

By: Senator(s) Chassaniol

To: Elections

SENATE BILL NO. 2358
(As Passed the Senate)

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
5 REQUIRE THE SECRETARY OF STATE TO PROMULGATE ANY NECESSARY RULES
6 AND REGULATIONS TO ADMINISTER AND ENFORCE THIS SECTION; TO AMEND
7 SECTION 23-15-1093, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
8 STATE EXECUTIVE COMMITTEE TO USE OR DISBURSE FUNDS RECEIVED AS
9 QUALIFYING FEES FOR PRESIDENTIAL CANDIDATES; TO CONFORM; TO AMEND
10 SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
11 RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

69 (a) Candidates for Governor, One Thousand Dollars
70 (\$1,000.00).



71 (b) Candidates for Lieutenant Governor, Attorney
72 General, Secretary of State, State Treasurer, Auditor of Public
73 Accounts, Commissioner of Insurance, Commissioner of Agriculture
74 and Commerce, State Highway Commissioner and State Public Service
75 Commissioner, Five Hundred Dollars (\$500.00).

76 (c) Candidates for district attorney, State Senator and
77 State Representative, Two Hundred Fifty Dollars (\$250.00).

78 (d) Candidates for sheriff, chancery clerk, circuit
79 clerk, tax assessor, tax collector, county attorney, county
80 superintendent of education and board of supervisors, One Hundred
81 Dollars (\$100.00).

82 (e) Candidates for county surveyor, county coroner,
83 justice court judge and constable, One Hundred Dollars (\$100.00).

84 (f) Candidates for United States Senator, One Thousand
85 Dollars (\$1,000.00).

86 (g) Candidates for United States Representative, Five
87 Hundred Dollars (\$500.00).

88 (4) The Secretary of State shall:

89 (a) Publish the fees listed in this section and Section
90 23-15-1093 by at least forty-five (45) days before the qualifying
91 deadline for each office; and

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

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



96 23-15-1093. (1) Any person desiring to have his name placed
97 on the presidential preference primary ballot shall pay a
98 qualifying fee and file the petition or petitions as described in
99 this section.

100 (2) (a) For candidates entering the race for party
101 nominations for office, the amount of the qualifying fee shall be
102 the amount determined by the state executive committee of the
103 party pursuant to Section 23-15-297(2).

104 (b) For independent candidates entering the race for
105 office, the amount of the qualifying fee shall be Two Thousand
106 Five Hundred Dollars (\$2,500.00).

107 (c) Each independent candidate shall pay the qualifying
108 fee to the Secretary of State. Each political party candidate
109 shall pay the qualifying fee to the state executive committee of
110 the appropriate political party.

111 (3) The secretaries of the proper executive committee shall
112 hold the funds to be finally disposed of by order of their
113 respective executive committees. The funds may be used or
114 disbursed by the executive committee receiving same to pay all
115 necessary traveling or other necessary expenses of the members of
116 the executive committee incurred in discharging their duties as
117 committee members, and of their secretary and may pay the
118 secretary such salary as may be reasonable.

119 (* * *4) A candidate shall file a petition or petitions in
120 support of his candidacy with the state executive committee of the



121 appropriate political party or the Secretary of State, whichever
122 is applicable, after January 1 of the year in which the
123 presidential preference primary is to be held and before January
124 15 of that same year. To comply with this section, a candidate
125 may file a petition or petitions signed by a total of not less
126 than five hundred (500) qualified electors of the state, or
127 petitions signed by not less than one hundred (100) qualified
128 electors of each congressional district of the state, in which
129 case there shall be a separate petition for each congressional
130 district. The petitions shall be in such form as prescribed by
131 the state executive committee or Secretary of State, whichever is
132 applicable; provided, that there shall be a space for the county
133 of residence of each signer next to the space provided for his
134 signature. No signature may be counted as valid unless the county
135 of residence of the signer is provided. Each petition shall
136 contain an affirmation under the penalties of perjury that each
137 signer is a qualified elector in his congressional district or in
138 the state, as appropriate.

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

141 23-15-299. (1) (a) Assessments made pursuant to * * *
142 subsection (1)(a), (b) * * *, (c) and (d) of Section 23-15-297
143 shall be paid by each candidate who seeks a nomination in the
144 political party election to the secretary of the state executive
145 committee with which the candidate is affiliated by 5:00 p.m. on



146 February 1 of the year in which the primary election for the
147 office is held or on the date of the qualifying deadline provided
148 by statute for the office, whichever is earlier; however, no such
149 assessments may be paid before January 1 of the year in which the
150 primary election for the office is held. If February 1 or the
151 date of the qualifying deadline provided by statute for the office
152 occurs on a Saturday, Sunday or legal holiday, then the
153 assessments required to be paid by this paragraph (a) shall be
154 paid by 5:00 p.m. on the business day immediately following the
155 Saturday, Sunday or legal holiday.

