

By: Representative Moak

To: Apportionment and
Elections

HOUSE BILL NO. 241

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 BY A CANDIDATE UPON ENTERING CERTAIN RACES FOR PARTY NOMINATION;
4 AND FOR RELATED 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 Transportation
21 Commissioner and State Public Service Commissioner, the sum of
22 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 shall be paid by each candidate to the Secretary of the
47 State Executive Committee with which the candidate is affiliated
48 by 5:00 p.m. on March 1 of the year in which the primary election
49 for the office is held or on the date of the qualifying deadline
50 provided by statute for the office, whichever is earlier.

51 (2) Assessments made pursuant to paragraphs * * * (e), (g)
52 and (h) of Section 23-15-297, other than assessments made for
53 legislative offices, shall be paid by each candidate to the
54 circuit clerk of such candidate's county of residence by 5:00 p.m.
55 on March 1 of the year in which the primary election for the
56 office is held or on the date of the qualifying deadline provided
57 by statute for the office, whichever is earlier; provided,
58 however, that no such assessments may be paid before January 1 of
59 the year in which the election for the office is held. The
60 circuit clerk shall forward the fee and all necessary information



61 to the secretary of the proper county executive committee within
62 two (2) business days.

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

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

79 (b) The State Executive Committee shall transmit to the
80 Secretary of State a copy of the written statements accompanying
81 the fees paid pursuant to subsections (1) and (2) of this section.
82 All copies must be received by the Office of the Secretary of
83 State by not later than 6:00 p.m. on the date of the qualifying
84 deadline; provided, however, the failure of the Office of the
85 Secretary of State to receive such copies by 6:00 p.m. on the date
86 of the qualifying deadline shall not affect the qualification of a
87 person who pays the required fee and files the required statement
88 by 5:00 p.m. on the date of the qualifying deadline. The name of
89 any person who pays the required fee and files the required
90 statement after 5:00 p.m. on the date of the qualifying deadline
91 shall not be placed on the primary election ballot.

92 (5) The secretary or circuit clerk to whom such payments are
93 made shall promptly receipt for same stating the office for which



94 such candidate making payment is running and the political party
95 with which he or she is affiliated, and he or she shall keep an
96 itemized account in detail showing the exact time and date of the
97 receipt of each payment received by him or her and, where
98 applicable, the date of the postmark on the envelope containing
99 the fee and from whom, and for what office the party paying same
100 is a candidate.

101 (6) The secretaries of the proper executive committee shall
102 hold said funds to be finally disposed of by order of their
103 respective executive committees. Such funds may be used or
104 disbursed by the executive committee receiving same to pay all
105 necessary traveling or other necessary expenses of the members of
106 the executive committee incurred in discharging their duties as
107 committeemen, and of their secretary and may pay the secretary
108 such salary as may be reasonable.

109 (7) Upon receipt of the proper fee and all necessary
110 information, the proper executive committee shall then determine
111 whether each candidate is a qualified elector of the state, state
112 district, county or county district which they seek to serve, and
113 whether each candidate meets all other qualifications to hold the
114 office he is seeking or presents absolute proof that he will,
115 subject to no contingencies, meet all qualifications on or before
116 the date of the general or special election at which he could be
117 elected to office. The committee also shall determine whether any
118 candidate has been convicted of any felony in a court of this
119 state, or has been convicted on or after December 8, 1992, of any
120 offense in another state which is a felony under the laws of this
121 state, or has been convicted of any felony in a federal court on
122 or after December 8, 1992. Excepted from the above are
123 convictions of manslaughter and violations of the United States
124 Internal Revenue Code or any violations of the tax laws of this
125 state unless the offense also involved misuse or abuse of his
126 office or money coming into his hands by virtue of his office. If



127 the proper executive committee finds that a candidate either (a)
128 is not a qualified elector, (b) does not meet all qualifications
129 to hold the office he seeks and fails to provide absolute proof,
130 subject to no contingencies, that he will meet the qualifications
131 on or before the date of the general or special election at which
132 he could be elected, or (c) has been convicted of a felony as
133 described in this subsection, and not pardoned, then the name of
134 such candidate shall not be placed upon the ballot.

135 Where there is but one (1) candidate for each office
136 contested at the primary election, the proper executive committee
137 when the time has expired within which the names of candidates
138 shall be furnished shall declare such candidates the nominees.

139 (8) No candidate may qualify by filing the information
140 required by this section by using the internet.

141 **SECTION 3.** Section 23-15-977, Mississippi Code of 1972, is
142 amended as follows:

143 23-15-977. (1) Any candidates for judicial office as
144 defined in Section 23-15-975 of this subarticle shall file their
145 intent to be a candidate with the proper officials not later than
146 5:00 p.m. on the first Friday after the first Monday in May prior
147 to the general election for judicial office and shall pay to the
148 proper officials the following amounts:

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

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

153 (c) Candidates for county judge * * *, the sum of One
154 Hundred Dollars (\$100.00).

155 (2) Candidates for judicial offices listed in paragraphs (a)
156 and (b) of subsection (1) of this section shall file their intent
157 to be a candidate with, and pay the proper assessment made
158 pursuant to subsection (1) of this section to, the State Board of
159 Election Commissioners.



160 (3) Candidates for judicial offices listed in paragraph (c)
161 of subsection (1) of this section shall file their intent to be a
162 candidate with, and pay the proper assessment made pursuant to
163 subsection (1) of this section to, the circuit clerk of the proper
164 county. The circuit clerk shall notify the county commissioners
165 of election of all persons who have filed their intent to be a
166 candidate filed with, and paid the proper assessment to, such
167 clerk. Such notification shall occur within two (2) business days
168 and shall contain all necessary information.

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

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

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

