

By: Senator(s) Turner-Ford

To: Elections

SENATE BILL NO. 2569

1 AN ACT TO AMEND SECTION 23-15-309, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE QUALIFYING DEADLINE FOR MUNICIPAL PRIMARY ELECTIONS  
3 FOR A CERTAIN PERIOD IF THE MUNICIPALITY ANNEXES AN UNINCORPORATED  
4 AREA WITHIN A CERTAIN PERIOD OF THE ELECTION; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 23-15-309, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-309. (1) (a) Nominations for all municipal officers  
10 which are elective shall be made at a primary election, or  
11 elections, to be held in the manner prescribed by law.

12 (b) Except as provided in paragraph (c) of this  
13 subsection, all persons desiring to be candidates for the  
14 nomination in the primary elections shall first pay Ten Dollars  
15 (\$10.00) to the clerk of the municipality at least sixty (60) days  
16 before the first primary election and no later than 5:00 p.m. on  
17 such deadline day.

18 (c) If a municipality completes the annexation of an  
19 unincorporated area within ninety (90) days from the date of a



20 municipal primary, all persons desiring to be candidates for the  
21 nomination in the primary elections shall first pay Ten Dollars  
22 (\$10.00) to the clerk of the municipality at least sixty (60) days  
23 before the first primary election and no later than 5:00 p.m. on  
24 such deadline day.

25           (d) If the \* \* \* deadline to file the fee and written  
26 statement before an election falls on a Sunday or legal holiday,  
27 the fees and written statements submitted on the business day  
28 immediately following the Sunday or legal holiday shall be  
29 accepted.

30           (2) The fee paid pursuant to subsection (1) of this section  
31 shall be accompanied by a written statement containing the name  
32 and address of the candidate, the party with which he or she is  
33 affiliated, the email address of the candidate, if any, and the  
34 office for which he or she is a candidate.

35           (3) The clerk shall promptly receipt the payment, stating  
36 the office for which the person making the payment is running and  
37 the political party with which such person is affiliated. The  
38 clerk shall keep an itemized account in detail showing the time  
39 and date of the receipt of such payment received by him or her,  
40 from whom such payment was received, the party with which such  
41 person is affiliated and for what office the person paying the fee  
42 is a candidate. No candidate may attempt to qualify with any  
43 political party that does not have a duly organized municipal  
44 executive committee, and the municipal clerk shall not accept any



45 assessments made pursuant to subsection (1) if the municipal clerk  
46 does not have contact information for the secretary of the  
47 municipal executive committee for that political party. The clerk  
48 shall promptly supply all necessary information and pay over all  
49 fees so received to the secretary of the proper municipal  
50 executive committee. The funds may be used and disbursed in the  
51 same manner as is allowed in Section 23-15-299 in regard to other  
52 executive committees.

53 (4) Upon receipt of the above information, the proper  
54 municipal executive committee shall then determine, at the time of  
55 the qualifying deadline, whether each candidate is a qualified  
56 elector of the municipality, and of the ward if the office sought  
57 is a ward office, shall determine whether each candidate either  
58 meets all other qualifications to hold the office he or she is  
59 seeking or presents absolute proof that he or she will, subject to  
60 no contingencies, meet all qualifications on or before the date of  
61 the general or special election at which he or she could be  
62 elected to office. The executive committee shall determine  
63 whether the candidate has taken the steps necessary to qualify for  
64 more than one (1) office at the election. The committee also  
65 shall determine whether any candidate has been convicted of any  
66 felony in a court of this state, or has been convicted on or after  
67 December 8, 1992, of any offense in another state which is a  
68 felony under the laws of this state, or has been convicted of any  
69 felony in a federal court on or after December 8, 1992. Excepted



70 from the above are convictions of manslaughter and violations of  
71 the United States Internal Revenue Code or any violations of the  
72 tax laws of this state unless such offense also involved misuse or  
73 abuse of his or her office or money coming into his or her hands  
74 by virtue of the office. If the proper municipal executive  
75 committee finds that a candidate either (a) does not meet all  
76 qualifications to hold the office he or she seeks and fails to  
77 provide absolute proof, subject to no contingencies, that he or  
78 she will meet the qualifications on or before the date of the  
79 general or special election at which he or she could be elected,  
80 or (b) has been convicted of a felony as described in this  
81 subsection and not pardoned, then the executive committee shall  
82 notify the candidate and give the candidate an opportunity to be  
83 heard. The executive committee shall mail notice to the candidate  
84 at least three (3) business days before the hearing to the address  
85 provided by the candidate on the qualifying forms, and the  
86 committee shall attempt to contact the candidate by telephone,  
87 email and facsimile if the candidate provided this information on  
88 the forms. If the candidate fails to appear at the hearing or to  
89 prove he or she meets all qualifications to hold the office  
90 subject to no contingencies, then the name of such candidate shall  
91 not be placed upon the ballot. If the executive committee  
92 determines that the candidate has taken the steps necessary to  
93 qualify for more than one (1) office at the election, the action  
94 required by Section 23-15-905, shall be taken.



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

99           **SECTION 2.** This act shall take effect and be in force from  
100 and after July 1, 2022.

