

By: Representative Wallace

To: Apportionment and Elections

HOUSE BILL NO. 481

1 AN ACT TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,
 2 TO INCREASE THE CANDIDATE FEES FOR SHERIFF, CHANCERY CLERK,
 3 CIRCUIT CLERK, TAX ASSESSOR, TAX COLLECTOR, COUNTY ATTORNEY,
 4 COUNTY SUPERINTENDENT OF EDUCATION, BOARD OF SUPERVISORS, COUNTY
 5 SURVEYOR, COUNTY CORONER, JUSTICE COURT JUDGE AND CONSTABLE FROM
 6 ONE HUNDRED DOLLARS TO TWO HUNDRED FIFTY DOLLARS; TO AMEND SECTION
 7 23-15-299, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FIRST ONE
 8 HUNDRED DOLLARS OF THE FEE SHALL REMAIN WITH THE COUNTY EXECUTIVE
 9 COMMITTEE OR THE COUNTY ELECTION COMMISSION, AS APPROPRIATE, AND
 10 THE REMAINING ONE HUNDRED FIFTY DOLLARS SHALL BE RETAINED BY THE
 11 CIRCUIT CLERK TO BE USED ON ELECTIONS IN THE COUNTY; 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 but no less than One Thousand Dollars
 23 (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).



24 (b) Candidates for Lieutenant Governor, Attorney
25 General, Secretary of State, State Treasurer, Auditor of Public
26 Accounts, Commissioner of Insurance, Commissioner of Agriculture
27 and Commerce, State Highway Commissioner and State Public Service
28 Commissioner, the amount determined by the state executive
29 committee of the party pursuant to subsection (2) of this section
30 but no less than Five Hundred Dollars (\$500.00) and no more than
31 Two Thousand Five Hundred Dollars (\$2,500.00).

32 (c) Candidates for State Senator and State
33 Representative, Two Hundred Fifty Dollars (\$250.00).

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

36 (e) Candidates for sheriff, chancery clerk, circuit
37 clerk, tax assessor, tax collector, county attorney, county
38 superintendent of education and board of supervisors, * * * Two
39 Hundred Fifty Dollars (\$250.00).

40 (f) Candidates for county surveyor, county coroner,
41 justice court judge and constable, * * * Two Hundred Fifty Dollars
42 (\$250.00).

43 (g) Candidates for United States Senator, the amount
44 determined by the state executive committee of the party pursuant
45 to subsection (2) of this section but no less than One Thousand
46 Dollars (\$1,000.00) and no more than Five Thousand Dollars
47 (\$5,000.00).



48 (h) Candidates for United States Representative, the
49 amount determined by the state executive committee of the party
50 pursuant to subsection (2) of this section but no less than Five
51 Hundred Dollars (\$500.00) and no more than Two Thousand Five
52 Hundred Dollars (\$2,500.00).

53 (2) (a) The state executive committee of a political party
54 shall set the entry fee that a candidate is to pay upon entering
55 the race for party nominations for the offices listed in
56 paragraphs (a), (b), (g) and (h) of subsection (1) of this section
57 and Section 23-15-1093(2) (a). The authority granted under this
58 subsection shall not be exercised by any state executive committee
59 of a political party for any individual office more than once
60 every two (2) years, beginning July 1, 2022.

61 (b) Each state executive committee of a political party
62 shall report the entry fee determined for each office to the
63 Secretary of State by October 1 of the year before the election is
64 held for that office. If a state executive committee does not
65 meet the deadline in this paragraph for any office, the minimum
66 entry fee shall be assessed for the office in that party's primary
67 election during that election cycle.

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



72 (a) Candidates for Governor, One Thousand Dollars
73 (\$1,000.00).

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, Five Hundred Dollars (\$500.00).

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

81 (d) Candidates for sheriff, chancery clerk, circuit
82 clerk, tax assessor, tax collector, county attorney, county
83 superintendent of education and board of supervisors, * * * Two
84 Hundred Fifty Dollars (\$250.00).

85 (e) Candidates for county surveyor, county coroner,
86 justice court judge and constable, * * * Two Hundred Fifty Dollars
87 (\$250.00).

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

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

92 (4) The Secretary of State shall publish the fees listed in
93 this section and Section 23-15-1093 no later than forty-five (45)
94 days before the qualifying period begins for each office.

95 **SECTION 2.** Section 23-15-299, Mississippi Code of 1972, is
96 amended as follows:



97 23-15-299. (1) (a) Assessments made pursuant to subsection
98 (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by
99 each candidate who seeks a nomination in the political party
100 election to the secretary of the state executive committee with
101 which the candidate is affiliated by 5:00 p.m. on February 1 of
102 the year in which the primary election for the office is held or
103 on the date of the qualifying deadline provided by statute for the
104 office, whichever is earlier; however, no such assessments may be
105 paid before January 1 of the year in which the primary election
106 for the office is held. If February 1 or the date of the
107 qualifying deadline provided by statute for the office occurs on a
108 Saturday, Sunday or legal holiday, then the assessments required
109 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
110 business day immediately following the Saturday, Sunday or legal
111 holiday.

