

By: Senator(s) Polk, Chassaniol, Moran,
Doty, Younger, Jackson (11th)

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2167
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE INDEPENDENT AND SPECIAL ELECTION CANDIDATES TO PAY
3 QUALIFYING FEES AND TO REVISE THE QUALIFYING FEES FOR CERTAIN
4 OFFICES; TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO
5 ESTABLISH THE DEADLINE FOR INDEPENDENT AND SPECIAL ELECTION
6 CANDIDATES TO PAY THEIR ASSESSMENT FEES AND TO WHOM SUCH FEES MUST
7 BE PAID; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO
8 REQUIRE A PARTY NOMINEE OR INDEPENDENT CANDIDATE FOR THE OFFICE OF
9 PRESIDENT OF THE UNITED STATES TO PAY AN ASSESSMENT IN ORDER TO BE
10 INCLUDED ON THE GENERAL ELECTION BALLOT; TO AMEND SECTION
11 23-15-1093, MISSISSIPPI CODE OF 1972, TO ADD A QUALIFYING FEE FOR
12 CANDIDATES FOR PRESIDENT OF THE UNITED STATES; TO AMEND SECTIONS
13 23-15-1089 AND 23-15-1091, MISSISSIPPI CODE OF 1972, IN CONFORMITY
14 THERE TO; TO BRING FORWARD SECTIONS 23-15-309 AND 23-15-361,
15 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
16 AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 23-15-297, Mississippi Code of 1972, is
19 amended as follows:

20 23-15-297. All candidates upon entering the race for party
21 nominations for office shall first pay to the proper officer as
22 provided for in Section 23-15-299 for each primary election and
23 all independent candidates and special election candidates shall
24 pay to the proper officer as provided for in Section 23-15-299 the
25 following amounts:



26 (a) Candidates for Governor * * *, One Thousand Dollars
27 (\$1,000.00).

28 (b) Candidates for Lieutenant Governor, Attorney
29 General, Secretary of State, State Treasurer, Auditor of Public
30 Accounts, Commissioner of Insurance, Commissioner of Agriculture
31 and Commerce, State Highway Commissioner and State Public Service
32 Commissioner, * * * Five Hundred Dollars (\$500.00).

33 (c) Candidates for district attorney, * * * State
34 Senator and State Representative, Two Hundred Fifty Dollars
35 (\$250.00).

36 (d) Candidates for * * * sheriff, chancery clerk,
37 circuit clerk, tax assessor, tax collector, county attorney,
38 county superintendent of education and board of supervisors, * * *
39 One Hundred Dollars (\$100.00).

40 (e) Candidates for county surveyor, county coroner,
41 justice court judge and constable, * * * One Hundred Dollars
42 (\$100.00).

43 (f) Candidates for United States Senator, * * * One
44 Thousand Dollars (\$1,000.00).

45 (g) Candidates for United States Representative, * * *
46 Five Hundred Dollars (\$500.00).

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

49 23-15-299. (1) (a) Assessments made pursuant to paragraphs
50 (a), (b) and (c) of Section 23-15-297 * * * shall be paid by each



51 candidate who seeks a nomination in the political party election
52 to the secretary of the state executive committee with which the
53 candidate is affiliated by 5:00 p.m. on March 1 of the year in
54 which the primary election for the office is held or on the date
55 of the qualifying deadline provided by statute for the office,
56 whichever is earlier; however, no such assessments may be paid
57 before January 1 of the year in which the primary election for the
58 office is held.

59 (b) * * * Assessments made pursuant to paragraphs (a),
60 (b) and (c) of Section 23-15-297 shall be paid by each independent
61 candidate or special election candidate to the Secretary of State
62 by 5:00 p.m. on March 1 of the year in which the primary election
63 for the office is held or on the date of the qualifying deadline
64 provided by statute for the office, whichever is earlier; however,
65 no such assessments may be paid before January 1 of the year in
66 which the primary election for the office is held.

67 (2) (a) Assessments made pursuant to paragraphs (d) and (e)
68 of Section 23-15-297, * * * shall be paid by each candidate who
69 seeks a nomination in the political party election to the circuit
70 clerk of such candidate's county of residence by 5:00 p.m. on
71 March 1 of the year in which the primary election for the office
72 is held or on the date of the qualifying deadline provided by
73 statute for the office, whichever is earlier; however, no such
74 assessments may be paid before January 1 of the year in which the
75 election for the office is held. The circuit clerk shall forward



76 the fee and all necessary information to the secretary of the
77 proper county executive committee within two (2) business days.

