

By: Representative Tullos

To: Judiciary A

HOUSE BILL NO. 629

1 AN ACT TO PROVIDE THAT THE OFFICE OF TAX ASSESSOR SHALL BE A
2 NONPARTISAN OFFICE; TO PROVIDE THAT THE NAMES OF CANDIDATES FOR
3 THE OFFICE OF TAX ASSESSOR SHALL BE LISTED AS NONPARTISAN ON THE
4 BALLOT; TO AMEND SECTIONS 23-15-299, 23-15-359, 23-15-367,
5 23-15-511 AND 23-15-531.3, MISSISSIPPI CODE OF 1972, TO CONFORM TO
6 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The office of tax assessor is a nonpartisan
9 office and a candidate for election to the office is prohibited
10 from campaigning or qualifying for the office based on party
11 affiliation. To ensure that campaigns for the nonpartisan office
12 of tax assessor remain nonpartisan and without any connection to a
13 political party, political parties and any committee or political
14 committee affiliated with a political party shall not engage in
15 fundraising on behalf of a candidate or officeholder of the
16 nonpartisan office of tax assessor, and a political party or any
17 committee or political committee affiliated with a political party
18 shall not make any contribution to a candidate for the nonpartisan
19 office of tax assessor or the political committee of a candidate
20 for the nonpartisan office of tax assessor. A political party or



any committee or political committee affiliated with a political party shall not publicly endorse a candidate for the nonpartisan office of tax assessor. A candidate or the political committee of a candidate for the nonpartisan office of tax assessor shall not accept a contribution from a political party or any committee or political committee affiliated with a political party.

SECTION 2. (1) The names of candidates for the office of tax assessor which appear on the ballot at the general election shall be grouped together on a separate portion of the ballot and clearly identified as nonpartisan.

(2) The names of all candidates for the office of tax assessor shall be listed in alphabetical order on any ballot, and no reference to political party affiliation shall appear on any ballot with respect to the nonpartisan office of tax assessor or the candidate for the nonpartisan office of tax assessor.

SECTION 3. Section 23-15-299, Mississippi Code of 1972, is amended as follows:

23-15-299. (1) (a) Assessments made pursuant to paragraphs (a), (b) and (c) of Section 23-15-297 shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on March 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid



46 before January 1 of the year in which the primary election for the
47 office is held. If March 1 or the date of the qualifying deadline
48 provided by statute for the office occurs on a Saturday, Sunday or
49 legal holiday, then the assessments required to be paid by this
50 paragraph (a) shall be paid by 5:00 p.m. on the business day
51 immediately following the Saturday, Sunday or legal holiday.

52 (b) Assessments made pursuant to paragraphs (a), (b)
53 and (c) of Section 23-15-297 shall be paid by each independent
54 candidate or special election candidate to the Secretary of State
55 by 5:00 p.m. on March 1 of the year in which the primary election
56 for the office is held or on the date of the qualifying deadline
57 provided by statute for the office, whichever is earlier; however,
58 no such assessments may be paid before January 1 of the year in
59 which the primary election for the office is held. If March 1 or
60 the date of the qualifying deadline provided by statute for the
61 office occurs on a Saturday, Sunday or legal holiday, then the
62 assessments required to be paid by this paragraph (b) shall be
63 paid by 5:00 p.m. on the business day immediately following the
64 Saturday, Sunday or legal holiday.

65 (2) (a) Assessments made pursuant to paragraphs (d) and (e)
66 of Section 23-15-297, shall be paid by each candidate who seeks a
67 nomination in the political party election to the circuit clerk of
68 that candidate's county of residence by 5:00 p.m. on March 1 of
69 the year in which the primary election for the office is held or
70 on the date of the qualifying deadline provided by statute for the



71 office, whichever is earlier; however, no such assessments may be
72 paid before January 1 of the year in which the election for the
73 office is held. If March 1 or the date of the qualifying deadline
74 provided by statute for the office occurs on a Saturday, Sunday or
75 legal holiday, then the assessments required to be paid by this
76 paragraph (a) shall be paid by 5:00 p.m. on the business day
77 immediately following the Saturday, Sunday or legal holiday. The
78 circuit clerk shall forward the fee and all necessary information
79 to the secretary of the proper county executive committee within
80 two (2) business days. No candidate may attempt to qualify with
81 any political party that does not have a duly organized county
82 executive committee, and the circuit clerk shall not accept any
83 assessments paid for nonlegislative offices pursuant to paragraphs
84 (d) and (e) of Section 23-15-297 if the circuit clerk does not
85 have contact information for the secretary of the county executive
86 committee for that political party.

