

## House Amendments to Senate Bill No. 2358

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

HR43\SB2358A.J

Andrew Ketchings  
Clerk of the House of Representatives