78 (b) Assessments made pursuant to paragraphs (d) and (e)
79 of Section 23-15-297 shall be paid by each independent candidate
80 or special election candidate to the circuit clerk of such
81 candidate's county of residence by 5:00 p.m. on March 1 of the
82 year in which the primary election for the office is held or on
83 the date of the qualifying deadline provided by statute for the
84 office, whichever is earlier; however, no such assessments may be
85 paid before January 1 of the year in which the primary election
86 for the office is held. The circuit clerk shall forward the fee
87 and all necessary information to the secretary of the proper
88 county election commission within two (2) business days.

89 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
90 of Section 23-15-297 must be paid by each candidate who seeks a
91 nomination in the political party election to the secretary of the
92 state executive committee with which the candidate is affiliated
93 by 5:00 p.m. sixty (60) days before the presidential preference
94 primary in years in which a presidential preference primary is
95 held; however, no such assessments may be paid before January 1 of
96 the year in which the primary election for the office is held.
97 Assessments made pursuant to paragraphs (f) and (g) of Section
98 23-15-297, in years when a presidential preference primary is not
99 being held, shall be paid by each candidate who seeks a nomination
100 in the political party election to the secretary of the state



101 executive committee with which the candidate is affiliated by 5:00
102 p.m. on March 1 of the year in which the primary election for the
103 office is held; however, no such assessments may be paid before
104 January 1 of the year in which the primary election for the office
105 is held.

106 (b) Assessments made pursuant to paragraphs (f) and (g)
107 of Section 23-15-297 must be paid by each independent candidate or
108 special election candidate to the Secretary of State by 5:00 p.m.
109 sixty (60) days before the presidential preference primary in
110 years in which a presidential preference primary is held; however,
111 no such assessments may be paid before January 1 of the year in
112 which the primary election for the office is held. Assessments
113 made pursuant to paragraphs (f) and (g) of Section 23-15-297, in
114 years when a presidential preference primary is not being held,
115 shall be paid by each independent candidate or special election
116 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
117 year in which the primary election for the office is held;
118 however, no such assessments may be paid before January 1 of the
119 year in which the primary election for the office is held.

120 (4) (a) The fees paid pursuant to subsections (1), (2) and
121 (3) of this section shall be accompanied by a written statement
122 containing the name and address of the candidate, the party with
123 which he or she is affiliated, if applicable, and the office for
124 which he or she is a candidate.



125 (b) The state executive committee shall transmit to the
126 Secretary of State a copy of the written statements accompanying
127 the fees paid pursuant to subsections (1) and (2) of this section.
128 All copies must be received by the Office of the Secretary of
129 State by not later than 6:00 p.m. on the date of the qualifying
130 deadline; provided, however, the failure of the Office of the
131 Secretary of State to receive such copies by 6:00 p.m. on the date
132 of the qualifying deadline shall not affect the qualification of a
133 person who pays the required fee and files the required statement
134 by 5:00 p.m. on the date of the qualifying deadline. The name of
135 any person who pays the required fee and files the required
136 statement after 5:00 p.m. on the date of the qualifying deadline
137 shall not be placed on the primary election ballot or the general
138 election ballot.

139 (5) The Secretary of State or the secretary or circuit clerk
140 to whom such payments are made shall promptly receipt for same
141 stating the office for which such candidate making payment is
142 running and the political party with which he or she is
143 affiliated, if applicable, and he or she shall keep an itemized
144 account in detail showing the exact time and date of the receipt
145 of each payment received by him or her and, where applicable, the
146 date of the postmark on the envelope containing the fee and from
147 whom, and for what office the party paying same is a candidate.

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



150 respective executive committees. Such funds may be used or
151 disbursed by the executive committee receiving same to pay all
152 necessary traveling or other necessary expenses of the members of
153 the executive committee incurred in discharging their duties as
154 committeemen, and of their secretary and may pay the secretary
155 such salary as may be reasonable. The Secretary of State shall
156 deposit any qualifying fees received from candidates into the
157 Elections Support Fund established in Section 23-15-5.

