

By: Stringer

To: Apportionment and
Elections

HOUSE BILL NO. 679

1 AN ACT TO AMEND SECTIONS 23-15-299 AND 23-15-359, MISSISSIPPI
2 CODE OF 1972, TO PROHIBIT CANDIDATES FROM QUALIFYING FOR OFFICE BY
3 FILING ELECTRONICALLY; AND FOR RELATED PURPOSES.

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

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

7 23-15-299. (1) Assessments made pursuant to paragraphs (a),
8 (b) and (c) of Section 23-15-297, and assessments made pursuant to
9 paragraph (d) of Section 23-15-297 for legislative offices for
10 districts composed of more than one (1) county or parts of more
11 than one (1) county, shall be paid by each candidate to the
12 secretary of the state executive committee with which the
13 candidate is affiliated by 5:00 p.m. on March 1 of the year in
14 which the primary election for the office is held or on the date
15 of the qualifying deadline provided by statute for the office,
16 whichever is earlier.

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

22 p.m. on March 1 of the year in which the primary election for the
23 office is held or on the date of the qualifying deadline provided
24 by statute for the office, whichever is earlier. The circuit clerk
25 shall forward the fee and all necessary information to the
26 secretary of the proper county executive committee within two (2)
27 business days.

28 (3) Assessments made pursuant to paragraphs (f) and (g) of
29 Section 23-15-297 must be paid by each candidate to the Secretary
30 of the State Executive Committee with which the candidate is
31 affiliated by 5:00 p.m. on Friday, January 26, 1996, for the
32 presidential preference primary in 1996 and must be paid sixty
33 (60) days before the presidential preference primary in the years
34 after 1996. Assessments made pursuant to paragraphs (f) and (g)
35 of Section 23-15-297, in years when a presidential preference
36 primary is not being held, shall be paid by each candidate to the
37 Secretary of the State Executive Committee with which the
38 candidate is affiliated by 5:00 p.m. on March 1 of the year in
39 which the primary election for the office is held.

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

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

53 is a candidate.

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

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

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

79 (8) No candidate may qualify by filing the information
80 required by this section by using the internet or otherwise

81 electronically. All filings shall be delivered personally by the
82 candidate.

83 SECTION 2. Section 23-15-359, Mississippi Code of 1972, is
84 amended as follows:

85 23-15-359. (1) The ballot shall contain the names of all
86 candidates who have been put in nomination, not less than sixty
87 (60) days previous to the day of the election, by the primary
88 election of any political party. There shall be printed on the
89 ballots the names of all persons so nominated, whether the
90 nomination be otherwise known or not, upon the written request of
91 one or more of the candidates so nominated, or of any qualified
92 elector who will make oath that he was a participant in the
93 primary election, and that the person whose name is presented by
94 him was nominated by such primary election. The commissioner
95 shall also have printed on the ballot in any general or special
96 election the name of any candidate who, not having been nominated
97 by a political party, shall have been requested to be a candidate
98 for any office by a petition filed as provided for in subsection
99 (3) or (4) of this section, as appropriate, and signed by not less
100 than the following number of qualified electors:

101 (a) For an office elected by the state at large, not
102 less than one thousand (1,000) qualified electors.

103 (b) For an office elected by the qualified electors of
104 a Supreme Court district, not less than three hundred (300)
105 qualified electors.

106 (c) For an office elected by the qualified electors of
107 a congressional district, not less than two hundred (200)
108 qualified electors.

109 (d) For an office elected by the qualified electors of
110 a circuit or chancery court district, not less than one hundred
111 (100) qualified electors.

112 (e) For an office elected by the qualified electors of
113 a senatorial or representative district, not less than fifty (50)
114 qualified electors.

115 (f) For an office elected by the qualified electors of
116 a county, not less than fifty (50) qualified electors.

117 (g) For an office elected by the qualified electors of
118 a supervisors district or justice court district, not less than
119 fifteen (15) qualified electors.

120 (2) Unless the petition required above shall be filed as
121 provided for in subsection (3) or (4) of this section, as
122 appropriate, the name of the person requested to be a candidate,
123 unless nominated by a political party, shall not be placed upon
124 the ballot. The ballot shall contain the names of each candidate
125 for each office, and such names shall be listed under the name of
126 the political party such candidate represents as provided by law
127 and as certified to the circuit clerk by the State Executive
128 Committee of such political party. In the event such candidate
129 qualifies as an independent as herein provided, he shall be listed
130 on the ballot as an independent candidate.

131 (3) Petitions for offices described in paragraphs (a), (b),
132 (c) and (d) of subsection (1) of this section, and petitions for
133 offices described in paragraph (e) of subsection (1) of this
134 section for districts composed of more than one (1) county or
135 parts of more than one (1) county, shall be filed with the State
136 Board of Election Commissioners by no later than 5:00 p.m. on the

137 same date by which candidates for nominations in the political
138 party primary elections are required to pay the fee provided for
139 in Section 23-15-297, Mississippi Code of 1972.

140 (4) Petitions for offices described in paragraphs (f) and
141 (g) of subsection (1) of this section, and petitions for offices
142 described in paragraph (e) of subsection (1) of this section for
143 districts composed of one (1) county or less, shall be filed with
144 the proper circuit clerk by no later than 5:00 p.m. on the same
145 date by which candidates for nominations in the political party
146 elections are required to pay the fee provided for in Section
147 23-15-297. The circuit clerk shall notify the county
148 commissioners of election of all persons who have filed petitions
149 with such clerk. Such notification shall occur within two (2)
150 business days and shall contain all necessary information.

151 (5) The commissioners may also have printed upon the ballot
152 any local issue election matter that is authorized to be held on
153 the same date as the regular or general election pursuant to
154 Section 23-15-375; provided, however, that the ballot form of such
155 local issue must be filed with the commissioners of election by
156 the appropriate governing authority not less than sixty (60) days
157 previous to the date of the election.

158 (6) The provisions of this section shall not apply to
159 municipal elections or to the election of the offices of justice
160 of the Supreme Court, judge of the Court of Appeals, circuit
161 judge, chancellor, county court judge and family court judge.

162 (7) Nothing in this section shall prohibit special elections
163 to fill vacancies in either house of the Legislature from being
164 held as provided in Section 23-15-851. In all elections conducted

165 under the provisions of Section 23-15-851 the commissioner shall
166 have printed on the ballot the name of any candidate who, not
167 having been nominated by a political party, shall have been
168 requested to be a candidate for any office by a petition filed
169 with said commissioner not less than ten (10) working days prior
170 to the election, and signed by not less than fifty (50) qualified
171 electors.

172 (8) No petition may be filed by using the internet or
173 otherwise electronically. All petitions shall be delivered
174 personally by the candidate.

175 SECTION 3. The Attorney General of the State of Mississippi
176 shall submit this act, immediately upon approval by the Governor,
177 or upon approval by the Legislature subsequent to a veto, to the
178 Attorney General of the United States or to the United States
179 District Court for the District of Columbia in accordance with the
180 provisions of the Voting Rights Act of 1965, as amended and
181 extended.

182 SECTION 4. This act shall take effect and be in force from
183 and after the date it is effectuated under Section 5 of the Voting
184 Rights Act of 1965, as amended and extended.