to qualify for more than one (1) office at the
212 election * * *; and

213 (iv) * * * Whether any candidate has been
214 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
265 on the qualifying forms, and the committee shall attempt to
266 contact the candidate by telephone, email and facsimile if the
267 candidate provided this information on the forms. If the
268 candidate fails to appear at the hearing or to prove that he or
269 she meets all qualifications to hold the office subject to no
270 contingencies, then the name of that candidate shall not be placed
271 upon the ballot.

272 (c) If the proper executive committee or the Secretary
273 of State, whichever is applicable, determines that the candidate
274 has taken the steps necessary to qualify for more than one (1)
275 office at the election, the action required by Section 23-15-905,
276 shall be taken.

277 (d) Where there is but one (1) candidate for each
278 office contested at the primary election, the proper executive
279 committee or the Secretary of State, whichever is applicable, when
280 the time has expired within which the names of candidates shall be
281 furnished shall declare such candidates the nominees.

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



284 **SECTION 2.** Section 23-15-961, Mississippi Code of 1972, is
285 amended as follows:

286 23-15-961. (1) Any person desiring to contest the
287 qualifications of another person as a candidate for nomination in
288 a political party primary election or a candidate who has been
289 disqualified under the provisions of Section 23-15-299 shall file
290 a petition for judicial review specifically setting forth the
291 grounds of the challenge within ten (10) days after the
292 qualifying * * * body renders a decision for the office in
293 question. The petition shall be filed with the * * * circuit
294 court of the county where the candidate in question resides
295 according to his or her affidavit. * * * The person filing for
296 judicial review shall give a cost bond in the sum of Three Hundred
297 Dollars (\$300.00) with two (2) or more sufficient sureties
298 conditioned to pay all costs in case his petition be dismissed,
299 and an additional bond may be required, by the court, if
300 necessary, at any subsequent stage of the proceedings.

301 (* * *2) Upon the filing of the petition and bond, the
302 circuit clerk shall immediately, by registered letter or by
303 telegraph or by telephone, or personally, notify the Chief Justice
304 of the Supreme Court, or in his absence, or disability, some other
305 judge of the Supreme Court, who shall forthwith designate and
306 notify a circuit judge or retired judge on senior status of a
307 district other than that which embraces the district, subdistrict,
308 county or any of the counties, involved in the contest or



309 complaint, to proceed to the county in which the contest or
310 complaint has been filed to hear and determine the contest or
311 complaint. It shall be the official duty of the trial judge to
312 proceed to the discharge of the designated duty at the earliest
313 possible date to be fixed by the judge and of which the contestant
314 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
340 and until the Supreme Court, in its discretion, stays further
341 proceedings in the matter. The appeal shall be immediately
342 docketed in the Supreme Court and referred to the court en banc
343 upon briefs without oral argument unless the court shall call for
344 oral argument, and shall be decided at the earliest possible date,
345 as a preference case over all others. The Supreme Court shall
346 have the authority to grant such relief as is appropriate under
347 the circumstances.

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

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



358 23-15-963. (1) Any person desiring to contest the
359 qualifications of another person who has qualified pursuant to the
360 provisions of Section 23-15-359, Mississippi Code of 1972, as a
361 candidate for any office elected at a general election, shall file
362 a petition specifically setting forth the grounds of the challenge
363 not later than thirty-one (31) days after the date of the first
364 primary election set forth in Section 23-15-191, Mississippi Code
365 of 1972. Such petition shall be filed with the same body with
366 whom the candidate in question qualified pursuant to Section
367 23-15-359, Mississippi Code of 1972.

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

378 (3) Any person desiring to contest the qualifications of
379 another person who has qualified pursuant to the provisions of
380 Section 23-15-361, Mississippi Code of 1972, as a candidate for
381 municipal office elected on the date designated by law for regular
382 municipal elections, shall file a petition specifically setting



383 forth the grounds of the challenge no later than thirty-one (31)
384 days after the date of the first primary election set forth in
385 Section 23-15-309, Mississippi Code of 1972. Such petition shall
386 be filed with the municipal commissioners of election, being the
387 same body with whom the candidate in question qualified pursuant
388 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
439 proceedings in the matter. The appeal shall be immediately
440 docketed in the Supreme Court and referred to the court en banc
441 upon briefs without oral argument unless the court shall call for
442 oral argument, and shall be decided at the earliest possible date,
443 as a preference case over all others. The Supreme Court shall
444 have the authority to grant such relief as is appropriate under
445 the circumstances.

446 (9) The procedure set forth above shall be the sole and only
447 manner in which the qualifications of a candidate seeking public
448 office who qualified pursuant to the provisions of Sections
449 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
450 be challenged prior to the time of his election. After any such
451 person has been elected to public office, the election may be
452 challenged as otherwise provided by law. After any person assumes
453 an elective office, his qualifications to hold that office may be
454 contested as otherwise provided by law.