87 (b) Assessments made pursuant to paragraphs (d) and (e)
88 of Section 23-15-297 shall be paid by each independent candidate,
89 nonpartisan candidate or special election candidate to the circuit
90 clerk of that candidate's county of residence by 5:00 p.m. on
91 March 1 of the year in which the primary election for the office
92 is held or on the date of the qualifying deadline provided by
93 statute for the office, whichever is earlier; however, no such
94 assessments may be paid before January 1 of the year in which the
95 primary election for the office is held. If March 1 or the date



96 of the qualifying deadline provided by statute for the office
97 occurs on a Saturday, Sunday or legal holiday, then the
98 assessments required to be paid by this paragraph (b) shall be
99 paid by 5:00 p.m. on the business day immediately following the
100 Saturday, Sunday or legal holiday. The circuit clerk shall
101 forward the fee and all necessary information to the secretary of
102 the proper county election commission within two (2) business
103 days.

104 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
105 of Section 23-15-297 must be paid by each candidate who seeks a
106 nomination in the political party election to the secretary of the
107 state executive committee with which the candidate is affiliated
108 by 5:00 p.m. sixty (60) days before the presidential preference
109 primary in years in which a presidential preference primary is
110 held; however, no such assessments may be paid before January 1 of
111 the year in which the primary election for the office is held.
112 Assessments made pursuant to paragraphs (f) and (g) of Section
113 23-15-297, in years when a presidential preference primary is not
114 being held, shall be paid by each candidate who seeks a nomination
115 in the political party election to the secretary of the state
116 executive committee with which the candidate is affiliated by 5:00
117 p.m. on March 1 of the year in which the primary election for the
118 office is held; however, no such assessments may be paid before
119 January 1 of the year in which the primary election for the office
120 is held. If sixty (60) days before the presidential preference



primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(b) Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297 must be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be



146 paid by 5:00 p.m. on the business day immediately following the
147 Saturday, Sunday or legal holiday.

148 (4) (a) The fees paid pursuant to subsections (1), (2) and
149 (3) of this section shall be accompanied by a written statement
150 containing the name and address of the candidate, the party with
151 which he or she is affiliated, if applicable, the email address of
152 the candidate, if any, and the office for which he or she is a
153 candidate.

154 (b) The state executive committee shall transmit to the
155 Secretary of State a copy of the written statements accompanying
156 the fees paid pursuant to subsections (1) and (2) of this section.
157 All copies must be received by the Office of the Secretary of
158 State by not later than 6:00 p.m. on the date of the qualifying
159 deadline; provided, however, the failure of the Office of the
160 Secretary of State to receive such copies by 6:00 p.m. on the date
161 of the qualifying deadline shall not affect the qualification of a
162 person who pays the required fee and files the required statement
163 by 5:00 p.m. on the date of the qualifying deadline. The name of
164 any person who pays the required fee and files the required
165 statement after 5:00 p.m. on the date of the qualifying deadline
166 shall not be placed on the primary election ballot or the general
167 election ballot.

168 (5) The Secretary of State or the secretary or circuit clerk
169 to whom such payments are made shall promptly receipt for same
170 stating the office for which the candidate making payment is



running and the political party with which he or she is affiliated, if applicable, and he or she shall keep an itemized account in detail showing the exact time and date of the receipt of each payment received by him or her and, where applicable, the date of the postmark on the envelope containing the fee and from whom, and for what office the party paying same is a candidate.

