

By: Senator(s) Chassaniol

To: Elections

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 AMEND SECTION
 11 23-15-299, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
 12 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 officer
 18 as provided for in Section 23-15-299 for each primary election the
 19 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. For each respective office, the entry fee set by the
51 state executive committee shall not exceed the average of the
52 entry fees provided by law in the Southeastern United States as
53 determined by the Secretary of State. The authority granted under
54 this subsection shall not be exercised by any state executive
55 committee of a political party for any individual office more than
56 once every two (2) years, beginning from the effective date of
57 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, * * * an average of the
71 amount 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, * * * an average of the amount 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, an average of the amount 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 an average of the amount 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, * * * an average of the amount 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 by at least
107 forty-five (45) days before the qualifying deadline for each
108 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) The amount of the qualifying fee shall be Two
118 Thousand Five Hundred Dollars (\$2,500.00). Each independent
119 candidate shall pay the qualifying fee to the Secretary of State.



120 Each political party candidate shall pay the qualifying fee to the
121 state executive committee of the appropriate political party.

122 (b) The secretaries of the proper executive committee
123 shall hold the funds to be finally disposed of by order of their
124 respective executive committees. The funds may be used or
125 disbursed by the executive committee receiving same to pay all
126 necessary traveling or other necessary expenses of the members of
127 the executive committee incurred in discharging their duties as
128 committee members, and of their secretary and may pay the
129 secretary such salary as may be reasonable.

130 (3) A candidate shall file a petition or petitions in
131 support of his candidacy with the state executive committee of the
132 appropriate political party or the Secretary of State, whichever
133 is applicable, after January 1 of the year in which the
134 presidential preference primary is to be held and before January
135 15 of that same year. To comply with this section, a candidate
136 may file a petition or petitions signed by a total of not less
137 than five hundred (500) qualified electors of the state, or
138 petitions signed by not less than one hundred (100) qualified
139 electors of each congressional district of the state, in which
140 case there shall be a separate petition for each congressional
141 district. The petitions shall be in such form as prescribed by
142 the state executive committee or Secretary of State, whichever is
143 applicable; provided, that there shall be a space for the county
144 of residence of each signer next to the space provided for his



145 signature. No signature may be counted as valid unless the county
146 of residence of the signer is provided. Each petition shall
147 contain an affirmation under the penalties of perjury that each
148 signer is a qualified elector in his congressional district or in
149 the state, as appropriate.

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

152 23-15-299. (1) (a) Assessments made pursuant to * * *
153 subsection (1)(a), (b) * * *, (c) and (d) of Section 23-15-297
154 shall be paid by each candidate who seeks a nomination in the
155 political party election to the secretary of the state executive
156 committee with which the candidate is affiliated by 5:00 p.m. on
157 February 1 of the year in which the primary election for the
158 office is held or on the date of the qualifying deadline provided
159 by statute for the office, whichever is earlier; however, no such
160 assessments may be paid before January 1 of the year in which the
161 primary election for the office is held. If February 1 or the
162 date of the qualifying deadline provided by statute for the office
163 occurs on a Saturday, Sunday or legal holiday, then the
164 assessments required to be paid by this paragraph (a) shall be
165 paid by 5:00 p.m. on the business day immediately following the
166 Saturday, Sunday or legal holiday.

167 (b) Assessments made pursuant to * * * subsection
168 (3)(a), (b) * * *, (c) and (d) of Section 23-15-297 shall be paid
169 by each independent candidate or special election candidate to the



170 Secretary of State by 5:00 p.m. on February 1 of the year in which
171 the primary election for the office is held or on the date of the
172 qualifying deadline provided by statute for the office, whichever
173 is earlier; however, no such assessments may be paid before
174 January 1 of the year in which the primary election for the office
175 is held. If February 1 or the date of the qualifying deadline
176 provided by statute for the office occurs on a Saturday, Sunday or
177 legal holiday, then the assessments required to be paid by this
178 paragraph (b) shall be paid by 5:00 p.m. on the business day
179 immediately following the Saturday, Sunday or legal holiday.

180 (2) (a) Assessments made pursuant to * * * subsection
181 (1)(* * *e) and (* * *f) of Section 23-15-297, shall be paid by
182 each candidate who seeks a nomination in the political party
183 election to the circuit clerk of that candidate's county of
184 residence by 5:00 p.m. on February 1 of the year in which the
185 primary election for the office is held or on the date of the
186 qualifying deadline provided by statute for the office, whichever
187 is earlier; however, no such assessments may be paid before
188 January 1 of the year in which the election for the office is
189 held. If February 1 or the date of the qualifying deadline
190 provided by statute for the office occurs on a Saturday, Sunday or
191 legal holiday, then the assessments required to be paid by this
192 paragraph (a) shall be paid by 5:00 p.m. on the business day
193 immediately following the Saturday, Sunday or legal holiday. The
194 circuit clerk shall forward the fee and all necessary information



195 to the secretary of the proper county executive committee within
196 two (2) business days. No candidate may attempt to qualify with
197 any political party that does not have a duly organized county
198 executive committee, and the circuit clerk shall not accept any
199 assessments paid for nonlegislative offices pursuant to * * *
200 subsection (1)(* * *e) and (* * *f) of Section 23-15-297 if the
201 circuit clerk does not have contact information for the secretary
202 of the county executive committee for that political party.