158 (7) Upon receipt of the proper fee and all necessary
159 information, the proper executive committee or the Secretary of
160 State, whichever is applicable, shall then determine whether each
161 candidate is a qualified elector of the state, state district,
162 county or county district which they seek to serve, and whether
163 each candidate meets all other qualifications to hold the office
164 he is seeking or presents absolute proof that he or she will,
165 subject to no contingencies, meet all qualifications on or before
166 the date of the general or special election at which he could be
167 elected to office. The proper executive committee or the
168 Secretary of State, whichever is applicable, shall determine
169 whether the candidate has taken the steps necessary to qualify for
170 more than one (1) office at the election. The committee * * * or
171 the Secretary of State, whichever is applicable, shall also
172 determine whether any candidate has been convicted of any felony
173 in a court of this state, or has been convicted on or after
174 December 8, 1992, of any offense in another state which is a



175 felony under the laws of this state, or has been convicted of any
176 felony in a federal court on or after December 8, 1992. Excepted
177 from the above are convictions of manslaughter and violations of
178 the United States Internal Revenue Code or any violations of the
179 tax laws of this state unless the offense also involved misuse or
180 abuse of his office or money coming into his hands by virtue of
181 his office. If the proper executive committee or the Secretary of
182 State, whichever is applicable, finds that a candidate either (a)
183 is not a qualified elector, (b) does not meet all qualifications
184 to hold the office he seeks and fails to provide absolute proof,
185 subject to no contingencies, that he or she will meet the
186 qualifications on or before the date of the general or special
187 election at which he or she could be elected, or (c) has been
188 convicted of a felony as described in this subsection, and not
189 pardoned, then the name of such candidate shall not be placed upon
190 the ballot. If the proper executive committee or the Secretary of
191 State, whichever is applicable, determines that the candidate has
192 taken the steps necessary to qualify for more than one (1) office
193 at the election, the action required by Section 23-15-905, shall
194 be taken.

195 Where there is but one (1) candidate for each office
196 contested at the primary election, the proper executive committee
197 or the Secretary of State, whichever is applicable, when the time
198 has expired within which the names of candidates shall be
199 furnished shall declare such candidates the nominees.



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

202 **SECTION 3.** Section 23-15-359, Mississippi Code of 1972, is
203 amended as follows:

204 23-15-359. (1) Except as provided in this section, the
205 ballot shall contain the names of all party nominees certified by
206 the appropriate executive committee, and independent and special
207 election candidates who have timely filed petitions containing the
208 required signatures and assessments that must be paid pursuant to
209 Section 23-15-297. A petition requesting that an independent or
210 special election candidate's name be placed on the ballot for any
211 office shall be filed as provided for in subsection (3) or (4) of
212 this section, as appropriate, and shall be signed by not less than
213 the following number of qualified electors:

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

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

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

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



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

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

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

233 (h) For the Office of President of the United States, a
234 party nominee or independent candidate shall pay an assessment in
235 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

236 (2) (a) Unless the petition or fee, whichever is
237 applicable, required above shall be filed as provided for in
238 subsection (3) * * *, (4) or (5) of this section, as appropriate,
239 the name of the person requested to be a candidate, unless
240 nominated by a political party, shall not be placed upon the
241 ballot. The ballot shall contain the names of each candidate for
242 each office, and such names shall be listed under the name of the
243 political party such candidate represents as provided by law and
244 as certified to the circuit clerk by the state executive committee
245 of such political party. In the event such candidate qualifies as
246 an independent as provided in this section, he shall be listed on
247 the ballot as an independent candidate.



248 (b) The name of an independent or special election
249 candidate who dies before the printing of the ballots, shall not
250 be placed on the ballots.

251 (3) Petitions for offices described in paragraphs (a), (b),
252 (c), (d) and (e) of subsection (1) of this section shall be filed
253 with the * * * Secretary of State by no later than 5:00 p.m. on
254 the same date by which candidates * * * are required to pay the
255 fee provided for in Section 23-15-297, Mississippi Code of 1972;
256 however, no petition may be filed before January 1 of the year in
257 which the election for the office is held.