(6) The secretaries of the proper executive committee shall hold the funds to be finally disposed of by order of their respective executive committees. The funds may be used or disbursed by the executive committee receiving same to pay all necessary traveling or other necessary expenses of the members of the executive committee incurred in discharging their duties as committee members, and of their secretary and may pay the secretary such salary as may be reasonable. The Secretary of State shall deposit any qualifying fees received from candidates into the Elections Support Fund established in Section 23-15-5.

(7) (a) Upon receipt of the proper fee and all necessary information, the proper executive committee or the Secretary of State, whichever is applicable, shall then determine at the time of the qualifying deadline, unless otherwise provided by law, whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and whether each candidate meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on



196 or before the date of the general or special election at which he
197 or she could be elected to office. The proper executive committee
198 or the Secretary of State, whichever is applicable, shall
199 determine whether the candidate has taken the steps necessary to
200 qualify for more than one (1) office at the election. The
201 committee or the Secretary of State, whichever is applicable,
202 shall also determine whether any candidate has been convicted (i)
203 of any felony in a court of this state, (ii) on or after December
204 8, 1992, of any offense in another state which is a felony under
205 the laws of this state, (iii) of any felony in a federal court on
206 or after December 8, 1992, or (iv) of any offense that involved
207 the misuse or abuse of his or her office or money coming into his
208 or her hands by virtue of the office. Excepted from the above are
209 convictions of manslaughter and violations of the United States
210 Internal Revenue Code or any violations of the tax laws of this
211 state.

212 (b) If the proper executive committee or the Secretary
213 of State, whichever is applicable, finds that a candidate either
214 (i) is not a qualified elector, (ii) does not meet all
215 qualifications to hold the office he or she seeks and fails to
216 provide absolute proof, subject to no contingencies, that he or
217 she will meet the qualifications on or before the date of the
218 general or special election at which he or she could be elected,
219 or (iii) has been convicted of a felony or other disqualifying
220 offense as described in paragraph (a) of this subsection, and not



221 pardoned, then the executive committee shall notify the candidate
222 and give the candidate an opportunity to be heard. The executive
223 committee shall mail notice to the candidate at least three (3)
224 business days before the hearing to the address provided by the
225 candidate on the qualifying forms, and the committee shall attempt
226 to contact the candidate by telephone, email and facsimile if the
227 candidate provided this information on the forms. If the
228 candidate fails to appear at the hearing or to prove that he or
229 she meets all qualifications to hold the office subject to no
230 contingencies, then the name of that candidate shall not be placed
231 upon the ballot.

232 (c) If the proper executive committee or the Secretary
233 of State, whichever is applicable, determines that the candidate
234 has taken the steps necessary to qualify for more than one (1)
235 office at the election, the action required by Section 23-15-905,
236 shall be taken.

237 (d) Where there is but one (1) candidate for each
238 office contested at the primary election, the proper executive
239 committee or the Secretary of State, whichever is applicable, when
240 the time has expired within which the names of candidates shall be
241 furnished shall declare such candidates the nominees.

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

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



23-15-359. (1) Except as provided in this section and
Section 2 of this act, the ballot shall contain the names of all
party nominees certified by the appropriate executive committee,
and independent and special election candidates who have timely
filed petitions containing the required signatures and assessments
that must be paid pursuant to Section 23-15-297, if the candidates
and nominees meet all of the qualifications to hold the office
sought. A petition requesting that an independent or special
election candidate's name be placed on the ballot for any office
shall be filed as provided for in subsection (3) or (4) of this
section, as appropriate, and shall be signed by not less than the
following number of qualified electors:

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

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

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

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



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

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

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

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

(2) (a) Unless the petition or fee, whichever is applicable, required above shall be filed as provided for in subsection (3), (4) or (5) of this section, as appropriate, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each office, and the names shall be listed under the name of the political party that candidate represents as provided by law and as certified to the circuit clerk by the state executive committee of the political party. In the event the candidate qualifies as an independent as provided in this section, he or she shall be listed on the ballot as an independent candidate. The names of candidates for the nonpartisan office of tax assessor shall be listed on the ballot as provided in Section 2 of this act.



