

By: Representative Nicholson

To: Apportionment and
Elections

HOUSE BILL NO. 135

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; however,
15 no such assessments may be paid before January 1 of the year in
16 which the primary election for the office is held.

17 (b) If the 2010 federal decennial census has not been
18 received from the United States Secretary of Commerce by the
19 Governor of the State of Mississippi by January 1, 2011, then the
20 qualifying deadline for legislative offices shall be changed for
21 the year 2011 only, as follows: Assessments made pursuant to
22 paragraph (d) of Section 23-15-297 for legislative offices shall
23 be paid by each candidate to the Secretary of the State Executive
24 Committee with which the candidate is affiliated by 5:00 p.m. on
25 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
26 2012; however, no such assessments may be paid before January 1 of
27 the year in which the election for the office is held.



28 (2) Assessments made pursuant to paragraphs (d) and (e) of
29 Section 23-15-297, other than assessments made for legislative
30 offices, shall be paid by each candidate to the circuit clerk of
31 such candidate's county of residence by 5:00 p.m. on March 1 of
32 the year in which the primary election for the office is held or
33 on the date of the qualifying deadline provided by statute for the
34 office, whichever is earlier; however, no such assessments may be
35 paid before January 1 of the year in which the election for the
36 office is held. The circuit clerk shall forward the fee and all
37 necessary information to the secretary of the proper county
38 executive committee within two (2) business days.

39 (3) Assessments made pursuant to paragraphs (f) and (g) of
40 Section 23-15-297 must be paid by each candidate to the Secretary
41 of the State Executive Committee with which the candidate is
42 affiliated by 5:00 p.m. sixty (60) days before the presidential
43 preference primary in years in which a presidential preference
44 primary is held; however, no such assessments may be paid before
45 January 1 of the year in which the primary election for the office
46 is held. Assessments made pursuant to paragraphs (f) and (g) of
47 Section 23-15-297, in years when a presidential preference primary
48 is not being held, shall be paid by each candidate to the
49 Secretary of the State Executive Committee with which the
50 candidate is affiliated by 5:00 p.m. on March 1 of the year in
51 which the primary election for the office is held; however, no
52 such assessments may be paid before January 1 of the year in which
53 the primary election for the office is held.

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

59 (b) The State Executive Committee shall transmit to the
60 Secretary of State a copy of the written statements accompanying



61 the fees paid pursuant to subsections (1) and (2) of this section.
62 All copies must be received by the Office of the Secretary of
63 State by not later than 6:00 p.m. on the date of the qualifying
64 deadline; provided, however, the failure of the Office of the
65 Secretary of State to receive such copies by 6:00 p.m. on the date
66 of the qualifying deadline shall not affect the qualification of a
67 person who pays the required fee and files the required statement
68 by 5:00 p.m. on the date of the qualifying deadline. The name of
69 any person who pays the required fee and files the required
70 statement after 5:00 p.m. on the date of the qualifying deadline
71 shall not be placed on the primary election ballot.

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

81 (6) The secretaries of the proper executive committee shall
82 hold said funds to be finally disposed of by order of their
83 respective executive committees. Such funds may be used or
84 disbursed by the executive committee receiving same to pay all
85 necessary traveling or other necessary expenses of the members of
86 the executive committee incurred in discharging their duties as
87 committeemen, and of their secretary and may pay the secretary
88 such salary as may be reasonable.

89 (7) Upon receipt of the proper fee and all necessary
90 information, the proper executive committee shall then determine
91 whether each candidate is a qualified elector of the state, state
92 district, county or county district which they seek to serve, and
93 whether each candidate meets all other qualifications to hold the



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

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

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

125 **SECTION 2.** The Attorney General of the State of Mississippi
126 shall submit this act, immediately upon approval by the Governor,



127 or upon approval by the Legislature subsequent to a veto, to the
128 Attorney General of the United States or to the United States
129 District Court for the District of Columbia in accordance with the
130 provisions of the Voting Rights Act of 1965, as amended and
131 extended.

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

