

By: Moak

To: Apportionment and
Elections

HOUSE BILL NO. 242

1 AN ACT TO AMEND SECTIONS 23-15-297, 23-15-299 AND 23-15-977,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE FEES REQUIRED TO BE PAID
3 UPON ENTERING CERTAIN RACES FOR PARTY NOMINATION; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 23-15-297, Mississippi Code of 1972, is
7 amended as follows:

8 23-15-297. Any candidate * * * entering the race for party
9 nominations for office shall first pay to the proper officer as
10 provided for in Section 23-15-299 for each primary election the
11 following amounts:

12 (a) Candidates for Governor, the sum of One Thousand
13 Dollars (\$1,000.00).

14 (b) Candidates for Lieutenant Governor, the sum of One
15 Thousand Two Hundred Fifty Dollars (\$1,250.00).

16 (c) Candidates for Attorney General, State Treasurer,
17 Auditor of Public Accounts, Commissioner of Insurance, Secretary
18 of State and Commissioner of Agriculture and Commerce, the sum of
19 One Thousand Dollars (\$1,000.00).

20 (d) Candidates for Mississippi Department of
21 Transportation Commissioner and State Public Service Commissioner,
22 the sum of Nine Hundred Dollars (\$900.00).

23 (e) Candidates for State Senator and State
24 Representative, the sum of Three Hundred Fifty Dollars (\$350.00).

25 (f) Candidates for district attorney, the sum of Three
26 Hundred Dollars (\$300.00).

27 (g) Candidates for sheriff, chancery clerk, circuit
28 clerk, tax assessor, county attorney, tax collector, county
29 superintendent of education, county coroner, county surveyor and
30 ranger, the sum of One Hundred Dollars (\$100.00).

31 (h) Candidates for justice court judge, constable,
32 board of supervisors and county board of education, the sum of
33 Fifty Dollars (\$50.00).

34 (i) Candidates for United States Senator, the sum of
35 One Thousand Dollars (\$1,000.00).

36 (j) Candidates for United States Representative, the
37 sum of Two Hundred Dollars (\$200.00).

38 A person shall not be denied candidacy for any of the offices
39 for which fees are assessed under this section because the person
40 is unable to pay the fees required by this section.

41 SECTION 2. Section 23-15-299, Mississippi Code of 1972, is
42 amended as follows:

43 23-15-299. (1) Assessments made pursuant to paragraphs (a),
44 (b), (c), (d) and (f) of Section 23-15-297, and assessments made
45 pursuant to paragraph (e) of Section 23-15-297 for legislative
46 offices for districts composed of more than one (1) county or
47 parts of more than one (1) county, shall be paid by each candidate
48 to the secretary of the state executive committee with which the
49 candidate is affiliated by 5:00 p.m. on March 1 of the year in
50 which the primary election for the office is held or on the date
51 of the qualifying deadline provided by statute for the office,
52 whichever is earlier.

53 (2) Assessments made pursuant to paragraphs * * * (e), (g)

54 and (h) of Section 23-15-297, other than assessments made for
55 legislative offices for districts containing more than one (1)
56 county or parts of more than one (1) county, shall be paid by each
57 candidate to the circuit clerk of the candidate's county of
58 residence by 5:00 p.m. on March 1 of the year in which the primary
59 election for the office is held or on the date of the qualifying
60 deadline provided by statute for the office, whichever is earlier.
61 The circuit clerk shall forward the fee and all necessary
62 information to the secretary of the proper county executive
63 committee within two (2) business days.

64 (3) Assessments made pursuant to paragraphs (i) and (j) of
65 Section 23-15-297 must be paid by each candidate to the Secretary
66 of the State Executive Committee with which the candidate is
67 affiliated by 5:00 p.m. on Friday, January 26, 1996, for the
68 presidential preference primary in 1996 and must be paid sixty
69 (60) days before the presidential preference primary in the years
70 after 1996. Assessments made pursuant to paragraphs (i) and (j)
71 of Section 23-15-297, in years when a presidential preference
72 primary is not being held, shall be paid by each candidate to the
73 Secretary of the State Executive Committee with which the
74 candidate is affiliated by 5:00 p.m. on March 1 of the year in
75 which the primary election for the office is held.