294 (b) The name of an independent, nonpartisan or special
295 election candidate who dies before the printing of the ballots,
296 shall not be placed on the ballots.

297 (3) Petitions for offices described in paragraphs (a), (b),
298 (c), (d) and (e) of subsection (1) of this section shall be filed
299 with the Secretary of State by no later than 5:00 p.m. on the same
300 date or business day, as applicable, by which candidates are
301 required to pay the fee provided for in Section 23-15-297;
302 however, no petition may be filed before January 1 of the year in
303 which the election for the office is held.

304 (4) Petitions for offices described in paragraphs (f) and
305 (g) of subsection (1) of this section shall be filed with the
306 proper circuit clerk by no later than 5:00 p.m. on the same date
307 by which candidates are required to pay the fee provided for in
308 Section 23-15-297; however, no petition may be filed before
309 January 1 of the year in which the election for the office is
310 held. The circuit clerk shall notify the county election
311 commissioners of all persons who have filed petitions with the
312 clerk. The notification shall occur within two (2) business days
313 and shall contain all necessary information.

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



319 (6) The election commissioners may also have printed upon
320 the ballot any local issue election matter that is authorized to
321 be held on the same date as the regular or general election
322 pursuant to Section 23-15-375; however, the ballot form of the
323 local issue must be filed with the election commissioners by the
324 appropriate governing authority not less than sixty (60) days
325 before the date of the election.

326 (7) The provisions of this section shall not apply to
327 municipal elections or to the election of the offices of justice
328 of the Supreme Court, judge of the Court of Appeals, circuit
329 judge, chancellor, county court judge and family court judge.

330 (8) Nothing in this section shall prohibit special elections
331 to fill vacancies in either house of the Legislature from being
332 held as provided in Section 23-15-851. In all elections conducted
333 under the provisions of Section 23-15-851, there shall be printed
334 on the ballot the name of any candidate who, not having been
335 nominated by a political party, shall have been requested to be a
336 candidate for any office by a petition filed with the Secretary of
337 State and signed by not less than fifty (50) qualified electors.

338 (9) (a) The appropriate election commission shall determine
339 whether each candidate is a qualified elector of the state, state
340 district, county or county district they seek to serve, and
341 whether each candidate meets all other qualifications to hold the
342 office he or she is seeking or presents absolute proof that he or
343 she will, subject to no contingencies, meet all qualifications on



344 or before the date of the general or special election at which he
345 or she could be elected to office. The election commission shall
346 determine whether the candidate has taken the steps necessary to
347 qualify for more than one (1) office at the election. The
348 election commission also shall determine whether any candidate has
349 been convicted (i) of any felony in a court of this state, (ii) on
350 or after December 8, 1992, of any offense in another state which
351 is a felony under the laws of this state, (iii) of any felony in a
352 federal court on or after December 8, 1992, or (iv) of any offense
353 that involved the misuse or abuse of his or her office or money
354 coming into his or her hands by virtue of the office. Excepted
355 from the above are convictions of manslaughter and violations of
356 the United States Internal Revenue Code or any violations of the
357 tax laws of this state.

358 (b) If the appropriate election commission finds that a
359 candidate either (i) is not a qualified elector, (ii) does not
360 meet all qualifications to hold the office he or she seeks and
361 fails to provide absolute proof, subject to no contingencies, that
362 he or she will meet the qualifications on or before the date of
363 the general or special election at which he or she could be
364 elected, or (iii) has been convicted of a felony or other
365 disqualifying offense as described in paragraph (a) of this
366 subsection, and not pardoned, then the election commission shall
367 notify the candidate and give the candidate an opportunity to be
368 heard. The election commission shall mail notice to the candidate



at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the appropriate election commission determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

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



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

SECTION 5. Section 23-15-367, Mississippi Code of 1972, is amended as follows:

23-15-367. (1) Except as otherwise provided by Sections 23-15-974 through 23-15-985 * * *, subsection (2) of this section and Sections 1 and 2 of this act, the size, print and quality of paper of the official ballot is left to the discretion of the officer charged with printing the official ballot.

