

By: Senator(s) Dearing

To: Elections

SENATE BILL NO. 2118

1 AN ACT TO PROHIBIT PERSONS FROM QUALIFYING AS A CANDIDATE FOR
 2 MORE THAN ONE OFFICE AT ANY ELECTION; TO PROVIDE THAT THE
 3 APPROPRIATE EXECUTIVE COMMITTEES AND COMMISSIONERS OF ELECTION
 4 SHALL DETERMINE WHETHER A PERSON HAS QUALIFIED AS A CANDIDATE FOR
 5 MORE THAN ONE OFFICE AT AN ELECTION; TO PROVIDE THE OFFICE FOR
 6 WHICH THE PERSON SHALL BE QUALIFIED IN THE EVENT THAT SUCH PERSON
 7 HAS QUALIFIED FOR MORE THAN ONE OFFICE AT AN ELECTION; TO AMEND
 8 SECTIONS 23-15-299, 23-15-309 AND 23-15-359, MISSISSIPPI CODE OF
 9 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** No person may qualify as a candidate for more
 12 than one (1) office at any one (1) election. If a person takes
 13 the steps necessary to qualify for more than one (1) office, the
 14 appropriate executive committees or commissioners of election
 15 shall determine the last office for which the person qualified and
 16 the person shall be considered to be qualified as a candidate for
 17 that office only and the person shall be notified of this
 18 determination.

19 **SECTION 2.** Section 23-15-299, Mississippi Code of 1972, is
 20 amended as follows:

21 23-15-299. (1) (a) Assessments made pursuant to paragraphs
 22 (a), (b) and (c) of Section 23-15-297 and assessments made
 23 pursuant to paragraph (d) of Section 23-15-297 for legislative
 24 offices shall be paid by each candidate to the Secretary of the
 25 State Executive Committee with which the candidate is affiliated
 26 by 5:00 p.m. on March 1 of the year in which the primary election
 27 for the office is held or on the date of the qualifying deadline
 28 provided by statute for the office, whichever is earlier.

29 (b) If the 2010 federal decennial census has not been
 30 received from the United States Secretary of Commerce by the

31 Governor of the State of Mississippi by January 1, 2011, then the
32 qualifying deadline for legislative offices shall be changed for
33 the year 2011 only, as follows: Assessments made pursuant to
34 paragraph (d) of Section 23-15-297 for legislative offices shall
35 be paid by each candidate to the Secretary of the State Executive
36 Committee with which the candidate is affiliated by 5:00 p.m. on
37 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
38 2012.

39 (2) Assessments made pursuant to paragraphs (d) and (e) of
40 Section 23-15-297, other than assessments made for legislative
41 offices, shall be paid by each candidate to the circuit clerk of
42 such candidate's county of residence by 5:00 p.m. on March 1 of
43 the year in which the primary election for the office is held or
44 on the date of the qualifying deadline provided by statute for the
45 office, whichever is earlier; provided, however, that no such
46 assessments may be paid before January 1 of the year in which the
47 election for the office is held. The circuit clerk shall forward
48 the fee and all necessary information to the secretary of the
49 proper county executive committee within two (2) business days.

50 (3) Assessments made pursuant to paragraphs (f) and (g) of
51 Section 23-15-297 must be paid by each candidate to the Secretary
52 of the State Executive Committee with which the candidate is
53 affiliated by 5:00 p.m. sixty (60) days before the presidential
54 preference primary in years in which a presidential preference
55 primary is held. Assessments made pursuant to paragraphs (f) and
56 (g) of Section 23-15-297, in years when a presidential preference
57 primary is not being held, shall be paid by each candidate to the
58 Secretary of the State Executive Committee with which the
59 candidate is affiliated by 5:00 p.m. on March 1 of the year in
60 which the primary election for the office is held.

61 (4) (a) The fees paid pursuant to subsections (1), (2) and
62 (3) of this section shall be accompanied by a written statement
63 containing the name and address of the candidate, the party with

64 which he or she is affiliated and the office for which he or she
65 is a candidate.