156 (b) Assessments made pursuant to * * * subsection
157 (3) (a), (b) and (c) of Section 23-15-297 shall be paid by each
158 independent candidate or special election candidate to the
159 Secretary of State by 5:00 p.m. on February 1 of the year in which
160 the primary election for the office is held or on the date of the
161 qualifying deadline provided by statute for the office, whichever
162 is earlier; however, no such assessments may be paid before
163 January 1 of the year in which the primary election for the office
164 is held. If February 1 or the date of the qualifying deadline
165 provided by statute for the office occurs on a Saturday, Sunday or
166 legal holiday, then the assessments required to be paid by this
167 paragraph (b) shall be paid by 5:00 p.m. on the business day
168 immediately following the Saturday, Sunday or legal holiday.

169 (2) (a) Assessments made pursuant to * * * subsection
170 (1) (* * * e) and (* * * f) of Section 23-15-297, shall be paid by



171 each candidate who seeks a nomination in the political party
172 election to the circuit clerk of that candidate's county of
173 residence by 5:00 p.m. on February 1 of the year in which the
174 primary election for the office is held or on the date of the
175 qualifying deadline provided by statute for the office, whichever
176 is earlier; however, no such assessments may be paid before
177 January 1 of the year in which the election for the office is
178 held. If February 1 or the date of the qualifying deadline
179 provided by statute for the office occurs on a Saturday, Sunday or
180 legal holiday, then the assessments required to be paid by this
181 paragraph (a) shall be paid by 5:00 p.m. on the business day
182 immediately following the Saturday, Sunday or legal holiday. The
183 circuit clerk shall forward the fee and all necessary information
184 to the secretary of the proper county executive committee within
185 two (2) business days. No candidate may attempt to qualify with
186 any political party that does not have a duly organized county
187 executive committee, and the circuit clerk shall not accept any
188 assessments paid for nonlegislative offices pursuant to * * *
189 subsection (1) (* * *e) and (* * *f) of Section 23-15-297 if the
190 circuit clerk does not have contact information for the secretary
191 of the county executive committee for that political party.

192 (b) Assessments made pursuant to * * * subsection
193 (3) (d) and (e) of Section 23-15-297 shall be paid by each
194 independent candidate or special election candidate to the circuit
195 clerk of that candidate's county of residence by 5:00 p.m. on



196 February 1 of the year in which the primary election for the
197 office is held or on the date of the qualifying deadline provided
198 by statute for the office, whichever is earlier; however, no such
199 assessments may be paid before January 1 of the year in which the
200 primary election for the office is held. If February 1 or the
201 date of the qualifying deadline provided by statute for the office
202 occurs on a Saturday, Sunday or legal holiday, then the
203 assessments required to be paid by this paragraph (b) shall be
204 paid by 5:00 p.m. on the business day immediately following the
205 Saturday, Sunday or legal holiday. The circuit clerk shall
206 forward the fee and all necessary information to the secretary of
207 the proper county election commission within two (2) business
208 days.

209 (3) (a) Assessments made pursuant to * * * subsection
210 (1)(* * *g) and (* * *h) of Section 23-15-297 must be paid by
211 each candidate who seeks a nomination in the political party
212 election to the secretary of the state executive committee with
213 which the candidate is affiliated by 5:00 p.m. sixty (60) days
214 before the presidential preference primary in years in which a
215 presidential preference primary is held; however, no such
216 assessments may be paid before January 1 of the year in which the
217 primary election for the office is held. Assessments made
218 pursuant to * * * subsection (1)(* * *g) and (* * *h) of Section
219 23-15-297, in years when a presidential preference primary is not
220 being held, shall be paid by each candidate who seeks a nomination



221 in the political party election to the secretary of the state
222 executive committee with which the candidate is affiliated by 5:00
223 p.m. on March 1 of the year in which the primary election for the
224 office is held; however, no such assessments may be paid before
225 January 1 of the year in which the primary election for the office
226 is held. If sixty (60) days before the presidential preference
227 primary in years in which a presidential preference primary is
228 held, March 1, or the date of the qualifying deadline provided by
229 statute for the office occurs on a Saturday, Sunday or legal
230 holiday, then the assessments required to be paid by this
231 paragraph (a) shall be paid by 5:00 p.m. on the business day
232 immediately following the Saturday, Sunday or legal holiday.