112 (b) Assessments made pursuant to subsection (3)(a), (b)
113 and (c) of Section 23-15-297 shall be paid by each independent
114 candidate or special election candidate to the Secretary of State
115 by 5:00 p.m. on February 1 of the year in which the primary
116 election for the office is held or on the date of the qualifying
117 deadline provided by statute for the office, whichever is earlier;
118 however, no such assessments may be paid before January 1 of the
119 year in which the primary election for the office is held. If
120 February 1 or the date of the qualifying deadline provided by
121 statute for the office occurs on a Saturday, Sunday or legal



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

125 (2) (a) Assessments made pursuant to subsection (1)(e) and
126 (f) of Section 23-15-297, shall be paid by each candidate who
127 seeks a nomination in the political party election to the circuit
128 clerk of that candidate's county of residence by 5:00 p.m. on
129 February 1 of the year in which the primary election for the
130 office is held or on the date of the qualifying deadline provided
131 by statute for the office, whichever is earlier; however, no such
132 assessments may be paid before January 1 of the year in which the
133 election for the office is held. If February 1 or the date of the
134 qualifying deadline provided by statute for the office occurs on a
135 Saturday, Sunday or legal holiday, then the assessments required
136 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
137 business day immediately following the Saturday, Sunday or legal
138 holiday. The circuit clerk shall forward the fee and all
139 necessary information to the secretary of the proper county
140 executive committee within two (2) business days. The first One
141 Hundred Dollars (\$100.00) of the fee shall remain with the county
142 executive committee, and the remaining One Hundred Fifty Dollars
143 (\$150.00) shall be retained by the circuit clerk to be used on
144 elections in the county. No candidate may attempt to qualify with
145 any political party that does not have a duly organized county
146 executive committee, and the circuit clerk shall not accept any



147 assessments paid for nonlegislative offices pursuant to subsection
148 (1) (e) and (f) of Section 23-15-297 if the circuit clerk does not
149 have contact information for the secretary of the county executive
150 committee for that political party.

151 (b) Assessments made pursuant to subsection (3) (d) and
152 (e) of Section 23-15-297 shall be paid by each independent
153 candidate or special election candidate to the circuit clerk of
154 that candidate's county of residence by 5:00 p.m. on February 1 of
155 the year in which the primary election for the office is held or
156 on the date of the qualifying deadline provided by statute for the
157 office, whichever is earlier; however, no such assessments may be
158 paid before January 1 of the year in which the primary election
159 for the office is held. If February 1 or the date of the
160 qualifying deadline provided by statute for the office occurs on a
161 Saturday, Sunday or legal holiday, then the assessments required
162 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
163 business day immediately following the Saturday, Sunday or legal
164 holiday. The circuit clerk shall forward the fee and all
165 necessary information to the secretary of the proper county
166 election commission within two (2) business days. The first One
167 Hundred Dollars (\$100.00) of the fee shall remain with the county
168 election commission, and the remaining One Hundred Fifty Dollars
169 (\$150.00) shall be retained by the circuit clerk to be used on
170 elections in the county.



171 (3) (a) Assessments made pursuant to subsection (1)(g) and
172 (h) of Section 23-15-297 must be paid by each candidate who seeks
173 a nomination in the political party election to the secretary of
174 the state executive committee with which the candidate is
175 affiliated by 5:00 p.m. sixty (60) days before the presidential
176 preference primary in years in which a presidential preference
177 primary is held; however, no such assessments may be paid before
178 January 1 of the year in which the primary election for the office
179 is held. Assessments made pursuant to subsection (1)(g) and (h)
180 of Section 23-15-297, in years when a presidential preference
181 primary is not being held, shall be paid by each candidate who
182 seeks a nomination in the political party election to the
183 secretary of the state executive committee with which the
184 candidate is affiliated by 5:00 p.m. on March 1 of the year in
185 which the primary election for the office is held; however, no
186 such assessments may be paid before January 1 of the year in which
187 the primary election for the office is held. If sixty (60) days
188 before the presidential preference primary in years in which a
189 presidential preference primary is held, March 1, or the date of
190 the qualifying deadline provided by statute for the office occurs
191 on a Saturday, Sunday or legal holiday, then the assessments
192 required to be paid by this paragraph (a) shall be paid by 5:00
193 p.m. on the business day immediately following the Saturday,
194 Sunday or legal holiday.



195 (b) Assessments made pursuant to subsection (3)(f) and
196 (g) of Section 23-15-297 must be paid by each independent
197 candidate or special election candidate to the Secretary of State
198 by 5:00 p.m. sixty (60) days before the presidential preference
199 primary in years in which a presidential preference primary is
200 held; however, no such assessments may be paid before January 1 of
201 the year in which the primary election for the office is held.
202 Assessments made pursuant to subsection (3)(f) and (g) of Section
203 23-15-297, in years when a presidential preference primary is not
204 being held, shall be paid by each independent candidate or special
205 election candidate to the Secretary of State by 5:00 p.m. on March
206 1 of the year in which the primary election for the office is
207 held; however, no such assessments may be paid before January 1 of
208 the year in which the primary election for the office is held. If
209 sixty (60) days before the presidential preference primary in
210 years in which a presidential preference primary is held, March 1,
211 or the date of the qualifying deadline provided by statute for the
212 office occurs on a Saturday, Sunday or legal holiday, then the
213 assessments required to be paid by this paragraph (b) shall be
214 paid by 5:00 p.m. on the business day immediately following the
215 Saturday, Sunday or legal holiday.