66 (b) The State Executive Committee shall transmit to the
67 Secretary of State a copy of the written statements accompanying
68 the fees paid pursuant to subsections (1) and (2) of this section.
69 All copies must be received by the Office of the Secretary of
70 State by not later than 6:00 p.m. on the date of the qualifying
71 deadline; provided, however, the failure of the Office of the
72 Secretary of State to receive such copies by 6:00 p.m. on the date
73 of the qualifying deadline shall not affect the qualification of a
74 person who pays the required fee and files the required statement
75 by 5:00 p.m. on the date of the qualifying deadline. The name of
76 any person who pays the required fee and files the required
77 statement after 5:00 p.m. on the date of the qualifying deadline
78 shall not be placed on the primary election ballot.

79 (5) The secretary or circuit clerk to whom such payments are
80 made shall promptly receipt for same stating the office for which
81 such candidate making payment is running and the political party
82 with which he or she is affiliated, and he or she shall keep an
83 itemized account in detail showing the exact time and date of the
84 receipt of each payment received by him or her and, where
85 applicable, the date of the postmark on the envelope containing
86 the fee and from whom, and for what office the party paying same
87 is a candidate.

88 (6) The secretaries of the proper executive committee shall
89 hold said funds to be finally disposed of by order of their
90 respective executive committees. Such funds may be used or
91 disbursed by the executive committee receiving same to pay all
92 necessary traveling or other necessary expenses of the members of
93 the executive committee incurred in discharging their duties as
94 committeemen, and of their secretary and may pay the secretary
95 such salary as may be reasonable.

96 (7) Upon receipt of the proper fee and all necessary
97 information, the proper executive committee shall then determine
98 whether each candidate is a qualified elector of the state, state
99 district, county or county district which they seek to serve, and
100 whether each candidate meets all other qualifications to hold the
101 office he is seeking or presents absolute proof that he will,
102 subject to no contingencies, meet all qualifications on or before
103 the date of the general or special election at which he could be
104 elected to office. The executive committee shall determine
105 whether the candidate has qualified for more than one (1) office
106 at the election. The committee also shall determine whether any
107 candidate has been convicted of any felony in a court of this
108 state, or has been convicted on or after December 8, 1992, of any
109 offense in another state which is a felony under the laws of this
110 state, or has been convicted of any felony in a federal court on
111 or after December 8, 1992. Excepted from the above are
112 convictions of manslaughter and violations of the United States
113 Internal Revenue Code or any violations of the tax laws of this
114 state unless the offense also involved misuse or abuse of his
115 office or money coming into his hands by virtue of his office. If
116 the proper executive committee finds that a candidate either (a)
117 is not a qualified elector, (b) does not meet all qualifications
118 to hold the office he seeks and fails to provide absolute proof,
119 subject to no contingencies, that he will meet the qualifications
120 on or before the date of the general or special election at which
121 he could be elected, or (c) has been convicted of a felony as
122 described in this subsection, and not pardoned, then the name of
123 such candidate shall not be placed upon the ballot. If the
124 executive committee determines that the candidate has qualified
125 for more than one (1) office at the election, the action required
126 by Section 1, Senate Bill No. _____, 2006 Regular Session, shall be
127 taken.

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

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

134 **SECTION 3.** Section 23-15-309, Mississippi Code of 1972, is
135 amended as follows:

136 23-15-309. (1) Nominations for all municipal officers which
137 are elective shall be made at a primary election, or elections, to
138 be held in the manner prescribed by law. All persons desiring to
139 be candidates for the nomination in the primary elections shall
140 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
141 at least sixty (60) days prior to the first primary election, no
142 later than 5:00 p.m. on such deadline day.

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

147 (3) The clerk shall promptly receipt the payment, stating
148 the office for which the person making the payment is running and
149 the political party with which such person is affiliated. The
150 clerk shall keep an itemized account in detail showing the time
151 and date of the receipt of such payment received by him, from whom
152 such payment was received, the party with which such person is
153 affiliated and for what office the person paying the fee is a
154 candidate. The clerk shall promptly supply all necessary
155 information and pay over all fees so received to the secretary of
156 the proper municipal executive committee. Such funds may be used
157 and disbursed in the same manner as is allowed in Section
158 23-15-299 in regard to other executive committees.

