

By: Senator(s) Chassaniol

To: Elections

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2358

1 AN ACT TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE OF EACH POLITICAL PARTY  
3 TO DETERMINE THE FILING FEE FOR ENTERING THE RACE FOR PARTY  
4 NOMINATIONS FOR OFFICE FOR CERTAIN POLITICAL CANDIDATES; TO REVISE  
5 THE FILING FEE FOR CERTAIN INDEPENDENT CANDIDATES; TO REQUIRE THE  
6 SECRETARY OF STATE TO PROMULGATE ANY NECESSARY RULES AND  
7 REGULATIONS TO ADMINISTER AND ENFORCE THIS SECTION; TO AMEND  
8 SECTION 23-15-1093, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
9 STATE EXECUTIVE COMMITTEE TO USE OR DISBURSE FUNDS RECEIVED AS  
10 QUALIFYING FEES FOR PRESIDENTIAL CANDIDATES; TO CONFORM; TO AMEND  
11 SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR  
12 RELATED PURPOSES.

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

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

16 23-15-297. (1) All candidates, upon entering the race for  
17 party nominations for office, shall first pay to the proper  
18 officer as provided for in Section 23-15-299 for each primary  
19 election the following amounts:

20 (a) Candidates for Governor, the amount determined by  
21 the state executive committee of the party pursuant to subsection  
22 (2) of this section.



23           (b) Candidates for Lieutenant Governor, Attorney  
24 General, Secretary of State, State Treasurer, Auditor of Public  
25 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
26 and Commerce, State Highway Commissioner and State Public Service  
27 Commissioner, the amount determined by the state executive  
28 committee of the party pursuant to subsection (2) of this section.

29           (c) Candidates for State Senator and State  
30 Representative, the amount determined by the state executive  
31 committee of the party pursuant to subsection (2) of this section.

32           (d) Candidates for district attorney, Two Hundred Fifty  
33 Dollars (\$250.00).

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

38           (f) Candidates for county surveyor, county coroner,  
39 justice court judge and constable, One Hundred Dollars (\$100.00).

40           (g) Candidates for United States Senator, the amount  
41 determined by the state executive committee of the party pursuant  
42 to subsection (2) of this section.

43           (h) Candidates for United States Representative, the  
44 amount determined by the state executive committee of the party  
45 pursuant to subsection (2) of this section.

46           (2) (a) The state executive committee of a political party  
47 shall set the entry fee that a candidate is to pay upon entering



48 the race for party nominations for the offices listed in  
49 paragraphs (a), (b), (c), (g) and (h) of subsection (1) of this  
50 section and Section 23-15-1093(2) (a). For each respective office,  
51 the entry fee set by the state executive committee shall not  
52 exceed the average of the entry fees provided by law in the  
53 Southeastern United States as determined by the Secretary of  
54 State. The authority granted under this subsection shall not be  
55 exercised by any state executive committee of a political party  
56 for any individual office more than once every two (2) years,  
57 beginning from the effective date of this act.

58 (b) Each state executive committee of a political party  
59 shall report the entry fee determined for each office to the  
60 Secretary of State by at least ninety (90) days before the  
61 qualifying deadline for the office as provided in Section  
62 23-15-299. If a state executive committee does not meet the  
63 deadline in this paragraph for any office, there shall be no entry  
64 fee assessed for the office in that party's primary election  
65 during that election cycle.

66 (3) All \* \* \* independent candidates and special election  
67 candidates entering the race for office shall pay to the proper  
68 officer as provided for in Section 23-15-299 the following  
69 amounts:

70 (a) Candidates for Governor, \* \* \* the average of the  
71 amounts determined under subsection (1) (a) of this section by the



72 two (2) state executive committees of the two (2) parties with the  
73 most membership in the state.

74 (b) Candidates for Lieutenant Governor, Attorney  
75 General, Secretary of State, State Treasurer, Auditor of Public  
76 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
77 and Commerce, State Highway Commissioner and State Public Service  
78 Commissioner, \* \* \* the average of the amounts determined under  
79 subsection (1) (b) of this section by the two (2) state executive  
80 committees of the two (2) parties with the most membership in the  
81 state.

82 (c) Candidates for State Senator and State  
83 Representative, the average of the amounts determined under  
84 subsection (1) (c) of this section by the two (2) state executive  
85 committees of the two (2) parties with the most membership in the  
86 state.

87 ( \* \* \* d) Candidates for district attorney \* \* \*, Two  
88 Hundred Fifty Dollars (\$250.00).

89 ( \* \* \* e) Candidates for sheriff, chancery clerk,  
90 circuit clerk, tax assessor, tax collector, county attorney,  
91 county superintendent of education and board of supervisors, One  
92 Hundred Dollars (\$100.00).

