

By: Representative Nicholson

To: Apportionment and Elections

HOUSE BILL NO. 1118

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT THE BALLOTS IN PRIMARY ELECTIONS CONTAIN THE NAMES
3 OF ALL PARTY NOMINEES; 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) (a) Assessments made pursuant to paragraphs
8 (a), (b) and (c) of Section 23-15-297 and assessments made
9 pursuant to paragraph (d) of Section 23-15-297 for legislative
10 offices shall be paid by each candidate to the Secretary of the
11 State Executive Committee with which the candidate is affiliated
12 by 5:00 p.m. on March 1 of the year in which the primary election
13 for the office is held or on the date of the qualifying deadline
14 provided by statute for the office, whichever is earlier.

15 (b) If the 2010 federal decennial census has not been
16 received from the United States Secretary of Commerce by the
17 Governor of the State of Mississippi by January 1, 2011, then the
18 qualifying deadline for legislative offices shall be changed for
19 the year 2011 only, as follows: Assessments made pursuant to
20 paragraph (d) of Section 23-15-297 for legislative offices shall
21 be paid by each candidate to the Secretary of the State Executive
22 Committee with which the candidate is affiliated by 5:00 p.m. on
23 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
24 2012.

25 (2) Assessments made pursuant to paragraphs (d) and (e) of
26 Section 23-15-297, other than assessments made for legislative
27 offices, shall be paid by each candidate to the circuit clerk of

28 such candidate's county of residence by 5:00 p.m. on March 1 of
29 the year in which the primary election for the office is held or
30 on the date of the qualifying deadline provided by statute for the
31 office, whichever is earlier; provided, however, that no such
32 assessments may be paid before January 1 of the year in which the
33 election for the office is held. The circuit clerk shall forward
34 the fee and all necessary information to the secretary of the
35 proper county executive committee within two (2) business days.

36 (3) Assessments made pursuant to paragraphs (f) and (g) of
37 Section 23-15-297 must be paid by each candidate to the Secretary
38 of the State Executive Committee with which the candidate is
39 affiliated by 5:00 p.m. sixty (60) days before the presidential
40 preference primary in years in which a presidential preference
41 primary is held. Assessments made pursuant to paragraphs (f) and
42 (g) of Section 23-15-297, in years when a presidential preference
43 primary is not being held, shall be paid by each candidate to the
44 Secretary of the State Executive Committee with which the
45 candidate is affiliated by 5:00 p.m. on March 1 of the year in
46 which the primary election for the office is held.

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

52 (b) The State Executive Committee shall transmit to the
53 Secretary of State a copy of the written statements accompanying
54 the fees paid pursuant to subsections (1) and (2) of this section.
55 All copies must be received by the Office of the Secretary of
56 State by not later than 6:00 p.m. on the date of the qualifying
57 deadline; provided, however, the failure of the Office of the
58 Secretary of State to receive such copies by 6:00 p.m. on the date
59 of the qualifying deadline shall not affect the qualification of a
60 person who pays the required fee and files the required statement

61 by 5:00 p.m. on the date of the qualifying deadline. The name of
62 any person who pays the required fee and files the required
63 statement after 5:00 p.m. on the date of the qualifying deadline
64 shall not be placed on the primary election ballot.

65 (5) The secretary or circuit clerk to whom such payments are
66 made shall promptly receipt for same stating the office for which
67 such candidate making payment is running and the political party
68 with which he or she is affiliated, and he or she shall keep an
69 itemized account in detail showing the exact time and date of the
70 receipt of each payment received by him or her and, where
71 applicable, the date of the postmark on the envelope containing
72 the fee and from whom, and for what office the party paying same
73 is a candidate.

74 (6) The secretaries of the proper executive committee shall
75 hold said funds to be finally disposed of by order of their
76 respective executive committees. Such funds may be used or
77 disbursed by the executive committee receiving same to pay all
78 necessary traveling or other necessary expenses of the members of
79 the executive committee incurred in discharging their duties as
80 committeemen, and of their secretary and may pay the secretary
81 such salary as may be reasonable.

82 (7) Upon receipt of the proper fee and all necessary
83 information, the proper executive committee shall then determine
84 whether each candidate is a qualified elector of the state, state
85 district, county or county district which they seek to serve, and
86 whether each candidate meets all other qualifications to hold the
87 office he is seeking or presents absolute proof that he will,
88 subject to no contingencies, meet all qualifications on or before
89 the date of the general or special election at which he could be
90 elected to office. The committee also shall determine whether any
91 candidate has been convicted of any felony in a court of this
92 state, or has been convicted on or after December 8, 1992, of any
93 offense in another state which is a felony under the laws of this

94 state, or has been convicted of any felony in a federal court on
95 or after December 8, 1992. Excepted from the above are
96 convictions of manslaughter and violations of the United States
97 Internal Revenue Code or any violations of the tax laws of this
98 state unless the offense also involved misuse or abuse of his
99 office or money coming into his hands by virtue of his office. If
100 the proper executive committee finds that a candidate either (a)
101 is not a qualified elector, (b) does not meet all qualifications
102 to hold the office he seeks and fails to provide absolute proof,
103 subject to no contingencies, that he will meet the qualifications
104 on or before the date of the general or special election at which
105 he could be elected, or (c) has been convicted of a felony as
106 described in this subsection, and not pardoned, then the name of
107 such candidate shall not be placed upon the ballot.

108 Where there is but one (1) candidate for each office
109 contested at the primary election, the proper executive committee
110 when the time has expired within which the names of candidates
111 shall be furnished shall declare such candidates the nominees.
112 The ballot in each county shall contain the name of all party
113 nominees certified by the appropriate executive committee, and
114 independent and special election candidates who have timely filed
115 petitions containing the required signatures.

116 (8) No candidate may qualify by filing the information
117 required by this section by using the Internet.

118 **SECTION 2.** The Attorney General of the State of Mississippi
119 shall submit this act, immediately upon approval by the Governor,
120 or upon approval by the Legislature subsequent to a veto, to the
121 Attorney General of the United States or to the United States
122 District Court for the District of Columbia in accordance with the
123 provisions of the Voting Rights Act of 1965, as amended and
124 extended.

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