

By: Representative Sanford

To: Apportionment and
ElectionsHOUSE BILL NO. 293
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-1031, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE TIME FOR HOLDING PRIMARY ELECTIONS FOR
3 REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES IN YEARS
4 WITHOUT A PRESIDENTIAL ELECTION FROM THE FIRST TUESDAY IN JUNE TO
5 THE SECOND TUESDAY IN MARCH; TO AMEND SECTION 23-15-299,
6 MISSISSIPPI CODE OF 1972, TO CONFORM BY CHANGING THE QUALIFICATION
7 DEADLINE TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION
8 23-15-359, MISSISSIPPI CODE OF 1972, TO CONFORM; TO CREATE A NEW
9 SECTION OF LAW THAT PROVIDES THE TIMES FOR NOMINATING AND
10 QUALIFYING FOR THE YAZOO-MISSISSIPPI DELTA LEVEE DISTRICTS; TO
11 REPEAL SECTION 8, CHAPTER 12, LAWS OF 1928, WHICH PROVIDES FOR THE
12 DATES OF NOMINATIONS FOR YAZOO-MISSISSIPPI DELTA LEVEE
13 COMMISSIONERS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-1031, Mississippi Code of 1972, is
16 amended as follows:

17 23-15-1031. Except as provided by Section 23-15-1081, the
18 first primary election for * * * Representatives in the Congress
19 of the United States shall be held on the * * * second Tuesday
20 in * * * March of the years in which * * * Representatives in the
21 Congress of the United States are elected, and a second primary,
22 if necessary, shall be held four (4) weeks thereafter. Each year
23 in which a presidential election is held, the congressional



primary shall be held as provided in Section 23-15-1081. The election shall be held in all districts of the state on the same day. Candidates for United States Senator shall be nominated at the congressional primary next preceding the general election at which a senator is to be elected and in the same manner that * * * Representatives in the Congress of the United States are nominated. The chair and secretary of the state executive committee shall certify the vote for United States Senator to the Secretary of State in the same manner that county executive committees certify the returns of counties in general state and county primary elections.

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

23-15-299. (1) (a) Assessments made pursuant to subsection (1)(a), (b), (c) and (d) of Section 23-15-297 shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required



to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

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

(2) (a) Assessments made pursuant to subsection (1)(e) and (f) of Section 23-15-297, shall be paid by each candidate who seeks a nomination in the political party election to the circuit clerk of that candidate's county of residence by 5:00 p.m. on February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the election for the office is held. If February 1 or the date of the



74 qualifying deadline provided by statute for the office occurs on a
75 Saturday, Sunday or legal holiday, then the assessments required
76 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
77 business day immediately following the Saturday, Sunday or legal
78 holiday. The circuit clerk shall forward the fee and all
79 necessary information to the secretary of the proper county
80 executive committee within two (2) business days. No candidate
81 may attempt to qualify with any political party that does not have
82 a duly organized county executive committee, and the circuit clerk
83 shall not accept any assessments paid for nonlegislative offices
84 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
85 circuit clerk does not have contact information for the secretary
86 of the county executive committee for that political party.

87 (b) Assessments made pursuant to subsection (3)(d) and
88 (e) of Section 23-15-297 shall be paid by each independent
89 candidate or special election candidate to the circuit clerk of
90 that candidate's county of residence by 5:00 p.m. on February 1 of
91 the year in which the primary election for the office is held or
92 on the date of the qualifying deadline provided by statute for the
93 office, whichever is earlier; however, no such assessments may be
94 paid before January 1 of the year in which the primary election
95 for the office is held. If February 1 or the date of the
96 qualifying deadline provided by statute for the office occurs on a
97 Saturday, Sunday or legal holiday, then the assessments required
98 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the



99 business day immediately following the Saturday, Sunday or legal
100 holiday. The circuit clerk shall forward the fee and all
101 necessary information to the secretary of the proper county
102 election commission within two (2) business days.

103 (3) (a) Assessments made pursuant to subsection (1)(g) and
104 (h) of Section 23-15-297 must be paid by each candidate who seeks
105 a nomination in the political party election to the secretary of
106 the state executive committee with which the candidate is
107 affiliated by 5:00 p.m. * * * seventy-five (75) days before
108 the * * * congressional preference primary * * *; however, no such
109 assessments may be paid before * * * December 1 of the year * * *
110 before the primary election for the office is held. * * *
111 If * * * seventy-five (75) days before the * * * congressional
112 preference primary * * * occurs on a Saturday, Sunday or legal
113 holiday, then the assessments required to be paid by this
114 paragraph (a) shall be paid by 5:00 p.m. on the business day
115 immediately following the Saturday, Sunday or legal holiday.