(2) The titles for the various offices shall be listed in the following order:

(a) Candidates, electors or delegates for the following national offices:

(i) President;

(ii) United States Senator or United States Representative;

(b) Candidates for the following statewide office: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, Commissioner of Agriculture and Commerce, Commissioner of Insurance;

(c) Candidates for the following state district offices: Mississippi Transportation Commissioner, Public Service Commissioner, District Attorney;

(d) Candidates for the following legislative offices: Senate and House of Representatives;



419 (e) Candidates for countywide office;
420 (f) Candidates for county district office.

421 The order in which the titles for the various offices are
422 listed within paragraphs (e) and (f) is left to the discretion of
423 the county election commissioners. Nominees of the political
424 parties, qualified to conduct primary elections as defined in
425 Section 23-15-291, shall be listed first alphabetically by the
426 candidate's last name, followed by any other candidates listed
427 alphabetically by last name.

428 (3) It is the duty of the Secretary of State, with the
429 approval of the Governor, to furnish the designated election
430 commissioner of each county a sample of the official ballot, not
431 less than fifty-five (55) days before the election, the general
432 form of which shall be followed as nearly as practicable.

433 **SECTION 6.** Section 23-15-511, Mississippi Code of 1972, is
434 amended as follows:

435 23-15-511. The ballots shall, as far as practicable, be in
436 the same order of arrangement as provided for paper ballots that
437 are to be counted manually, except that the information may be
438 printed in vertical or horizontal rows. Nothing in this chapter
439 shall * * * prohibit the information being presented to the voters
440 from being printed on both sides of a single ballot. In those
441 years when a special election * * * occurs on the same day as the
442 general election, the names of candidates in any special election
443 and the general election shall be placed on the same ballot by the



election commissioners or officials in charge of the election, but the general election candidates shall be clearly distinguished from the special election candidates. At any time a special election is held on the same day as a party primary election, the names of the candidates in the special election may be placed on the same ballot by the officials in charge of the election, but shall be clearly distinguished as special election candidates or primary election candidates.

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions.

Except as otherwise provided in Sections 1 and 2 of this act, the titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is



continued on the following column. Except as otherwise provided in Sections 1 and 2 of this act, the names of candidates for each office shall be printed in vertical columns, grouped by the offices that they seek. In partisan elections, the party designation of each candidate, which may be abbreviated, shall be printed following his or her name.

One (1) sample ballot, which shall be a facsimile of the official ballot and instructions to the voters, shall be provided for each precinct and shall be posted in each polling place on election day.

A separate ballot security envelope or suitable equivalent in which the voter can place his or her ballot after voting, shall be provided to conceal the choices the voter has made. Absentee voters will receive a similar ballot security envelope provided by the county in which the absentee voter will insert their voted ballot, which then can be inserted into a return envelope to be mailed back to the election official. Absentee ballots will not be required to be folded when a ballot security envelope is provided.

SECTION 7. Section 23-15-531.3, Mississippi Code of 1972, is amended as follows:

23-15-531.3. (1) The ballots for DRE units shall be of such size and arrangement as will suit the construction of the DRE screen and shall be in plain, clear type that is easily readable by persons with normal vision.



(2) (a) If the DRE unit has the capacity for color display, the names of all candidates in a particular race shall be displayed in the same color, font and size, and the political party or affiliation of candidates may be displayed in a color different from that used to display the names of the candidates, but all political parties or affiliations shall be displayed in the same color. All political party names shall be displayed in the same size and font. The names of candidates for the nonpartisan office of tax assessor shall be displayed as provided for in Sections 1 and 2 of this act.

(b) All ballot questions, local options, referenda and constitutional amendments shall be displayed in the same color.

SECTION 8. Sections 1 and 2 of this act shall be codified as new sections in Chapter 15, Title 23, Mississippi Code of 1972.

SECTION 9. This act shall take effect and be in force from and after July 1, 2020.

