

By: Representative Moak

To: Apportionment and Elections

HOUSE BILL NO. 125

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) (a) Assessments made pursuant to paragraphs  
44 (a), (b), (c), (d) and (f) of Section 23-15-297 and assessments  
45 made pursuant to paragraph (e) of Section 23-15-297 for  
46 legislative offices shall be paid by each candidate to the  
47 Secretary of the State Executive Committee with which the  
48 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
49 which the primary election for the office is held or on the date  
50 of the qualifying deadline provided by statute for the office,  
51 whichever is earlier; however, no such assessments may be paid  
52 before January 1 of the year in which the primary election for the  
53 office is held.

54 (b) If the 2010 federal decennial census has not been  
55 received from the United States Secretary of Commerce by the  
56 Governor of the State of Mississippi by January 1, 2011, then the  
57 qualifying deadline for legislative offices shall be changed for  
58 the year 2011 only, as follows: Assessments made pursuant to  
59 paragraph (e) of Section 23-15-297 for legislative offices shall  
60 be paid by each candidate to the Secretary of the State Executive  
61 Committee with which the candidate is affiliated by 5:00 p.m. on



62 June 1, 2011. This paragraph (b) shall stand repealed on July 1,  
63 2012; however, no such assessments may be paid before January 1 of  
64 the year in which the election for the office is held.

65 (2) Assessments made pursuant to paragraphs \* \* \* (e), (g)  
66 and (h) of Section 23-15-297, other than assessments made for  
67 legislative offices, shall be paid by each candidate to the  
68 circuit clerk of such candidate's county of residence by 5:00 p.m.  
69 on March 1 of the year in which the primary election for the  
70 office is held or on the date of the qualifying deadline provided  
71 by statute for the office, whichever is earlier; however, no such  
72 assessments may be paid before January 1 of the year in which the  
73 election for the office is held. The circuit clerk shall forward  
74 the fee and all necessary information to the secretary of the  
75 proper county executive committee within two (2) business days.

76 (3) Assessments made pursuant to paragraphs (f) and (g) of  
77 Section 23-15-297 must be paid by each candidate to the Secretary  
78 of the State Executive Committee with which the candidate is  
79 affiliated by 5:00 p.m. sixty (60) days before the presidential  
80 preference primary in years in which a presidential preference  
81 primary is held; however, no such assessments may be paid before  
82 January 1 of the year in which the primary election for the office  
83 is held. Assessments made pursuant to paragraphs (f) and (g) of  
84 Section 23-15-297, in years when a presidential preference primary  
85 is not being held, shall be paid by each candidate to the  
86 Secretary of the State Executive Committee with which the  
87 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
88 which the primary election for the office is held; however, no  
89 such assessments may be paid before January 1 of the year in which  
90 the primary election for the office is held.

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



94 which he or she is affiliated and the office for which he or she  
95 is a candidate.

96 (b) The State Executive Committee shall transmit to the  
97 Secretary of State a copy of the written statements accompanying  
98 the fees paid pursuant to subsections (1) and (2) of this section.  
99 All copies must be received by the Office of the Secretary of  
100 State by not later than 6:00 p.m. on the date of the qualifying  
101 deadline; provided, however, the failure of the Office of the  
102 Secretary of State to receive such copies by 6:00 p.m. on the date  
103 of the qualifying deadline shall not affect the qualification of a  
104 person who pays the required fee and files the required statement  
105 by 5:00 p.m. on the date of the qualifying deadline. The name of  
106 any person who pays the required fee and files the required  
107 statement after 5:00 p.m. on the date of the qualifying deadline  
108 shall not be placed on the primary election ballot.

109 (5) The secretary or circuit clerk to whom such payments are  
110 made shall promptly receipt for same stating the office for which  
111 such candidate making payment is running and the political party  
112 with which he or she is affiliated, and he or she shall keep an  
113 itemized account in detail showing the exact time and date of the  
114 receipt of each payment received by him or her and, where  
115 applicable, the date of the postmark on the envelope containing  
116 the fee and from whom, and for what office the party paying same  
117 is a candidate.

118 (6) The secretaries of the proper executive committee shall  
119 hold said funds to be finally disposed of by order of their  
120 respective executive committees. Such funds may be used or  
121 disbursed by the executive committee receiving same to pay all  
122 necessary traveling or other necessary expenses of the members of  
123 the executive committee incurred in discharging their duties as  
124 committeemen, and of their secretary and may pay the secretary  
125 such salary as may be reasonable.



126           (7) Upon receipt of the proper fee and all necessary  
127 information, the proper executive committee shall then determine  
128 whether each candidate is a qualified elector of the state, state  
129 district, county or county district which they seek to serve, and  
130 whether each candidate meets all other qualifications to hold the  
131 office he is seeking or presents absolute proof that he will,  
132 subject to no contingencies, meet all qualifications on or before  
133 the date of the general or special election at which he could be  
134 elected to office. The committee also shall determine whether any  
135 candidate has been convicted of any felony in a court of this  
136 state, or has been convicted on or after December 8, 1992, of any  
137 offense in another state which is a felony under the laws of this  
138 state, or has been convicted of any felony in a federal court on  
139 or after December 8, 1992. Excepted from the above are  
140 convictions of manslaughter and violations of the United States  
141 Internal Revenue Code or any violations of the tax laws of this  
142 state unless the offense also involved misuse or abuse of his  
143 office or money coming into his hands by virtue of his office. If  
144 the proper executive committee finds that a candidate either (a)  
145 is not a qualified elector, (b) does not meet all qualifications  
146 to hold the office he seeks and fails to provide absolute proof,  
147 subject to no contingencies, that he will meet the qualifications  
148 on or before the date of the general or special election at which  
149 he could be elected, or (c) has been convicted of a felony as  
150 described in this subsection, and not pardoned, then the name of  
151 such candidate shall not be placed upon the ballot.

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

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



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

160           23-15-977. (1) Any candidates for judicial office as  
161 defined in Section 23-15-975 of this subarticle shall file their  
162 intent to be a candidate with the proper officials not later than  
163 5:00 p.m. on the first Friday after the first Monday in May prior  
164 to the general election for judicial office and shall pay to the  
165 proper officials the following amounts:

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

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

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

172           (2) Candidates for judicial offices listed in paragraphs (a)  
173 and (b) of subsection (1) of this section shall file their intent  
174 to be a candidate with, and pay the proper assessment made  
175 pursuant to subsection (1) of this section to, the State Board of  
176 Election Commissioners.

177           (3) Candidates for judicial offices listed in paragraph (c)  
178 of subsection (1) of this section shall file their intent to be a  
179 candidate with, and pay the proper assessment made pursuant to  
180 subsection (1) of this section to, the circuit clerk of the proper  
181 county. The circuit clerk shall notify the county commissioners  
182 of election of all persons who have filed their intent to be a  
183 candidate filed with, and paid the proper assessment to, such  
184 clerk. Such notification shall occur within two (2) business days  
185 and shall contain all necessary information.

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

189           **SECTION 4.** The Attorney General of the State of Mississippi  
190 shall submit this act, immediately upon approval by the Governor,



191 or upon approval by the Legislature subsequent to a veto, to the  
192 Attorney General of the United States or to the United States  
193 District Court for the District of Columbia in accordance with the  
194 provisions of the Voting Rights Act of 1965, as amended and  
195 extended.

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