258 (4) Petitions for offices described in paragraphs (f) and
259 (g) of subsection (1) of this section shall be filed with the
260 proper circuit clerk by no later than 5:00 p.m. on the same date
261 by which candidates * * * are required to pay the fee provided for
262 in Section 23-15-297; however, no petition may be filed before
263 January 1 of the year in which the election for the office is
264 held. The circuit clerk shall notify the county commissioners of
265 election of all persons who have filed petitions with such clerk.
266 Such notification shall occur within two (2) business days and
267 shall contain all necessary information.

268 (5) The assessment for the office described in paragraph (h)
269 of subsection (1) of this section shall be paid to the Secretary
270 of State. The Secretary of State shall deposit any qualifying
271 fees received from candidates into the Elections Support Fund
272 established in Section 23-15-5.



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

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

284 (* * *8) Nothing in this section shall prohibit special
285 elections to fill vacancies in either house of the Legislature
286 from being held as provided in Section 23-15-851. In all
287 elections conducted under the provisions of Section 23-15-851,
288 there shall be printed on the ballot the name of any candidate
289 who, not having been nominated by a political party, shall have
290 been requested to be a candidate for any office by a petition
291 filed with the * * * Secretary of State and signed by not less
292 than fifty (50) qualified electors.

293 (* * *9) The appropriate election commission shall
294 determine whether each candidate is a qualified elector of the
295 state, state district, county or county district they seek to
296 serve, and whether each candidate meets all other qualifications
297 to hold the office he is seeking or presents absolute proof that



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



323 qualify for more than one (1) office at the election, the action
324 required by Section 23-15-905, shall be taken.

325 (* * *10) If after the deadline to qualify as a candidate
326 for an office or after the time for holding any party primary for
327 an office, there shall be only one (1) person who has duly
328 qualified to be a candidate for the office in the general
329 election, the name of such person shall be placed on the ballot;
330 provided, however, that if there shall be not more than one (1)
331 person duly qualified to be a candidate for each office on the
332 general election ballot, the election for all offices on the
333 ballot shall be dispensed with and the appropriate election
334 commission shall declare each candidate elected without opposition
335 if the candidate meets all the qualifications to hold the office
336 as determined pursuant to a review by the commission in accordance
337 with the provisions of subsection (* * *9) of this section and if
338 the candidate has filed all required campaign finance disclosure
339 reports as required by Section 23-15-807.

340 (* * *11) The petition required by this section may not be
341 filed by using the Internet.

342 **SECTION 4.** Section 23-15-1093, Mississippi Code of 1972, is
343 amended as follows:

344 23-15-1093. (1) Any person desiring to have his name placed
345 on the presidential preference primary ballot shall pay a
346 qualifying fee and file the petition or petitions as described in
347 this section.



348 (2) The amount of the qualifying fee shall be Two Thousand
349 Five Hundred Dollars (\$2,500.00). Each independent candidate
350 shall pay the qualifying fee to the Secretary of State. Each
351 political party candidate shall pay the qualifying fee to the
352 state executive committee of the appropriate political party.

353 (3) A candidate shall file a petition or petitions in
354 support of his candidacy with the state executive committee of the
355 appropriate political party or the Secretary of State, whichever
356 is applicable, after January 1 of the year in which the
357 presidential preference primary is to be held and before January
358 15 of that same year. To comply with this section, a candidate
359 may file a petition or petitions signed by a total of not less
360 than five hundred (500) qualified electors of the state, or
361 petitions signed by not less than one hundred (100) qualified
362 electors of each congressional district of the state, in which
363 case there shall be a separate petition for each congressional
364 district. The petitions shall be in such form as * * * prescribed
365 by the state executive committee * * * or Secretary of State,
366 whichever is applicable; provided, that there shall be a space for
367 the county of residence of each signer next to the space provided
368 for his signature. No signature may be counted as valid unless
369 the county of residence of the signer is provided. Each petition
370 shall contain an affirmation under the penalties of perjury that
371 each signer is a qualified elector in his congressional district
372 or in the state, as appropriate.



373 SECTION 5. Section 23-15-1089, Mississippi Code of 1972, is
374 amended as follows:

375 23-15-1089. The Secretary of State shall place the name of a
376 candidate upon the presidential preference primary ballot when the
377 Secretary of State shall have determined that such a candidate
378 is * * * qualified under Section 23-15-1093.