93 ( \* \* \* f) Candidates for county surveyor, county  
94 coroner, justice court judge and constable, One Hundred Dollars  
95 (\$100.00).



96 ( \* \* \*g) Candidates for United States Senator, \* \* \*  
97 the average of the amounts determined under subsection (1)(g) of  
98 this section by the two (2) state executive committees of the two  
99 (2) parties with the most membership in the state.

100 ( \* \* \*h) Candidates for United States  
101 Representative, \* \* \* the average of the amounts determined under  
102 subsection (1)(h) of this section by the two (2) state executive  
103 committees of the two (2) parties with the most membership in the  
104 state.

105 (4) The Secretary of State shall:

106 (a) Publish the fees listed in this section and Section  
107 23-15-1093 by at least forty-five (45) days before the qualifying  
108 deadline for each office; and

109 (b) Promulgate any rules or regulations necessary to  
110 administer and enforce this section.

111 **SECTION 2.** Section 23-15-1093, Mississippi Code of 1972, is  
112 amended as follows:

113 23-15-1093. (1) Any person desiring to have his name placed  
114 on the presidential preference primary ballot shall pay a  
115 qualifying fee and file the petition or petitions as described in  
116 this section.

117 (2) (a) For candidates entering the race for party  
118 nominations for office, the amount of the qualifying fee shall  
119 be \* \* \* the amount determined by the state executive committee of  
120 the party pursuant to Section 23-15-297(2).



121           (b) For independent candidates entering the race for  
122 office, the amount of the qualifying fee shall be the average of  
123 the amounts determined under paragraph (a) of this subsection by  
124 the two (2) state executive committees of the two (2) parties with  
125 the most membership in the state.

126           (c) Each independent candidate shall pay the qualifying  
127 fee to the Secretary of State. Each political party candidate  
128 shall pay the qualifying fee to the state executive committee of  
129 the appropriate political party.

130           (3) The secretaries of the proper executive committee shall  
131 hold the funds to be finally disposed of by order of their  
132 respective executive committees. The funds may be used or  
133 disbursed by the executive committee receiving same to pay all  
134 necessary traveling or other necessary expenses of the members of  
135 the executive committee incurred in discharging their duties as  
136 committee members, and of their secretary and may pay the  
137 secretary such salary as may be reasonable.

138           ( \* \* \*4) A candidate shall file a petition or petitions in  
139 support of his candidacy with the state executive committee of the  
140 appropriate political party or the Secretary of State, whichever  
141 is applicable, after January 1 of the year in which the  
142 presidential preference primary is to be held and before January  
143 15 of that same year. To comply with this section, a candidate  
144 may file a petition or petitions signed by a total of not less  
145 than five hundred (500) qualified electors of the state, or



146 petitions signed by not less than one hundred (100) qualified  
147 electors of each congressional district of the state, in which  
148 case there shall be a separate petition for each congressional  
149 district. The petitions shall be in such form as prescribed by  
150 the state executive committee or Secretary of State, whichever is  
151 applicable; provided, that there shall be a space for the county  
152 of residence of each signer next to the space provided for his  
153 signature. No signature may be counted as valid unless the county  
154 of residence of the signer is provided. Each petition shall  
155 contain an affirmation under the penalties of perjury that each  
156 signer is a qualified elector in his congressional district or in  
157 the state, as appropriate.

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

160       23-15-299. (1) (a) Assessments made pursuant to \* \* \*  
161 subsection (1)(a), (b) \* \* \*, (c) and (d) of Section 23-15-297  
162 shall be paid by each candidate who seeks a nomination in the  
163 political party election to the secretary of the state executive  
164 committee with which the candidate is affiliated by 5:00 p.m. on  
165 February 1 of the year in which the primary election for the  
166 office is held or on the date of the qualifying deadline provided  
167 by statute for the office, whichever is earlier; however, no such  
168 assessments may be paid before January 1 of the year in which the  
169 primary election for the office is held. If February 1 or the  
170 date of the qualifying deadline provided by statute for the office



171 occurs on a Saturday, Sunday or legal holiday, then the  
172 assessments required to be paid by this paragraph (a) shall be  
173 paid by 5:00 p.m. on the business day immediately following the  
174 Saturday, Sunday or legal holiday.