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



457 23-15-359. (1) Except as provided in this section, the
458 ballot shall contain the names of all party nominees certified by
459 the appropriate executive committee, and independent and special
460 election candidates who have timely filed petitions containing the
461 required signatures and assessments that must be paid pursuant to
462 Section 23-15-297, if the candidates and nominees meet all of the
463 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
584 Internal Revenue Code or any violations of the tax laws of this
585 state * * *; and

586 (v) Whether the candidate has voted in any
587 election outside of the jurisdiction in which he or she seeks to
588 represent during the period in which the candidate is required to
589 have resided within the jurisdiction. If a candidate is found to
590 have voted in any election outside of the jurisdiction that he or
591 she seeks to represent during the period in which the candidate is
592 required to have resided within the jurisdiction, the name of such
593 candidate shall not appear on the ballot. However, if a candidate
594 who votes in an election that he or she was properly registered
595 for is then subsequently redistricted into the jurisdiction that
596 he or she is currently seeking to represent, then he or she shall
597 not be disqualified as a candidate due to voting in an election
598 outside of his or her current jurisdiction during the required
599 residency period.

600 (b) If the appropriate election commission finds that a
601 candidate either (i) is not a qualified elector, (ii) does not
602 meet all qualifications to hold the office he or she seeks and



603 fails to provide absolute proof, subject to no contingencies, that
604 he or she will meet the qualifications on or before the date of
605 the general or special election at which he or she could be
606 elected, or (iii) has been convicted of a felony or other
607 disqualifying offense as described in paragraph (a) of this
608 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
709 the amount determined by the state executive committee of the
710 party pursuant to Section 23-15-297(2) but no less than Two
711 Thousand Five Hundred Dollars (\$2,500.00) and no more than
712 Twenty-five Thousand Dollars (\$25,000.00).

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

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

720 (3) The secretaries of the proper executive committee shall
721 hold the funds to be finally disposed of by order of their
722 respective executive committees. The funds may be used or
723 disbursed by the executive committee receiving same to pay all
724 necessary traveling or other necessary expenses of the members of
725 the executive committee incurred in discharging their duties as



726 committee members, and of their secretary and may pay the
727 secretary such salary as may be reasonable.

728 (4) A candidate shall file a petition or petitions in
729 support of his or her candidacy with the state executive committee
730 of the appropriate political party or the Secretary of State,
731 whichever is applicable, after * * * November 15 of the year * * *
732 preceding the year in which the presidential preference primary is
733 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
759 is to be held on the date provided for in Section 23-15-1083. Once
760 the Secretary of State has issued a proclamation pursuant to this
761 section, the date of the congressional and senatorial primary
762 elections shall not be changed.

763 **SECTION 7.** Section 23-15-1089, Mississippi Code of 1972, is
764 brought forward as follows:

765 23-15-1089. The Secretary of State shall place the name of a
766 candidate upon the presidential preference primary ballot when the
767 Secretary of State shall have determined that such a candidate is
768 qualified under Section 23-15-1093.

769 On or after January 15 immediately preceding a presidential
770 preference primary election the Secretary of State shall publicly
771 announce and distribute to the news media for publication a list
772 of the candidates he intends to place on the ballot at the
773 following presidential preference primary election. Following
774 this announcement he shall not add candidates to his selection,



775 and he shall not delete any candidate whose name appears on the
776 announced list, unless the candidate dies or has withdrawn as a
777 candidate as provided in this chapter.

778 **SECTION 8.** This act shall take effect and be in force from
779 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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



35 SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
36 PROCESS FOR THAT JUDICIAL REVIEW; TO PROVIDE THAT A CANDIDATE
37 AGGRIEVED BY THE DECISION OF THE APPROPRIATE ELECTION COMMISSION
38 MAY FILE A PETITION FOR JUDICIAL REVIEW TO THE CIRCUIT COURT OF
39 THE COUNTY IN WHICH THE ELECTION COMMISSION WHOSE DECISION IS
40 BEING REVIEWED SITS; TO AMEND SECTION 23-15-1093, MISSISSIPPI CODE
41 OF 1972, TO CHANGE THE DEADLINE TO QUALIFY TO RUN FOR PRESIDENT
42 FROM JANUARY 1 THROUGH JANUARY 15 TO NOVEMBER 15 THROUGH DECEMBER
43 15; TO BRING FORWARD SECTIONS 23-15-963, 23-15-1085 AND
44 23-15-1089, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
45 AMENDMENT; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Sanford

X (SIGNED)
Tullos

X (SIGNED)
Yates

CONFEREES FOR THE SENATE

X (SIGNED)
England

X (SIGNED)
Blackwell

X (SIGNED)
Fillingane