233 (b) Assessments made pursuant to * * * subsection
234 (3)(f) and (g) of Section 23-15-297 must be paid by each
235 independent candidate or special election candidate to the
236 Secretary of State by 5:00 p.m. sixty (60) days before the
237 presidential preference primary in years in which a presidential
238 preference primary is held; however, no such assessments may be
239 paid before January 1 of the year in which the primary election
240 for the office is held. Assessments made pursuant to * * *
241 subsection (3)(f) and (g) of Section 23-15-297, in years when a
242 presidential preference primary is not being held, shall be paid
243 by each independent candidate or special election candidate to the
244 Secretary of State by 5:00 p.m. on March 1 of the year in which
245 the primary election for the office is held; however, no such



246 assessments may be paid before January 1 of the year in which the
247 primary election for the office is held. If sixty (60) days
248 before the presidential preference primary in years in which a
249 presidential preference primary is held, March 1, or the date of
250 the qualifying deadline provided by statute for the office occurs
251 on a Saturday, Sunday or legal holiday, then the assessments
252 required to be paid by this paragraph (b) shall be paid by 5:00
253 p.m. on the business day immediately following the Saturday,
254 Sunday or legal holiday.

255 (4) (a) The fees paid pursuant to subsections (1), (2) and
256 (3) of this section shall be accompanied by a written statement
257 containing the name and address of the candidate, the party with
258 which he or she is affiliated, if applicable, the email address of
259 the candidate, if any, and the office for which he or she is a
260 candidate.

261 (b) The state executive committee shall transmit to the
262 Secretary of State a copy of the written statements accompanying
263 the fees paid pursuant to subsections (1) and (2) of this section.
264 All copies must be received by the Office of the Secretary of
265 State by not later than 6:00 p.m. on the date of the qualifying
266 deadline; provided, however, the failure of the Office of the
267 Secretary of State to receive such copies by 6:00 p.m. on the date
268 of the qualifying deadline shall not affect the qualification of a
269 person who pays the required fee and files the required statement
270 by 5:00 p.m. on the date of the qualifying deadline. The name of



271 any person who pays the required fee and files the required
272 statement after 5:00 p.m. on the date of the qualifying deadline
273 shall not be placed on the primary election ballot or the general
274 election ballot.

275 (5) The Secretary of State or the secretary or circuit clerk
276 to whom such payments are made shall promptly receipt for same
277 stating the office for which the candidate making payment is
278 running and the political party with which he or she is
279 affiliated, if applicable, and he or she shall keep an itemized
280 account in detail showing the exact time and date of the receipt
281 of each payment received by him or her and, where applicable, the
282 date of the postmark on the envelope containing the fee and from
283 whom, and for what office the party paying same is a candidate.

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

294 (7) (a) Upon receipt of the proper fee and all necessary
295 information, the proper executive committee or the Secretary of



296 State, whichever is applicable, shall then determine at the time
297 of the qualifying deadline, unless otherwise provided by law,
298 whether each candidate is a qualified elector of the state, state
299 district, county or county district which they seek to serve, and
300 whether each candidate meets all other qualifications to hold the
301 office he or she is seeking or presents absolute proof that he or
302 she will, subject to no contingencies, meet all qualifications on
303 or before the date of the general or special election at which he
304 or she could be elected to office. The proper executive committee
305 or the Secretary of State, whichever is applicable, shall
306 determine whether the candidate has taken the steps necessary to
307 qualify for more than one (1) office at the election. The
308 committee or the Secretary of State, whichever is applicable,
309 shall also determine whether any candidate has been convicted (i)
310 of any felony in a court of this state, (ii) on or after December
311 8, 1992, of any offense in another state which is a felony under
312 the laws of this state, (iii) of any felony in a federal court on
313 or after December 8, 1992, or (iv) of any offense that involved
314 the misuse or abuse of his or her office or money coming into his
315 or her hands by virtue of the office. Excepted from the above are
316 convictions of manslaughter and violations of the United States
317 Internal Revenue Code or any violations of the tax laws of this
318 state.

319 (b) If the proper executive committee or the Secretary
320 of State, whichever is applicable, finds that a candidate either



321 (i) is not a qualified elector, (ii) does not meet all
322 qualifications to hold the office he or she seeks and fails to
323 provide absolute proof, subject to no contingencies, that he or
324 she will meet the qualifications on or before the date of the
325 general or special election at which he or she could be elected,
326 or (iii) has been convicted of a felony or other disqualifying
327 offense as described in paragraph (a) of this subsection, and not
328 pardoned, then the executive committee shall notify the candidate
329 and give the candidate an opportunity to be heard. The executive
330 committee shall mail notice to the candidate at least three (3)
331 business days before the hearing to the address provided by the
332 candidate on the qualifying forms, and the committee shall attempt
333 to contact the candidate by telephone, email and facsimile if the
334 candidate provided this information on the forms. If the
335 candidate fails to appear at the hearing or to prove that he or
336 she meets all qualifications to hold the office subject to no
337 contingencies, then the name of that candidate shall not be placed
338 upon the ballot.

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

344 (d) Where there is but one (1) candidate for each
345 office contested at the primary election, the proper executive



346 committee or the Secretary of State, whichever is applicable, when
347 the time has expired within which the names of candidates shall be
348 furnished shall declare such candidates the nominees.

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

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

