

By: Representatives Aldridge, Arinder, Janus

To: Apportionment and
Elections

HOUSE BILL NO. 1447

1 AN ACT TO PROHIBIT A PERSON FROM QUALIFYING AS A CANDIDATE
2 FOR MORE THAN ONE OFFICE AT ANY ELECTION; TO REQUIRE THE
3 APPROPRIATE EXECUTIVE COMMITTEE OR COMMISSIONER OF ELECTION TO
4 NOTIFY ANY PERSON THAT QUALIFIES FOR MORE THAN ONE OFFICE THAT
5 SUCH PERSON IS REQUIRED TO CHOOSE ONE OFFICE; TO REQUIRE SUCH
6 PERSON TO CHOOSE ONE OFFICE WITHIN A CERTAIN PERIOD OF TIME; TO
7 PROVIDE THAT THE APPROPRIATE EXECUTIVE COMMITTEE SHALL CHOOSE THE
8 LAST OFFICE FOR WHICH A PERSON QUALIFIES AS THE ONE OFFICE FOR
9 WHICH THE PERSON QUALIFIES AS A CANDIDATE, IF SUCH PERSON FAILS TO
10 CHOOSE ONE OFFICE WITHIN THE REQUIRED TIME PERIOD; TO AMEND
11 SECTIONS 23-15-299, 23-15-309 AND 23-15-359, MISSISSIPPI CODE OF
12 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
13 PURPOSES.

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

15 **SECTION 1.** No person may qualify as a candidate for more
16 than one (1) office at any one (1) election. If a person
17 qualifies for more than one (1) office, the appropriate executive
18 committees or commissioners of election shall notify the person
19 and require the person to choose one (1) office. If the person
20 fails to choose one (1) office within five (5) days after
21 notification, the appropriate executive committees shall determine
22 the last office for which the person qualified and the person
23 shall be considered to be qualified as a candidate for that office
24 only and the person shall be notified of this determination.

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

27 23-15-299. (1) (a) Assessments made pursuant to paragraphs
28 (a), (b) and (c) of Section 23-15-297 and assessments made
29 pursuant to paragraph (d) of Section 23-15-297 for legislative
30 offices shall be paid by each candidate to the Secretary of the
31 State Executive Committee with which the candidate is affiliated
32 by 5:00 p.m. on March 1 of the year in which the primary election

33 for the office is held or on the date of the qualifying deadline
34 provided by statute for the office, whichever is earlier; however,
35 no such assessments may be paid before January 1 of the year in
36 which the primary election for the office is held.

37 (b) If the 2010 federal decennial census has not been
38 received from the United States Secretary of Commerce by the
39 Governor of the State of Mississippi by January 1, 2011, then the
40 qualifying deadline for legislative offices shall be changed for
41 the year 2011 only, as follows: Assessments made pursuant to
42 paragraph (d) of Section 23-15-297 for legislative offices shall
43 be paid by each candidate to the Secretary of the State Executive
44 Committee with which the candidate is affiliated by 5:00 p.m. on
45 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
46 2012; however, no such assessments may be paid before January 1 of
47 the year in which the election for the office is held.

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

59 (3) Assessments made pursuant to paragraphs (f) and (g) of
60 Section 23-15-297 must be paid by each candidate to the Secretary
61 of the State Executive Committee with which the candidate is
62 affiliated by 5:00 p.m. sixty (60) days before the presidential
63 preference primary in years in which a presidential preference
64 primary is held; however, no such assessments may be paid before
65 January 1 of the year in which the primary election for the office

66 is held. Assessments made pursuant to paragraphs (f) and (g) of
67 Section 23-15-297, in years when a presidential preference primary
68 is not being held, shall be paid by each candidate to the
69 Secretary of the State Executive Committee with which the
70 candidate is affiliated by 5:00 p.m. on March 1 of the year in
71 which the primary election for the office is held; however, no
72 such assessments may be paid before January 1 of the year in which
73 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 executive committee shall determine
118 whether the candidate has qualified for more than one (1) office
119 at the election. The committee also shall determine whether any
120 candidate has been convicted of any felony in a court of this
121 state, or has been convicted on or after December 8, 1992, of any
122 offense in another state which is a felony under the laws of this
123 state, or has been convicted of any felony in a federal court on
124 or after December 8, 1992. Excepted from the above are
125 convictions of manslaughter and violations of the United States
126 Internal Revenue Code or any violations of the tax laws of this
127 state unless the offense also involved misuse or abuse of his
128 office or money coming into his hands by virtue of his office. If
129 the proper executive committee finds that a candidate either (a)
130 is not a qualified elector, (b) does not meet all qualifications
131 to hold the office he seeks and fails to provide absolute proof,

132 subject to no contingencies, that he will meet the qualifications
133 on or before the date of the general or special election at which
134 he could be elected, or (c) has been convicted of a felony as
135 described in this subsection, and not pardoned, then the name of
136 such candidate shall not be placed upon the ballot. If the
137 executive committee determines that the candidate has qualified
138 for more than one (1) office at the election, the action required
139 by Section 1, House Bill No. _____, 2007 Regular Session, shall be
140 taken.

