HOUSE BILL NO. 417
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-309, MISSISSIPPI CODE OF 1972, TO REVISE THE FILING DEADLINE FOR MUNICIPAL CANDIDATES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-309, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) Upon receipt of the above information, the proper municipal executive committee shall then determine whether or not each candidate is a qualified elector, and whether any candidate has been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, or is a fugitive from justice from this state or any other state and such charge upon which a candidate has fled has not been dismissed. If the proper municipal executive committee finds that a candidate is not a qualified elector, or that such candidate has been convicted of a felony and not pardoned nor has served his sentence, or is a fugitive from justice as aforesaid, then the name of such candidate shall not be placed upon the ballot.

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

SECTION 2. Each municipality which is a party to the lawsuit City of Amory, et al v. Mississippi State Tax Commission et al, No. 251-99-001127 Civ, shall on the minutes of such municipality by resolution of the governing authorities therein make a finding within thirty (30) days of the effective date of this section as to whether such municipality will continue its participation as a party in the lawsuit. The clerk of each municipality that makes such a finding shall send a certified copy of such finding to the Clerk of the House and the Secretary of the Senate.

SECTION 3. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 4. The Attorney General of the State of Mississippi shall submit Section 1 of this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a
veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 5. Section 1 of this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended. Sections 2 and 3 of this act shall take effect and be in force from and after its passage.