379 On or * * * after January 15 immediately preceding a
380 presidential preference primary election the Secretary of State
381 shall publicly announce and distribute to the news media for
382 publication a list of the candidates he intends to place on the
383 ballot at the following presidential preference primary election.
384 Following this announcement he * * * shall not add candidates to
385 his selection, * * * and he * * * shall not delete any candidate
386 whose name appears on the announced list, unless the candidate
387 dies or has withdrawn as a candidate as provided in this chapter.

388 SECTION 6. Section 23-15-1091, Mississippi Code of 1972, is
389 amended as follows:

390 23-15-1091. When the Secretary of State * * * places the
391 name of a candidate on the ballot pursuant to Section * * *
392 23-15-1093, he shall notify the candidate that his name will
393 appear on the ballot of this state in the presidential preference
394 primary election.

395 The secretary shall also notify the candidate that he may
396 withdraw his name from the ballot by filing with the Secretary of



397 State an affidavit pursuant to Section 23-15-1095 no later than
398 the sixtieth day before that election.

399 **SECTION 7.** Section 23-15-309, Mississippi Code of 1972, is
400 brought forward as follows:

401 23-15-309. (1) Nominations for all municipal officers which
402 are elective shall be made at a primary election, or elections, to
403 be held in the manner prescribed by law. All persons desiring to
404 be candidates for the nomination in the primary elections shall
405 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
406 at least sixty (60) days prior to the first primary election, no
407 later than 5:00 p.m. on such deadline day.

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

412 (3) The clerk shall promptly receipt the payment, stating
413 the office for which the person making the payment is running and
414 the political party with which such person is affiliated. The
415 clerk shall keep an itemized account in detail showing the time
416 and date of the receipt of such payment received by him, from whom
417 such payment was received, the party with which such person is
418 affiliated and for what office the person paying the fee is a
419 candidate. The clerk shall promptly supply all necessary
420 information and pay over all fees so received to the secretary of
421 the proper municipal executive committee. Such funds may be used



422 and disbursed in the same manner as is allowed in Section
423 23-15-299 in regard to other executive committees.

424 (4) Upon receipt of the above information, the proper
425 municipal executive committee shall then determine whether each
426 candidate is a qualified elector of the municipality, and of the
427 ward if the office sought is a ward office, shall determine
428 whether each candidate either meets all other qualifications to
429 hold the office he is seeking or presents absolute proof that he
430 will, subject to no contingencies, meet all qualifications on or
431 before the date of the general or special election at which he
432 could be elected to office. The executive committee shall
433 determine whether the candidate has taken the steps necessary to
434 qualify for more than one (1) office at the election. The
435 committee also shall determine whether any candidate has been
436 convicted of any felony in a court of this state, or has been
437 convicted on or after December 8, 1992, of any offense in another
438 state which is a felony under the laws of this state, or has been
439 convicted of any felony in a federal court on or after December 8,
440 1992. Excepted from the above are convictions of manslaughter and
441 violations of the United States Internal Revenue Code or any
442 violations of the tax laws of this state unless such offense also
443 involved misuse or abuse of his office or money coming into his
444 hands by virtue of his office. If the proper municipal executive
445 committee finds that a candidate either (a) does not meet all
446 qualifications to hold the office he seeks and fails to provide



447 absolute proof, subject to no contingencies, that he will meet the
448 qualifications on or before the date of the general or special
449 election at which he could be elected, or (b) has been convicted
450 of a felony as described in this subsection and not pardoned, then
451 the name of such candidate shall not be placed upon the ballot.
452 If the executive committee determines that the candidate has taken
453 the steps necessary to qualify for more than one (1) office at the
454 election, the action required by Section 23-15-905, shall be
455 taken.

