

By: Denny

To: Apportionment and
Elections

HOUSE BILL NO. 423

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CANDIDATES FOR STATE AND COUNTY ELECTED OFFICES
3 SHALL QUALIFY SIXTY DAYS BEFORE AN ELECTION; AND FOR RELATED
4 PURPOSES.

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

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

8 23-15-299. (1) Assessments made pursuant to paragraphs (a),
9 (b) and (c) of Section 23-15-297, and assessments made pursuant to
10 paragraph (d) of Section 23-15-297 for legislative offices for
11 districts composed of more than one (1) county or parts of more
12 than one (1) county, shall be paid by each candidate to the
13 secretary of the state executive committee with which the
14 candidate is affiliated by 5:00 p.m. sixty (60) days before the
15 date fixed by law for the primary election * * * or on the date of
16 the qualifying deadline provided by statute for the office,
17 whichever is earlier.

18 (2) Assessments made pursuant to paragraphs (d) and (e) of
19 Section 23-15-297, other than assessments made for legislative
20 offices for districts containing more than one (1) county or parts
21 of more than one (1) county, shall be paid by each candidate to
22 the circuit clerk of such candidate's county of residence by 5:00

23 p.m. sixty (60) days before the date fixed by law for the primary
24 election * * * or on the date of the qualifying deadline provided
25 by statute for the office, whichever is earlier. The circuit clerk
26 shall forward the fee and all necessary information to the
27 secretary of the proper county executive committee within two (2)
28 business days.

29 (3) Assessments made pursuant to paragraphs (f) and (g) of
30 Section 23-15-297 must be paid by each candidate to the Secretary
31 of the State Executive Committee with which the candidate is
32 affiliated by 5:00 p.m. on Friday, January 26, 1996, for the
33 presidential preference primary in 1996 and must be paid sixty
34 (60) days before the presidential preference primary in the years
35 after 1996. Assessments made pursuant to paragraphs (f) and (g)
36 of Section 23-15-297, in years when a presidential preference
37 primary is not being held, shall be paid by each candidate to the
38 Secretary of the State Executive Committee with which the
39 candidate is affiliated by 5:00 p.m. sixty (60) days before the
40 date fixed by law for the primary election * * *.

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

46 (5) The secretary or circuit clerk to whom the payments are
47 made shall promptly receipt for same stating the office for which
48 the candidate making payment is running and the political party
49 with which he or she is affiliated, and he or she shall keep an
50 itemized account in detail showing the exact time and date of the
51 receipt of each payment received by him or her and, where
52 applicable, the date of the postmark on the envelope containing
53 the fee and from whom, and for what office the party paying same

54 is a candidate.

55 (6) The secretaries of the proper executive committee shall
56 hold the funds to be finally disposed of by order of their
57 respective executive committees. The funds may be used or
58 disbursed by the executive committee receiving same to pay all
59 necessary traveling or other necessary expenses of the members of
60 the executive committee incurred in discharging their duties as
61 committeemen, and of their secretary and may pay the secretary a
62 reasonable salary.

63 (7) Upon receipt of the proper fee and all necessary
64 information, the proper executive committee shall then determine
65 whether or not each candidate is a qualified elector, and whether
66 any candidate has been convicted of any crime listed in Section
67 241, Mississippi Constitution of 1890, or is a fugitive from
68 justice for this state or any other state, and the charge upon
69 which a candidate has fled has not been dismissed. If the proper
70 executive committee finds that a candidate is not a qualified
71 elector, or that the candidate has been convicted of any crime
72 listed in Section 241, Mississippi Constitution of 1890, and not
73 pardoned nor has served his or her sentence, or is a fugitive from
74 justice as aforesaid, then the name of the candidate shall not be
75 placed upon the ballot.

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

80 SECTION 2. The Attorney General of the State of Mississippi
81 shall submit this act, immediately upon approval by the Governor,

82 or upon approval by the Legislature subsequent to a veto, to the
83 Attorney General of the United States or to the United States
84 District Court for the District of Columbia in accordance with the
85 provisions of the Voting Rights Act of 1965, as amended and
86 extended.

87 SECTION 3. This act shall take effect and be in force from
88 and after the date it is effectuated under Section 5 of the Voting
89 Rights Act of 1965, as amended and extended.