159 (4) Upon receipt of the above information, the proper
160 municipal executive committee shall then determine whether each

161 candidate is a qualified elector of the municipality, and of the
162 ward if the office sought is a ward office, shall determine
163 whether each candidate either meets all other qualifications to
164 hold the office he is seeking or presents absolute proof that he
165 will, subject to no contingencies, meet all qualifications on or
166 before the date of the general or special election at which he
167 could be elected to office. The executive committee shall
168 determine whether the candidate has qualified for more than one
169 (1) office at the election. The committee also shall determine
170 whether any candidate has been convicted of any felony in a court
171 of this state, or has been convicted on or after December 8, 1992,
172 of any offense in another state which is a felony under the laws
173 of this state, or has been convicted of any felony in a federal
174 court on or after December 8, 1992. Excepted from the above are
175 convictions of manslaughter and violations of the United States
176 Internal Revenue Code or any violations of the tax laws of this
177 state unless such offense also involved misuse or abuse of his
178 office or money coming into his hands by virtue of his office. If
179 the proper municipal executive committee finds that a candidate
180 either (a) does not meet all qualifications to hold the office he
181 seeks and fails to provide absolute proof, subject to no
182 contingencies, that he will meet the qualifications on or before
183 the date of the general or special election at which he could be
184 elected, or (b) has been convicted of a felony as described in
185 this subsection and not pardoned, then the name of such candidate
186 shall not be placed upon the ballot. If the executive committee
187 determines that the candidate has attempted to qualify for more
188 than one (1) office at the election, the action required by
189 Section 1, Senate Bill No. _____, 2006 Regular Session, shall be
190 taken.

191 (5) Where there is but one (1) candidate, the proper
192 municipal executive committee when the time has expired within

193 which the names of candidates shall be furnished shall declare
194 such candidate the nominee.

195 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is
196 amended as follows:

197 23-15-359. (1) The ballot shall contain the names of all
198 party nominees certified by the appropriate executive committee,
199 and independent and special election candidates who have timely
200 filed petitions containing the required signatures. A petition
201 requesting that an independent or special election candidate's
202 name be placed on the ballot for any office shall be filed as
203 provided for in subsection (3) or (4) of this section, as
204 appropriate, and shall be signed by not less than the following
205 number of qualified electors:

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

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

211 (c) For an office elected by the qualified electors of
212 a congressional district, not less than two hundred (200)
213 qualified electors.

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

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

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

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

225 (2) Unless the petition required above shall be filed as
226 provided for in subsection (3) or (4) of this section, as
227 appropriate, the name of the person requested to be a candidate,
228 unless nominated by a political party, shall not be placed upon
229 the ballot. The ballot shall contain the names of each candidate
230 for each office, and such names shall be listed under the name of
231 the political party such candidate represents as provided by law
232 and as certified to the circuit clerk by the State Executive
233 Committee of such political party. In the event such candidate
234 qualifies as an independent as herein provided, he shall be listed
235 on the ballot as an independent candidate.

236 (3) Petitions for offices described in paragraphs (a), (b),
237 (c) and (d) of subsection (1) of this section, and petitions for
238 offices described in paragraph (e) of subsection (1) of this
239 section for districts composed of more than one (1) county or
240 parts of more than one (1) county, shall be filed with the State
241 Board of Election Commissioners by no later than 5:00 p.m. on the
242 same date by which candidates for nominations in the political
243 party primary elections are required to pay the fee provided for
244 in Section 23-15-297, Mississippi Code of 1972.

245 (4) Petitions for offices described in paragraphs (f) and
246 (g) of subsection (1) of this section, and petitions for offices
247 described in paragraph (e) of subsection (1) of this section for
248 districts composed of one (1) county or less, shall be filed with
249 the proper circuit clerk by no later than 5:00 p.m. on the same
250 date by which candidates for nominations in the political party
251 elections are required to pay the fee provided for in Section
252 23-15-297; provided, however, that no petition may be filed before
253 January 1 of the year in which the election for the office is
254 held. The circuit clerk shall notify the county commissioners of
255 election of all persons who have filed petitions with such clerk.
256 Such notification shall occur within two (2) business days and
257 shall contain all necessary information.