175 (b) Assessments made pursuant to \* \* \* subsection  
176 (3) (a), (b) \* \* \*, (c) and (d) of Section 23-15-297 shall be paid  
177 by each independent candidate or special election candidate to the  
178 Secretary of State by 5:00 p.m. on February 1 of the year in which  
179 the primary election for the office is held or on the date of the  
180 qualifying deadline provided by statute for the office, whichever  
181 is earlier; however, no such assessments may be paid before  
182 January 1 of the year in which the primary election for the office  
183 is held. If February 1 or the date of the qualifying deadline  
184 provided by statute for the office occurs on a Saturday, Sunday or  
185 legal holiday, then the assessments required to be paid by this  
186 paragraph (b) shall be paid by 5:00 p.m. on the business day  
187 immediately following the Saturday, Sunday or legal holiday.

188 (2) (a) Assessments made pursuant to \* \* \* subsection  
189 (1) ( \* \* \*e) and ( \* \* \*f) of Section 23-15-297, shall be paid by  
190 each candidate who seeks a nomination in the political party  
191 election to the circuit clerk of that candidate's county of  
192 residence by 5:00 p.m. on February 1 of the year in which the  
193 primary election for the office is held or on the date of the  
194 qualifying deadline provided by statute for the office, whichever  
195 is earlier; however, no such assessments may be paid before





196 January 1 of the year in which the election for the office is  
197 held. If February 1 or the date of the qualifying deadline  
198 provided by statute for the office occurs on a Saturday, Sunday or  
199 legal holiday, then the assessments required to be paid by this  
200 paragraph (a) shall be paid by 5:00 p.m. on the business day  
201 immediately following the Saturday, Sunday or legal holiday. The  
202 circuit clerk shall forward the fee and all necessary information  
203 to the secretary of the proper county executive committee within  
204 two (2) business days. No candidate may attempt to qualify with  
205 any political party that does not have a duly organized county  
206 executive committee, and the circuit clerk shall not accept any  
207 assessments paid for nonlegislative offices pursuant to \* \* \*  
208 subsection (1) ( \* \* \*e) and ( \* \* \*f) of Section 23-15-297 if the  
209 circuit clerk does not have contact information for the secretary  
210 of the county executive committee for that political party.

211 (b) Assessments made pursuant to \* \* \* subsection  
212 (3) ( \* \* \*e) and ( \* \* \*f) of Section 23-15-297 shall be paid by  
213 each independent candidate or special election candidate to the  
214 circuit clerk of that candidate's county of residence by 5:00 p.m.  
215 on February 1 of the year in which the primary election for the  
216 office is held or on the date of the qualifying deadline provided  
217 by statute for the office, whichever is earlier; however, no such  
218 assessments may be paid before January 1 of the year in which the  
219 primary election for the office is held. If February 1 or the  
220 date of the qualifying deadline provided by statute for the office



221 occurs on a Saturday, Sunday or legal holiday, then the  
222 assessments required to be paid by this paragraph (b) shall be  
223 paid by 5:00 p.m. on the business day immediately following the  
224 Saturday, Sunday or legal holiday. The circuit clerk shall  
225 forward the fee and all necessary information to the secretary of  
226 the proper county election commission within two (2) business  
227 days.

228 (3) (a) Assessments made pursuant to \* \* \* subsection  
229 (1)( \* \* \*g) and ( \* \* \*h) of Section 23-15-297 must be paid by  
230 each candidate who seeks a nomination in the political party  
231 election to the secretary of the state executive committee with  
232 which the candidate is affiliated by 5:00 p.m. sixty (60) days  
233 before the presidential preference primary in years in which a  
234 presidential preference primary is held; however, no such  
235 assessments may be paid before January 1 of the year in which the  
236 primary election for the office is held. Assessments made  
237 pursuant to \* \* \* subsection (1)( \* \* \*g) and ( \* \* \*h) of Section  
238 23-15-297, in years when a presidential preference primary is not  
239 being held, shall be paid by each candidate who seeks a nomination  
240 in the political party election to the secretary of the state  
241 executive committee with which the candidate is affiliated by 5:00  
242 p.m. on March 1 of the year in which the primary election for the  
243 office is held; however, no such assessments may be paid before  
244 January 1 of the year in which the primary election for the office  
245 is held. If sixty (60) days before the presidential preference



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

252 (b) Assessments made pursuant to \* \* \* subsection  
253 (3) ( \* \* \* g) and ( \* \* \* h) of Section 23-15-297 must be paid by  
254 each independent candidate or special election candidate to the  
255 Secretary of State by 5:00 p.m. sixty (60) days before the  
256 presidential preference primary in years in which a presidential  
257 preference primary is held; however, no such assessments may be  
258 paid before January 1 of the year in which the primary election  
259 for the office is held. Assessments made pursuant to \* \* \*  
260 subsection (3) ( \* \* \* g) and ( \* \* \* h) of Section 23-15-297, in  
261 years when a presidential preference primary is not being held,  
262 shall be paid by each independent candidate or special election  
263 candidate to the Secretary of State by 5:00 p.m. on March 1 of the  
264 year in which the primary election for the office is held;  
265 however, no such assessments may be paid before January 1 of the  
266 year in which the primary election for the office is held. If  
267 sixty (60) days before the presidential preference primary in  
268 years in which a presidential preference primary is held, March 1,  
269 or the date of the qualifying deadline provided by statute for the  
270 office occurs on a Saturday, Sunday or legal holiday, then the