203 (b) Assessments made pursuant to * * * subsection
204 (3)(* * *e) and (* * *f) of Section 23-15-297 shall be paid by
205 each independent candidate or special election candidate to the
206 circuit clerk of that candidate's county of residence by 5:00 p.m.
207 on February 1 of the year in which the primary election for the
208 office is held or on the date of the qualifying deadline provided
209 by statute for the office, whichever is earlier; however, no such
210 assessments may be paid before January 1 of the year in which the
211 primary election for the office is held. If February 1 or the
212 date of the qualifying deadline provided by statute for the office
213 occurs on a Saturday, Sunday or legal holiday, then the
214 assessments required to be paid by this paragraph (b) shall be
215 paid by 5:00 p.m. on the business day immediately following the
216 Saturday, Sunday or legal holiday. The circuit clerk shall
217 forward the fee and all necessary information to the secretary of
218 the proper county election commission within two (2) business
219 days.



220 (3) (a) Assessments made pursuant to * * * subsection
221 (1)(* * *g) and (* * *h) of Section 23-15-297 must be paid by
222 each candidate who seeks a nomination in the political party
223 election to the secretary of the state executive committee with
224 which the candidate is affiliated by 5:00 p.m. sixty (60) days
225 before the presidential preference primary in years in which a
226 presidential preference primary is held; however, no such
227 assessments may be paid before January 1 of the year in which the
228 primary election for the office is held. Assessments made
229 pursuant to * * * subsection (1)(* * *g) and (* * *h) of Section
230 23-15-297, in years when a presidential preference primary is not
231 being held, shall be paid by each candidate who seeks a nomination
232 in the political party election to the secretary of the state
233 executive committee with which the candidate is affiliated by 5:00
234 p.m. on March 1 of the year in which the primary election for the
235 office is held; however, no such assessments may be paid before
236 January 1 of the year in which the primary election for the office
237 is held. If sixty (60) days before the presidential preference
238 primary in years in which a presidential preference primary is
239 held, March 1, or the date of the qualifying deadline provided by
240 statute for the office occurs on a Saturday, Sunday or legal
241 holiday, then the assessments required to be paid by this
242 paragraph (a) shall be paid by 5:00 p.m. on the business day
243 immediately following the Saturday, Sunday or legal holiday.



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

266 (4) (a) The fees paid pursuant to subsections (1), (2) and
267 (3) of this section shall be accompanied by a written statement
268 containing the name and address of the candidate, the party with



269 which he or she is affiliated, if applicable, the email address of
270 the candidate, if any, and the office for which he or she is a
271 candidate.

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

286 (5) The Secretary of State or the secretary or circuit clerk
287 to whom such payments are made shall promptly receipt for same
288 stating the office for which the candidate making payment is
289 running and the political party with which he or she is
290 affiliated, if applicable, and he or she shall keep an itemized
291 account in detail showing the exact time and date of the receipt
292 of each payment received by him or her and, where applicable, the



293 date of the postmark on the envelope containing the fee and from
294 whom, and for what office the party paying same is a candidate.

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

305 (7) (a) Upon receipt of the proper fee and all necessary
306 information, the proper executive committee or the Secretary of
307 State, whichever is applicable, shall then determine at the time
308 of the qualifying deadline, unless otherwise provided by law,
309 whether each candidate is a qualified elector of the state, state
310 district, county or county district which they seek to serve, and
311 whether each candidate meets all other qualifications to hold the
312 office he or she is seeking or presents absolute proof that he or
313 she will, subject to no contingencies, meet all qualifications on
314 or before the date of the general or special election at which he
315 or she could be elected to office. The proper executive committee
316 or the Secretary of State, whichever is applicable, shall
317 determine whether the candidate has taken the steps necessary to



318 qualify for more than one (1) office at the election. The
319 committee or the Secretary of State, whichever is applicable,
320 shall also determine whether any candidate has been convicted (i)
321 of any felony in a court of this state, (ii) on or after December
322 8, 1992, of any offense in another state which is a felony under
323 the laws of this state, (iii) of any felony in a federal court on
324 or after December 8, 1992, or (iv) of any offense that involved
325 the misuse or abuse of his or her office or money coming into his
326 or her hands by virtue of the office. Excepted from the above are
327 convictions of manslaughter and violations of the United States
328 Internal Revenue Code or any violations of the tax laws of this
329 state.

330 (b) If the proper executive committee or the Secretary
331 of State, whichever is applicable, finds that a candidate either
332 (i) is not a qualified elector, (ii) does not meet all
333 qualifications to hold the office he or she seeks and fails to
334 provide absolute proof, subject to no contingencies, that he or
335 she will meet the qualifications on or before the date of the
336 general or special election at which he or she could be elected,
337 or (iii) has been convicted of a felony or other disqualifying
338 offense as described in paragraph (a) of this subsection, and not
339 pardoned, then the executive committee shall notify the candidate
340 and give the candidate an opportunity to be heard. The executive
341 committee shall mail notice to the candidate at least three (3)
342 business days before the hearing to the address provided by the



343 candidate on the qualifying forms, and the committee shall attempt
344 to contact the candidate by telephone, email and facsimile if the
345 candidate provided this information on the forms. If the
346 candidate fails to appear at the hearing or to prove that he or
347 she meets all qualifications to hold the office subject to no
348 contingencies, then the name of that candidate shall not be placed
349 upon the ballot.

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

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

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

362 **SECTION 4.** This act shall take effect and be in force from
363 and after July 1, 2022.