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

81 (5) The secretary or circuit clerk to whom the payments are

82 made shall promptly receipt for same stating the office for which
83 the candidate making payment is running and the political party
84 with which he or she is affiliated, and he or she shall keep an
85 itemized account in detail showing the exact time and date of the
86 receipt of each payment received by him or her and, where
87 applicable, the date of the postmark on the envelope containing
88 the fee and from whom, and for what office the party paying same
89 is a candidate.

90 (6) The secretaries of the proper executive committee shall
91 hold the funds to be finally disposed of by order of their
92 respective executive committees. The funds may be used or
93 disbursed by the executive committee receiving same to pay all
94 necessary traveling or other necessary expenses of the members of
95 the executive committee incurred in discharging their duties as
96 committeemen, and of their secretary and may pay the secretary a
97 salary as may be reasonable.

98 (7) Upon receipt of the proper fee and all necessary
99 information, the proper executive committee shall then determine
100 whether or not each candidate is a qualified elector, and whether
101 any candidate has been convicted of any crime listed in Section
102 241, Mississippi Constitution of 1890, or is a fugitive from
103 justice for this state or any other state, and the charge upon
104 which a candidate has fled has not been dismissed. If the proper
105 executive committee finds that a candidate is not a qualified
106 elector, or that the candidate has been convicted of any crime
107 listed in Section 241, Mississippi Constitution of 1890, and not
108 pardoned nor has served his or her sentence, or is a fugitive from
109 justice as aforesaid, then the name of the candidate shall not be

110 placed upon the ballot.

111 Where there is but one (1) candidate, the proper executive
112 committee when the time has expired within which the names of
113 candidates shall be furnished shall declare the candidate the
114 nominee.

115 SECTION 3. Section 23-15-977, Mississippi Code of 1972, is
116 amended as follows:

117 23-15-977. (1) Any candidate for judicial office as defined
118 in Section 23-15-975 of this subarticle shall file his or her
119 intent to be a candidate with the proper officials not later than
120 the first Friday after the first Monday in May before the general
121 election for judicial office and shall pay to the proper officials
122 the following amounts:

123 (a) Candidates for Supreme Court judge and Court of
124 Appeals, the sum of Nine Hundred Dollars (\$900.00).

125 (b) Candidates for circuit judge and chancellor, the
126 sum of Three Hundred Dollars (\$300.00).

127 (c) Candidates for county judge and family court judge,
128 the sum of One Hundred Dollars (\$100.00).

129 (2) Candidates for judicial offices listed in paragraphs (a)
130 and (b) of subsection (1) of this section shall file their intent
131 to be a candidate with, and pay the proper assessment made
132 pursuant to subsection (1) of this section to, the State Board of
133 Election Commissioners.

134 (3) Candidates for judicial offices listed in paragraph (c)
135 of subsection (1) of this section shall file their intent to be a
136 candidate with, and pay the proper assessment made pursuant to
137 subsection (1) of this section to, the circuit clerk of the proper

138 county. The circuit clerk shall notify the county commissioners
139 of election of all persons who have filed their intent to be a
140 candidate filed with, and paid the proper assessment to, the
141 clerk. The notification shall occur within two (2) business days
142 and shall contain all necessary information.

143 (4) A person shall not be denied candidacy for any of the
144 offices for which fees are assessed under this section because the
145 person is unable to pay the fees required by this section.

146 SECTION 4. The Attorney General of the State of Mississippi
147 shall submit this act, immediately upon approval by the Governor,
148 or upon approval by the Legislature subsequent to a veto, to the
149 Attorney General of the United States or to the United States
150 District Court for the District of Columbia in accordance with the
151 provisions of the Voting Rights Act of 1965, as amended and
152 extended.

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