116 (b) Assessments made pursuant to subsection (3)(f) and
117 (g) of Section 23-15-297 must be paid by each independent
118 candidate or special election candidate to the Secretary of State
119 by 5:00 p.m. * * * seventy-five (75) days before the * * *
120 congressional preference primary in years in which a * * *
121 congressional preference primary is held; however, no such
122 assessments may be paid before * * * December 1 of the year * * *
123 before the primary election for the office is held. * * *



If * * * seventy-five (75) days before the * * * congressional preference primary * * * occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

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

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



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

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

(7) (a) Upon receipt of the proper fee and all necessary information, the proper executive committee or the Secretary of State, whichever is applicable, shall then determine at the time of the qualifying deadline, unless otherwise provided by law, whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and



whether each candidate meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The proper executive committee or the Secretary of State, whichever is applicable, shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee or the Secretary of State, whichever is applicable, shall also determine whether any candidate has been convicted (i) of any felony in a court of this state, (ii) on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, (iii) of any felony in a federal court on or after December 8, 1992, or (iv) of any offense that involved the misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state.

(b) If the proper executive committee or the Secretary of State, whichever is applicable, finds that a candidate either (i) is not a qualified elector, (ii) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date of the



199 general or special election at which he or she could be elected,
200 or (iii) has been convicted of a felony or other disqualifying
201 offense as described in paragraph (a) of this subsection, and not
202 pardoned, then the executive committee shall notify the candidate
203 and give the candidate an opportunity to be heard. The executive
204 committee shall mail notice to the candidate at least three (3)
205 business days before the hearing to the address provided by the
206 candidate on the qualifying forms, and the committee shall attempt
207 to contact the candidate by telephone, email and facsimile if the
208 candidate provided this information on the forms. If the
209 candidate fails to appear at the hearing or to prove that he or
210 she meets all qualifications to hold the office subject to no
211 contingencies, then the name of that candidate shall not be placed
212 upon the ballot.

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

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



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

SECTION 3. Section 23-15-359, Mississippi Code of 1972, is amended as follows:

23-15-359. (1) Except as provided in this section, the ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures and assessments that must be paid pursuant to Section 23-15-297, if the candidates and nominees meet all of the qualifications to hold the office sought. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors:

(a) For an office elected by the state at large, not less than one thousand (1,000) qualified electors.

(b) For an office elected by the qualified electors of a Supreme Court district, not less than three hundred (300) qualified electors.

(c) For an office elected by the qualified electors of a congressional district, not less than two hundred (200) qualified electors.



(d) For an office elected by the qualified electors of a circuit or chancery court district, not less than one hundred (100) qualified electors.

(e) For an office elected by the qualified electors of a senatorial or representative district, not less than fifty (50) qualified electors.

(f) For an office elected by the qualified electors of a county, not less than fifty (50) qualified electors.

(g) For an office elected by the qualified electors of a supervisors district, not less than fifteen (15) qualified electors.

(h) For the Office of President of the United States, a party nominee or independent candidate shall pay an assessment in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

(2) (a) Unless the petition or fee, whichever is applicable, required above shall be filed as provided for in subsection (3), (4) or (5) of this section, as appropriate, the name of the person requested to be a candidate, unless nominated by a political party, shall not be placed upon the ballot. The ballot shall contain the names of each candidate for each office, and the names shall be listed under the name of the political party that candidate represents as provided by law and as certified to the circuit clerk by the state executive committee of the political party. In the event the candidate qualifies as an



independent as provided in this section, he or she shall be listed on the ballot as an independent candidate.

(b) The name of an independent or special election candidate who dies before the printing of the ballots, shall not be placed on the ballots.

(3) Petitions for offices described in paragraphs (a), (b), (c), (d) and (e) of subsection (1) of this section shall be filed with the Secretary of State by no later than 5:00 p.m. on the same date or business day, as applicable, by which candidates are required to pay the fee provided for in Section 23-15-297; * * * and, no petition may be filed before * * * the date specified in Section 23-15-299.