216 (4) (a) The fees paid pursuant to subsections (1), (2) and
217 (3) of this section shall be accompanied by a written statement
218 containing the name and address of the candidate, the party with
219 which he or she is affiliated, if applicable, the email address of



220 the candidate, if any, and the office for which he or she is a
221 candidate.

222 (b) The state executive committee shall transmit to the
223 Secretary of State a copy of the written statements accompanying
224 the fees paid pursuant to subsections (1) and (2) of this section.
225 All copies must be received by the Office of the Secretary of
226 State by not later than 6:00 p.m. on the date of the qualifying
227 deadline; provided, however, the failure of the Office of the
228 Secretary of State to receive such copies by 6:00 p.m. on the date
229 of the qualifying deadline shall not affect the qualification of a
230 person who pays the required fee and files the required statement
231 by 5:00 p.m. on the date of the qualifying deadline. The name of
232 any person who pays the required fee and files the required
233 statement after 5:00 p.m. on the date of the qualifying deadline
234 shall not be placed on the primary election ballot or the general
235 election ballot.

236 (5) The Secretary of State or the secretary or circuit clerk
237 to whom such payments are made shall promptly receipt for same
238 stating the office for which the candidate making payment is
239 running and the political party with which he or she is
240 affiliated, if applicable, and he or she shall keep an itemized
241 account in detail showing the exact time and date of the receipt
242 of each payment received by him or her and, where applicable, the
243 date of the postmark on the envelope containing the fee and from
244 whom, and for what office the party paying same is a candidate.



245 (6) The secretaries of the proper executive committee shall
246 hold the funds to be finally disposed of by order of their
247 respective executive committees. Except as otherwise provided in
248 subsection (2), the funds may be used or disbursed by the
249 executive committee receiving same to pay all necessary traveling
250 or other necessary expenses of the members of the executive
251 committee incurred in discharging their duties as committee
252 members, and of their secretary and may pay the secretary such
253 salary as may be reasonable. The Secretary of State shall deposit
254 any qualifying fees received from candidates into the Elections
255 Support Fund established in Section 23-15-5.

256 (7) (a) Upon receipt of the proper fee and all necessary
257 information, the proper executive committee or the Secretary of
258 State, whichever is applicable, shall then determine at the time
259 of the qualifying deadline, unless otherwise provided by law,
260 whether each candidate is a qualified elector of the state, state
261 district, county or county district which they seek to serve, and
262 whether each candidate meets all other qualifications to hold the
263 office he or she is seeking or presents absolute proof that he or
264 she will, subject to no contingencies, meet all qualifications on
265 or before the date of the general or special election at which he
266 or she could be elected to office. The proper executive committee
267 or the Secretary of State, whichever is applicable, shall
268 determine whether the candidate has taken the steps necessary to
269 qualify for more than one (1) office at the election. The



270 committee or the Secretary of State, whichever is applicable,
271 shall also determine whether any candidate has been convicted (i)
272 of any felony in a court of this state, (ii) on or after December
273 8, 1992, of any offense in another state which is a felony under
274 the laws of this state, (iii) of any felony in a federal court on
275 or after December 8, 1992, or (iv) of any offense that involved
276 the misuse or abuse of his or her office or money coming into his
277 or her hands by virtue of the office. Excepted from the above are
278 convictions of manslaughter and violations of the United States
279 Internal Revenue Code or any violations of the tax laws of this
280 state.

281 (b) If the proper executive committee or the Secretary
282 of State, whichever is applicable, finds that a candidate either
283 (i) is not a qualified elector, (ii) does not meet all
284 qualifications to hold the office he or she seeks and fails to
285 provide absolute proof, subject to no contingencies, that he or
286 she will meet the qualifications on or before the date of the
287 general or special election at which he or she could be elected,
288 or (iii) has been convicted of a felony or other disqualifying
289 offense as described in paragraph (a) of this subsection, and not
290 pardoned, then the executive committee shall notify the candidate
291 and give the candidate an opportunity to be heard. The executive
292 committee shall mail notice to the candidate at least three (3)
293 business days before the hearing to the address provided by the
294 candidate on the qualifying forms, and the committee shall attempt



295 to contact the candidate by telephone, email and facsimile if the
296 candidate provided this information on the forms. If the
297 candidate fails to appear at the hearing or to prove that he or
298 she meets all qualifications to hold the office subject to no
299 contingencies, then the name of that candidate shall not be placed
300 upon the ballot.

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

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

311 (8) No candidate may qualify by filing the information
312 required by this section by using the Internet.

313 **SECTION 3.** This act shall take effect and be in force from
314 and after July 1, 2024.