271 assessments required to be paid by this paragraph (b) shall be  
272 paid by 5:00 p.m. on the business day immediately following the  
273 Saturday, Sunday or legal holiday.

274 (4) (a) The fees paid pursuant to subsections (1), (2) and  
275 (3) of this section shall be accompanied by a written statement  
276 containing the name and address of the candidate, the party with  
277 which he or she is affiliated, if applicable, the email address of  
278 the candidate, if any, and the office for which he or she is a  
279 candidate.

280 (b) The state executive committee shall transmit to the  
281 Secretary of State a copy of the written statements accompanying  
282 the fees paid pursuant to subsections (1) and (2) of this section.  
283 All copies must be received by the Office of the Secretary of  
284 State by not later than 6:00 p.m. on the date of the qualifying  
285 deadline; provided, however, the failure of the Office of the  
286 Secretary of State to receive such copies by 6:00 p.m. on the date  
287 of the qualifying deadline shall not affect the qualification of a  
288 person who pays the required fee and files the required statement  
289 by 5:00 p.m. on the date of the qualifying deadline. The name of  
290 any person who pays the required fee and files the required  
291 statement after 5:00 p.m. on the date of the qualifying deadline  
292 shall not be placed on the primary election ballot or the general  
293 election ballot.

294 (5) The Secretary of State or the secretary or circuit clerk  
295 to whom such payments are made shall promptly receipt for same



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

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

313 (7) (a) Upon receipt of the proper fee and all necessary  
314 information, the proper executive committee or the Secretary of  
315 State, whichever is applicable, shall then determine at the time  
316 of the qualifying deadline, unless otherwise provided by law,  
317 whether each candidate is a qualified elector of the state, state  
318 district, county or county district which they seek to serve, and  
319 whether each candidate meets all other qualifications to hold the  
320 office he or she is seeking or presents absolute proof that he or



321 she will, subject to no contingencies, meet all qualifications on  
322 or before the date of the general or special election at which he  
323 or she could be elected to office. The proper executive committee  
324 or the Secretary of State, whichever is applicable, shall  
325 determine whether the candidate has taken the steps necessary to  
326 qualify for more than one (1) office at the election. The  
327 committee or the Secretary of State, whichever is applicable,  
328 shall also determine whether any candidate has been convicted (i)  
329 of any felony in a court of this state, (ii) on or after December  
330 8, 1992, of any offense in another state which is a felony under  
331 the laws of this state, (iii) of any felony in a federal court on  
332 or after December 8, 1992, or (iv) of any offense that involved  
333 the misuse or abuse of his or her office or money coming into his  
334 or her hands by virtue of the office. Excepted from the above are  
335 convictions of manslaughter and violations of the United States  
336 Internal Revenue Code or any violations of the tax laws of this  
337 state.

338 (b) If the proper executive committee or the Secretary  
339 of State, whichever is applicable, finds that a candidate either  
340 (i) is not a qualified elector, (ii) does not meet all  
341 qualifications to hold the office he or she seeks and fails to  
342 provide absolute proof, subject to no contingencies, that he or  
343 she will meet the qualifications on or before the date of the  
344 general or special election at which he or she could be elected,  
345 or (iii) has been convicted of a felony or other disqualifying



346 offense as described in paragraph (a) of this subsection, and not  
347 pardoned, then the executive committee shall notify the candidate  
348 and give the candidate an opportunity to be heard. The executive  
349 committee shall mail notice to the candidate at least three (3)  
350 business days before the hearing to the address provided by the  
351 candidate on the qualifying forms, and the committee shall attempt  
352 to contact the candidate by telephone, email and facsimile if the  
353 candidate provided this information on the forms. If the  
354 candidate fails to appear at the hearing or to prove that he or  
355 she meets all qualifications to hold the office subject to no  
356 contingencies, then the name of that candidate shall not be placed  
357 upon the ballot.

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

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

368 (8) No candidate may qualify by filing the information  
369 required by this section by using the internet.



370           **SECTION 4.** This act shall take effect and be in force from  
371 and after July 1, 2022, and shall stand repealed on June 30, 2022.