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

460 **SECTION 8.** Section 23-15-361, Mississippi Code of 1972, is
461 brought forward as follows:

462 23-15-361. (1) The municipal general election ballot shall
463 contain the names of all candidates who have been put in
464 nomination by the municipal primary election of any political
465 party. There shall be printed on the ballots the names of all
466 persons so nominated, whether the nomination be otherwise known or
467 not, upon the written request of one or more of the candidates so
468 nominated, or of any qualified elector who will make oath that he
469 was a participant in the primary election, and that the person
470 whose name is presented by him was nominated by such primary
471 election. The municipal election commissioner designated to have



472 the ballots printed shall also have printed on the ballot in any
473 municipal general election the name of any candidate who, not
474 having been nominated by a political party, shall have been
475 requested to be a candidate for any office by a petition filed
476 with the clerk of the municipality no later than 5:00 p.m. on the
477 same date by which candidates for nomination in the municipal
478 primary elections are required to pay the fee provided for in
479 Section 23-15-309, and signed by not less than the following
480 number of qualified electors:

481 (a) For an office elected by the qualified electors of
482 a municipality having a population of one thousand (1,000) or
483 more, not less than fifty (50) qualified electors.

484 (b) For an office elected by the qualified electors of
485 a municipality having a population of less than one thousand
486 (1,000), not less than fifteen (15) qualified electors.

487 (2) Unless the petition required above shall be filed no
488 later than 5:00 p.m. on the same date by which candidates for
489 nomination in the municipal primary election are required to pay
490 the fee provided for in Section 23-15-309, the name of the person
491 requested to be a candidate, unless nominated by a political
492 party, shall not be placed upon the ballot. The ballot shall
493 contain the names of each candidate for each municipal office, and
494 such names shall be listed under the name of the political party
495 such candidate represents as provided by law and as certified to
496 the municipal clerk by the municipal executive committee of such



497 political party. Provided further, however, that nothing in this
498 section shall prohibit a person from qualifying as a nominee of a
499 political party, or from requesting to be a candidate for the
500 office by filing a petition, in the event of the death of a
501 candidate for the office which makes it impossible to have an
502 election contest. In the event such candidate qualifies as an
503 independent as herein provided, he shall be listed on the ballot
504 as an independent candidate.

505 (3) The clerk of the municipality shall notify the municipal
506 commissioners of election of all persons who have filed petitions
507 pursuant to subsection (1) of this section within two (2) business
508 days of the date of filing.

509 (4) The ballot in elections to fill vacancies in municipal
510 elective office shall contain the names of all persons who have
511 qualified as required by Section 23-15-857.

512 (5) The municipal commission shall determine whether each
513 party candidate in the municipal general election is a qualified
514 elector of the municipality, and of the ward if the office sought
515 is a ward office and shall determine whether each candidate either
516 meets all other qualifications to hold the office he is seeking or
517 presents absolute proof that he will, subject to no contingencies,
518 meet all qualifications on or before the date of the general or
519 special election at which he could be elected to office. The
520 municipal election commission also shall determine whether any
521 candidate has been convicted of any felony in a court of this



522 state, or has been convicted on or after December 8, 1992, of any
523 offense in another state which is a felony under the laws of this
524 state, or has been convicted of any felony in a federal court on
525 or after December 8, 1992. Excepted from the above are
526 convictions of manslaughter and violations of the United States
527 Internal Revenue Code or any violations of the tax laws of this
528 state unless such offense also involved misuse or abuse of his
529 office or money coming into his hands by virtue of his office. If
530 the municipal election commission finds that a candidate either
531 (a) is not a qualified elector, (b) does not meet all
532 qualifications to hold the office he seeks and fails to provide
533 absolute proof, subject to no contingencies, that he will meet the
534 qualifications on or before the date of the general or special
535 election at which he could be elected, or (c) has been convicted
536 of a felony as described above and not pardoned, then the name of
537 the candidate shall not be placed upon the ballot.

538 (6) If after the deadline to qualify as a candidate for an
539 office or after the time for holding any party primary election
540 for an office, there shall be only one (1) person who has duly
541 qualified to be a candidate for the office in the general election
542 the name of such person shall be placed on the ballot; provided,
543 however, that if there shall be not more than one (1) person duly
544 qualified to be a candidate for each office on the general
545 election ballot, the election for all offices on the ballot shall
546 be dispensed with and the municipal election commission shall



547 declare each candidate elected without opposition if the candidate
548 meets all the qualifications to hold the office as determined
549 pursuant to a review by the commission in accordance with the
550 provisions of subsection (5) of this section and if the candidate
551 has filed all required campaign finance disclosure reports as
552 required by Section 23-15-807.

553 **SECTION 9.** This act shall take effect and be in force from
554 and after July 1, 2016.