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

265 (6) The provisions of this section shall not apply to
266 municipal elections or to the election of the offices of justice
267 of the Supreme Court, judge of the Court of Appeals, circuit
268 judge, chancellor, county court judge and family court judge.

269 (7) Nothing in this section shall prohibit special elections
270 to fill vacancies in either house of the Legislature from being
271 held as provided in Section 23-15-851. In all elections conducted
272 under the provisions of Section 23-15-851, the commissioner shall
273 have printed on the ballot the name of any candidate who, not
274 having been nominated by a political party, shall have been
275 requested to be a candidate for any office by a petition filed
276 with said commissioner by 5:00 p.m. not less than ten (10) working
277 days prior to the election, and signed by not less than fifty (50)
278 qualified electors.

279 (8) The appropriate election commission shall determine
280 whether each candidate is a qualified elector of the state, state
281 district, county or county district they seek to serve, and
282 whether each candidate meets all other qualifications to hold the
283 office he is seeking or presents absolute proof that he will,
284 subject to no contingencies, meet all qualifications on or before
285 the date of the general or special election at which he could be
286 elected to office. The commissioners of election shall determine
287 whether the candidate has qualified for more than one (1) office
288 at the election. The election commission also shall determine
289 whether any candidate has been convicted of any felony in a court
290 of this state, or has been convicted on or after December 8, 1992,

291 of any offense in another state which is a felony under the laws
292 of this state, or has been convicted of any felony in a federal
293 court on or after December 8, 1992. Excepted from the above are
294 convictions of manslaughter and violations of the United States
295 Internal Revenue Code or any violations of the tax laws of this
296 state, unless the offense also involved misuse or abuse of his
297 office or money coming into his hands by virtue of his office. If
298 the appropriate election commission finds that a candidate either
299 (a) is not a qualified elector, (b) does not meet all
300 qualifications to hold the office he seeks and fails to provide
301 absolute proof, subject to no contingencies, that he will meet the
302 qualifications on or before the date of the general or special
303 election at which he could be elected, or (c) has been convicted
304 of a felony as described in this subsection, and not pardoned,
305 then the name of such candidate shall not be placed upon the
306 ballot. If the proper commissioners of elections determine that
307 the candidate has qualified for more than one (1) office at the
308 election, the action required by Section 1, Senate Bill No. _____,
309 2006 Regular Session, shall be taken.

310 (9) If after the deadline to qualify as a candidate for an
311 office or after the time for holding any party primary for an
312 office, there shall be only one (1) person who has duly qualified
313 to be a candidate for the office in the general election, the name
314 of such person shall be placed on the ballot; provided, however,
315 that if there shall be not more than one (1) person duly qualified
316 to be a candidate for each office on the general election ballot,
317 the election for all offices on the ballot shall be dispensed with
318 and the appropriate election commission shall declare each
319 candidate elected without opposition if the candidate meets all
320 the qualifications to hold the office as determined pursuant to a
321 review by the commission in accordance with the provisions of
322 subsection (8) of this section and if the candidate has filed all

323 required campaign finance disclosure reports as required by
324 Section 23-15-807.

325 (10) The petition required by this section may not be filed
326 by using the Internet.

327 **SECTION 5.** The Attorney General of the State of Mississippi
328 shall submit this act, immediately upon approval by the Governor,
329 or upon approval by the Legislature subsequent to a veto, to the
330 Attorney General of the United States or to the United States
331 District Court for the District of Columbia in accordance with the
332 provisions of the Voting Rights Act of 1965, as amended and
333 extended.

334 **SECTION 6.** This act shall take effect and be in force from
335 and after the date it is effectuated under Section 5 of the Voting
336 Rights Act of 1965, as amended and extended.