

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2248

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 OR ELECTION COMMISSIONERS SHALL
4 DETERMINE WHETHER A PERSON HAS QUALIFIED AS A CANDIDATE FOR MORE
5 THAN ONE OFFICE AT AN ELECTION; TO PROVIDE THE OFFICE FOR WHICH
6 THE PERSON SHALL BE QUALIFIED IN THE EVENT THAT SUCH PERSON HAS
7 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 committee or election commissioner shall
15 determine the last office for which the person qualified and the
16 person shall be considered to be qualified as a candidate for that
17 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; however,
29 no such assessments may be paid before January 1 of the year in
30 which the primary election for the office is held.

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 This paragraph (b) shall stand repealed on July 1,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

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

53 (3) Assessments made pursuant to paragraphs (f) and (g) of
54 Section 23-15-297 must be paid by each candidate to the Secretary
55 of the State Executive Committee with which the candidate is
56 affiliated by 5:00 p.m. sixty (60) days before the presidential
57 preference primary in years in which a presidential preference
58 primary is held; however, no such assessments may be paid before
59 January 1 of the year in which the primary election for the office
60 is held. Assessments made pursuant to paragraphs (f) and (g) of
61 Section 23-15-297, in years when a presidential preference primary
62 is not being held, shall be paid by each candidate to the
63 Secretary of the State Executive Committee with which the

64 candidate is affiliated by 5:00 p.m. on March 1 of the year in
65 which the primary election for the office is held; however, no
66 such assessments may be paid before January 1 of the year in which
67 the primary election for the office is held.

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

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

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

95 (6) The secretaries of the proper executive committee shall
96 hold said funds to be finally disposed of by order of their

97 respective executive committees. Such funds may be used or
98 disbursed by the executive committee receiving same to pay all
99 necessary traveling or other necessary expenses of the members of
100 the executive committee incurred in discharging their duties as
101 committeemen, and of their secretary and may pay the secretary
102 such salary as may be reasonable.

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

130 pardoned, then the name of such candidate shall not be placed upon
131 the ballot. If the proper executive committee determines that the
132 candidate has taken the steps necessary to qualify for more than
133 one (1) office at the election, the action required by Section 1
134 of Senate Bill No. 2248, 2007 Regular Session, shall be taken.

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

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

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

143 23-15-309. (1) Nominations for all municipal officers which
144 are elective shall be made at a primary election, or elections, to
145 be held in the manner prescribed by law. All persons desiring to
146 be candidates for the nomination in the primary elections shall
147 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
148 at least sixty (60) days prior to the first primary election, no
149 later than 5:00 p.m. on such deadline day.

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

154 (3) The clerk shall promptly receipt the payment, stating
155 the office for which the person making the payment is running and
156 the political party with which such person is affiliated. The
157 clerk shall keep an itemized account in detail showing the time
158 and date of the receipt of such payment received by him, from whom
159 such payment was received, the party with which such person is
160 affiliated and for what office the person paying the fee is a
161 candidate. The clerk shall promptly supply all necessary
162 information and pay over all fees so received to the secretary of

163 the proper municipal executive committee. Such funds may be used
164 and disbursed in the same manner as is allowed in Section
165 23-15-299 in regard to other executive committees.

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

196 election, the action required by Section 1 of Senate Bill No.
197 2248, 2007 Regular Session, shall be taken.

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

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

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

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

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

218 (c) For an office elected by the qualified electors of
219 a congressional district, not less than two hundred (200)
220 qualified electors.

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

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

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

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

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

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

254 (4) Petitions for offices described in paragraphs (f) and
255 (g) of subsection (1) of this section, and petitions for offices
256 described in paragraph (e) of subsection (1) of this section for
257 districts composed of one (1) county or less, shall be filed with
258 the proper circuit clerk by no later than 5:00 p.m. on the same
259 date by which candidates for nominations in the political party
260 elections are required to pay the fee provided for in Section
261 23-15-297; however, no petition may be filed before January 1 of

262 the year in which the election for the office is held. The
263 circuit clerk shall notify the county commissioners of election of
264 all persons who have filed petitions with such clerk. Such
265 notification shall occur within two (2) business days and shall
266 contain all necessary information.

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

274 (6) The provisions of this section shall not apply to
275 municipal elections or to the election of the offices of justice
276 of the Supreme Court, judge of the Court of Appeals, circuit
277 judge, chancellor, county court judge and family court judge.

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

288 (8) The appropriate election commission shall determine
289 whether each candidate is a qualified elector of the state, state
290 district, county or county district they seek to serve, and
291 whether each candidate meets all other qualifications to hold the
292 office he is seeking or presents absolute proof that he will,
293 subject to no contingencies, meet all qualifications on or before
294 the date of the general or special election at which he could be

295 elected to office. The election commission shall determine
296 whether the candidate has taken the steps necessary to qualify for
297 more than one (1) office at the election. The election commission
298 also shall determine whether any candidate has been convicted of
299 any felony in a court of this state, or has been convicted on or
300 after December 8, 1992, of any offense in another state which is a
301 felony under the laws of this state, or has been convicted of any
302 felony in a federal court on or after December 8, 1992. Excepted
303 from the above are convictions of manslaughter and violations of
304 the United States Internal Revenue Code or any violations of the
305 tax laws of this state, unless the offense also involved misuse or
306 abuse of his office or money coming into his hands by virtue of
307 his office. If the appropriate election commission finds that a
308 candidate either (a) is not a qualified elector, (b) does not meet
309 all qualifications to hold the office he seeks and fails to
310 provide absolute proof, subject to no contingencies, that he will
311 meet the qualifications on or before the date of the general or
312 special election at which he could be elected, or (c) has been
313 convicted of a felony as described in this subsection, and not
314 pardoned, then the name of such candidate shall not be placed upon
315 the ballot. If the appropriate election commission determines
316 that the candidate has taken the steps necessary to qualify for
317 more than one (1) office at the election, the action required by
318 Section 1 of Senate Bill No. 2248, 2007 Regular Session, shall be
319 taken.

320 (9) If after the deadline to qualify as a candidate for an
321 office or after the time for holding any party primary for an
322 office, there shall be only one (1) person who has duly qualified
323 to be a candidate for the office in the general election, the name
324 of such person shall be placed on the ballot; provided, however,
325 that if there shall be not more than one (1) person duly qualified
326 to be a candidate for each office on the general election ballot,
327 the election for all offices on the ballot shall be dispensed with

328 and the appropriate election commission shall declare each
329 candidate elected without opposition if the candidate meets all
330 the qualifications to hold the office as determined pursuant to a
331 review by the commission in accordance with the provisions of
332 subsection (8) of this section and if the candidate has filed all
333 required campaign finance disclosure reports as required by
334 Section 23-15-807.

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

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

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