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

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

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

149 23-15-309. (1) Nominations for all municipal officers which
150 are elective shall be made at a primary election, or elections, to
151 be held in the manner prescribed by law. All persons desiring to
152 be candidates for the nomination in the primary elections shall
153 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
154 at least sixty (60) days prior to the first primary election, no
155 later than 5:00 p.m. on such deadline day.

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

160 (3) The clerk shall promptly receipt the payment, stating
161 the office for which the person making the payment is running and
162 the political party with which such person is affiliated. The
163 clerk shall keep an itemized account in detail showing the time
164 and date of the receipt of such payment received by him, from whom

165 such payment was received, the party with which such person is
166 affiliated and for what office the person paying the fee is a
167 candidate. The clerk shall promptly supply all necessary
168 information and pay over all fees so received to the secretary of
169 the proper municipal executive committee. Such funds may be used
170 and disbursed in the same manner as is allowed in Section
171 23-15-299 in regard to other executive committees.

172 (4) Upon receipt of the above information, the proper
173 municipal executive committee shall then determine whether each
174 candidate is a qualified elector of the municipality, and of the
175 ward if the office sought is a ward office, shall determine
176 whether each candidate either meets all other qualifications to
177 hold the office he is seeking or presents absolute proof that he
178 will, subject to no contingencies, meet all qualifications on or
179 before the date of the general or special election at which he
180 could be elected to office. The executive committee shall
181 determine whether the candidate has qualified for more than one
182 (1) office at the election. The committee also shall determine
183 whether any candidate has been convicted of any felony in a court
184 of this state, or has been convicted on or after December 8, 1992,
185 of any offense in another state which is a felony under the laws
186 of this state, or has been convicted of any felony in a federal
187 court on or after December 8, 1992. Excepted from the above are
188 convictions of manslaughter and violations of the United States
189 Internal Revenue Code or any violations of the tax laws of this
190 state unless such offense also involved misuse or abuse of his
191 office or money coming into his hands by virtue of his office. If
192 the proper municipal executive committee finds that a candidate
193 either (a) does not meet all qualifications to hold the office he
194 seeks and fails to provide absolute proof, subject to no
195 contingencies, that he will meet the qualifications on or before
196 the date of the general or special election at which he could be
197 elected, or (b) has been convicted of a felony as described in

198 this subsection and not pardoned, then the name of such candidate
199 shall not be placed upon the ballot. If the executive committee
200 determines that the candidate has qualified for more than one (1)
201 office at the election, the action required by Section 1, House
202 Bill No. _____, 2007 Regular Session, shall be taken.

203 (5) Where there is but one (1) candidate, the proper
204 municipal executive committee when the time has expired within
205 which the names of candidates shall be furnished shall declare
206 such candidate the nominee.

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

209 23-15-359. (1) The ballot shall contain the names of all
210 party nominees certified by the appropriate executive committee,
211 and independent and special election candidates who have timely
212 filed petitions containing the required signatures. A petition
213 requesting that an independent or special election candidate's
214 name be placed on the ballot for any office shall be filed as
215 provided for in subsection (3) or (4) of this section, as
216 appropriate, and shall be signed by not less than the following
217 number of qualified electors:

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

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

223 (c) For an office elected by the qualified electors of
224 a congressional district, not less than two hundred (200)
225 qualified electors.

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

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

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

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

237 (2) Unless the petition required above shall be filed as
238 provided for in subsection (3) or (4) of this section, as
239 appropriate, the name of the person requested to be a candidate,
240 unless nominated by a political party, shall not be placed upon
241 the ballot. The ballot shall contain the names of each candidate
242 for each office, and such names shall be listed under the name of
243 the political party such candidate represents as provided by law
244 and as certified to the circuit clerk by the State Executive
245 Committee of such political party. In the event such candidate
246 qualifies as an independent as herein provided, he shall be listed
247 on the ballot as an independent candidate.