(4) Petitions for offices described in paragraphs (f) and (g) of subsection (1) of this section shall be filed with the proper circuit clerk by no later than 5:00 p.m. on the same date by which candidates are required to pay the fee provided for in Section 23-15-297; however, no petition may be filed before January 1 of the year in which the election for the office is held. The circuit clerk shall notify the county election commissioners of all persons who have filed petitions with the clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(5) The assessment for the office described in paragraph (h) of subsection (1) of this section shall be paid to the Secretary of State. The Secretary of State shall deposit any qualifying



fees received from candidates into the Elections Support Fund established in Section 23-15-5.

(6) The election commissioners may also have printed upon the ballot any local issue election matter that is authorized to be held on the same date as the regular or general election pursuant to Section 23-15-375; however, the ballot form of the local issue must be filed with the election commissioners by the appropriate governing authority not less than sixty (60) days before the date of the election.

(7) The provisions of this section shall not apply to municipal elections or to the election of the offices of justice of the Supreme Court, judge of the Court of Appeals, circuit judge, chancellor, county court judge, justice court judge and family court judge.

(8) Nothing in this section shall prohibit special elections to fill vacancies in either house of the Legislature from being held as provided in Section 23-15-851. In all elections conducted under the provisions of Section 23-15-851, there shall be printed on the ballot the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the Secretary of State and signed by not less than fifty (50) qualified electors.

(9) (a) The appropriate election commission shall determine whether each candidate is a qualified elector of the state, state district, county or county district they seek to serve, and



321 whether each candidate meets all other qualifications to hold the
322 office he or she is seeking or presents absolute proof that he or
323 she will, subject to no contingencies, meet all qualifications on
324 or before the date of the general or special election at which he
325 or she could be elected to office. The election commission shall
326 determine whether the candidate has taken the steps necessary to
327 qualify for more than one (1) office at the election. The
328 election commission also shall determine whether any candidate has
329 been convicted (i) of any felony in a court of this state, (ii) on
330 or after December 8, 1992, of any offense in another state which
331 is a felony under the laws of this state, (iii) of any felony in a
332 federal court on or after December 8, 1992, or (iv) of any offense
333 that involved the misuse or abuse of his or her office or money
334 coming into his or her hands by virtue of the office. Excepted
335 from the above are convictions of manslaughter and violations of
336 the United States Internal Revenue Code or any violations of the
337 tax laws of this state.

338 (b) If the appropriate election commission finds that a
339 candidate either (i) is not a qualified elector, (ii) does not
340 meet all qualifications to hold the office he or she seeks and
341 fails to provide absolute proof, subject to no contingencies, that
342 he or she will meet the qualifications on or before the date of
343 the general or special election at which he or she could be
344 elected, or (iii) has been convicted of a felony or other
345 disqualifying offense as described in paragraph (a) of this



subsection, and not pardoned, then the election commission shall notify the candidate and give the candidate an opportunity to be heard. The election commission shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the appropriate election commission determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

(10) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, only one (1) person has duly qualified to be a candidate for the office in the general election, the name of that person shall be placed on the ballot; provided, however, that if not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election



commission in accordance with the provisions of subsection (9) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

(11) The petition required by this section may not be filed by using the Internet.

SECTION 4. Nomination of candidates for the office of Commissioner of the Yazoo-Mississippi Delta Levee District, by any political party, shall be made by counties, or parts of a county having a levee commissioner, and the primary elections for that purpose shall be held on the second Tuesday in March. The qualification deadline for such election shall be by 5:00 p.m. seventy-five (75) days before the congressional preference primary in years in which a congressional preference primary is held. If seventy-five (75) days before the congressional preference primary in years in which a congressional preference primary is held, occurs on a Saturday, Sunday or legal holiday, then the qualifying deadline shall be by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. The general primary election laws shall apply to and govern the nomination of candidates for the office of commissioner for the said levee districts in so far as they may be applicable.

SECTION 5. Section 8, Chapter 12, Laws of 1928, which provides for the dates of the nominations for Yazoo-Mississippi Delta Levee Commissioners, is repealed.



395 **SECTION 6.** Section 3 of this act shall be codified as a new
396 section in Chapter 15, Title 23, Mississippi Code of 1972.

397 **SECTION 7.** This act shall take effect and be in force from
398 and after July 1, 2025.

