

By: Holland, Reynolds

To: Apportionment and  
Elections

HOUSE BILL NO. 417  
(As Sent to Governor)

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

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

5 SECTION 1. Section 23-15-309, Mississippi Code of 1972, is  
6 amended as follows:[BD1]

7 23-15-309. (1) Nominations for all municipal officers which  
8 are elective shall be made at a primary election, or elections, to  
9 be held in the manner prescribed by law. All persons desiring to  
10 be candidates for the nomination in the primary elections shall  
11 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
12 at least sixty (60) days prior to the first primary election, no  
13 later than 5:00 p.m. on such deadline day.

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

18 (3) The clerk shall promptly receipt the payment, stating  
19 the office for which the person making the payment is running and  
20 the political party with which such person is affiliated. The  
21 clerk shall keep an itemized account in detail showing the time  
22 and date of the receipt of such payment received by him, from whom  
23 such payment was received, the party with which such person is  
24 affiliated, and for what office the person paying the fee is a  
25 candidate. The clerk shall promptly supply all necessary  
26 information and pay over all fees so received to the secretary of

27 the proper municipal executive committee. Such funds may be used  
28 and disbursed in the same manner as is allowed in Section  
29 23-15-299 in regard to other executive committees.

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

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

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

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

61 SECTION 4. The Attorney General of the State of Mississippi  
62 shall submit Section 1 of this act, immediately upon approval by  
63 the Governor, or upon approval by the Legislature subsequent to a

64 veto, to the Attorney General of the United States or to the  
65 United States District Court for the District of Columbia in  
66 accordance with the provisions of the Voting Rights Act of 1965,  
67 as amended and extended.

68 SECTION 5. Section 1 of this act shall take effect and be in  
69 force from and after the date it is effectuated under Section 5 of  
70 the Voting Rights Act of 1965, as amended and extended. Sections  
71 2 and 3 of this act shall take effect and be in force from and  
72 after its passage.