248 (3) Petitions for offices described in paragraphs (a), (b),
249 (c) and (d) of subsection (1) of this section, and petitions for
250 offices described in paragraph (e) of subsection (1) of this
251 section for districts composed of more than one (1) county or
252 parts of more than one (1) county, shall be filed with the State
253 Board of Election Commissioners by no later than 5:00 p.m. on the
254 same date by which candidates for nominations in the political
255 party primary elections are required to pay the fee provided for
256 in Section 23-15-297, Mississippi Code of 1972; however, no
257 petition may be filed before January 1 of the year in which the
258 election for the office is held.

259 (4) Petitions for offices described in paragraphs (f) and
260 (g) of subsection (1) of this section, and petitions for offices
261 described in paragraph (e) of subsection (1) of this section for

262 districts composed of one (1) county or less, shall be filed with
263 the proper circuit clerk by no later than 5:00 p.m. on the same
264 date by which candidates for nominations in the political party
265 elections are required to pay the fee provided for in Section
266 23-15-297; however, no petition may be filed before January 1 of
267 the year in which the election for the office is held. The
268 circuit clerk shall notify the county commissioners of election of
269 all persons who have filed petitions with such clerk. Such
270 notification shall occur within two (2) business days and shall
271 contain all necessary information.

272 (5) The commissioners may also have printed upon the ballot
273 any local issue election matter that is authorized to be held on
274 the same date as the regular or general election pursuant to
275 Section 23-15-375; however, the ballot form of such local issue
276 must be filed with the commissioners of election by the
277 appropriate governing authority not less than sixty (60) days
278 previous to the date of the election.

279 (6) The provisions of this section shall not apply to
280 municipal elections or to the election of the offices of justice
281 of the Supreme Court, judge of the Court of Appeals, circuit
282 judge, chancellor, county court judge and family court judge.

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

293 (8) The appropriate election commission shall determine
294 whether each candidate is a qualified elector of the state, state

295 district, county or county district they seek to serve, and
296 whether each candidate meets all other qualifications to hold the
297 office he is seeking or presents absolute proof that he will,
298 subject to no contingencies, meet all qualifications on or before
299 the date of the general or special election at which he could be
300 elected to office. The commissioners of election shall determine
301 whether the candidate has qualified for more than one (1) office
302 at the election. The election commission also shall determine
303 whether any candidate has been convicted of any felony in a court
304 of this state, or has been convicted on or after December 8, 1992,
305 of any offense in another state which is a felony under the laws
306 of this state, or has been convicted of any felony in a federal
307 court on or after December 8, 1992. Excepted from the above are
308 convictions of manslaughter and violations of the United States
309 Internal Revenue Code or any violations of the tax laws of this
310 state, unless the offense also involved misuse or abuse of his
311 office or money coming into his hands by virtue of his office. If
312 the appropriate election commission finds that a candidate either
313 (a) is not a qualified elector, (b) does not meet all
314 qualifications to hold the office he seeks and fails to provide
315 absolute proof, subject to no contingencies, that he will meet the
316 qualifications on or before the date of the general or special
317 election at which he could be elected, or (c) has been convicted
318 of a felony as described in this subsection, and not pardoned,
319 then the name of such candidate shall not be placed upon the
320 ballot. If the proper commissioners of elections determine that
321 the candidate has qualified for more than one (1) office at the
322 election, the action required by Section 1, House Bill No. _____,
323 2007 Regular Session, shall be taken.

324 (9) If after the deadline to qualify as a candidate for an
325 office or after the time for holding any party primary for an
326 office, there shall be only one (1) person who has duly qualified
327 to be a candidate for the office in the general election, the name

328 of such person shall be placed on the ballot; provided, however,
329 that if there shall be not more than one (1) person duly qualified
330 to be a candidate for each office on the general election ballot,
331 the election for all offices on the ballot shall be dispensed with
332 and the appropriate election commission shall declare each
333 candidate elected without opposition if the candidate meets all
334 the qualifications to hold the office as determined pursuant to a
335 review by the commission in accordance with the provisions of
336 subsection (8) of this section and if the candidate has filed all
337 required campaign finance disclosure reports as required by
338 Section 23-15-807.

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

341 **SECTION 5.** The Attorney General of the State of Mississippi
342 shall submit this act, immediately upon approval by the Governor,
343 or upon approval by the Legislature subsequent to a veto, to the
344 Attorney General of the United States or to the United States
345 District Court for the District of Columbia in accordance with the
346 provisions of the Voting Rights Act of 1965, as amended and
347 extended.

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