

By: Senator(s) England

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2656

1 AN ACT TO AMEND SECTION 23-15-1031, MISSISSIPPI CODE OF 1972,
2 TO MOVE THE FIRST UNITED STATES CONGRESSIONAL PRIMARY WITHIN THE
3 STATE OF MISSISSIPPI TO MARCH OF EACH YEAR IN WHICH CONGRESSMEN
4 ARE ELECTED; TO REPEAL SECTION 23-15-1083, MISSISSIPPI CODE OF
5 1972, WHICH COORDINATES UNITED STATES CONGRESSIONAL PRIMARIES WITH
6 PRESIDENTIAL PRIMARIES WHEN BOTH WILL TAKE PLACE WITHIN THE SAME
7 YEAR; TO AMEND SECTIONS 23-15-299 AND 23-15-359, MISSISSIPPI CODE
8 OF 1972, TO CONFORM; TO BRING FORWARD SECTION 23-15-297,
9 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
10 AND FOR RELATED PURPOSES.

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

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

14 23-15-1031. * * * The first primary election for Congressmen
15 shall be held on the first Tuesday in * * * March of the years in
16 which congressmen are elected, and a second primary, if necessary,
17 shall be held four (4) weeks thereafter. * * * The election shall
18 be held in all districts of the state on the same day. Candidates
19 for United States Senator shall be nominated at the congressional
20 primary next preceding the general election at which a senator is
21 to be elected and in the same manner that congressmen are
22 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 23-15-1083, Mississippi Code of 1972, which coordinates United States congressional primaries with presidential primaries when both will take place within the same year, is repealed.

SECTION 3. 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.



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

61 (2) (a) Assessments made pursuant to subsection (1)(e) and
62 (f) of Section 23-15-297, shall be paid by each candidate who
63 seeks a nomination in the political party election to the circuit
64 clerk of that candidate's county of residence by 5:00 p.m. on
65 February 1 of the year in which the primary election for the
66 office is held or on the date of the qualifying deadline provided
67 by statute for the office, whichever is earlier; however, no such
68 assessments may be paid before January 1 of the year in which the
69 election for the office is held. If February 1 or the date of the
70 qualifying deadline provided by statute for the office occurs on a
71 Saturday, Sunday or legal holiday, then the assessments required
72 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the



73 business day immediately following the Saturday, Sunday or legal
74 holiday. The circuit clerk shall forward the fee and all
75 necessary information to the secretary of the proper county
76 executive committee within two (2) business days. No candidate
77 may attempt to qualify with any political party that does not have
78 a duly organized county executive committee, and the circuit clerk
79 shall not accept any assessments paid for nonlegislative offices
80 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
81 circuit clerk does not have contact information for the secretary
82 of the county executive committee for that political party.

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



necessary information to the secretary of the proper county election commission within two (2) business days.

(3) (a) Assessments made pursuant to subsection (1)(g) and (h) of Section 23-15-297 must 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. sixty (60) days before the * * * congressional preference primary * * *; however, no such assessments may be paid before * * * December 1 of the year * * * before the primary election for the office is held. Assessments made pursuant to subsection (1)(g) and (h) of Section 23-15-297, in years when a * * * congressional preference primary is not being held, 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 March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before * * * December 1 of the year * * * before the primary election for the office is held. If sixty (60) days before the * * * congressional preference primary in years in which a * * * congressional preference primary is held, March 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



121 paid by 5:00 p.m. on the business day immediately following the
122 Saturday, Sunday or legal holiday.

123 (b) Assessments made pursuant to subsection (3)(f) and
124 (g) of Section 23-15-297 must be paid by each independent
125 candidate or special election candidate to the Secretary of State
126 by 5:00 p.m. sixty (60) days before the * * * congressional
127 preference primary in years in which a * * * congressional
128 preference primary is held; however, no such assessments may be
129 paid before * * * December 1 of the year in which the primary
130 election for the office is held. Assessments made pursuant to
131 subsection (3)(f) and (g) of Section 23-15-297, in years when
132 a * * * congressional preference primary is not being held, shall
133 be paid by each independent candidate or special election
134 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
135 year in which the primary election for the office is held;
136 however, no such assessments may be paid before * * * December 1
137 of the year * * * before the primary election for the office is
138 held. If sixty (60) days before the * * * congressional
139 preference primary in years in which a * * * congressional
140 preference primary is held, March 1, or the date of the qualifying
141 deadline provided by statute for the office occurs on a Saturday,
142 Sunday or legal holiday, then the assessments required to be paid
143 by this paragraph (b) shall be paid by 5:00 p.m. on the business
144 day immediately following the Saturday, Sunday or legal holiday.



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

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

165 (5) The Secretary of State or the secretary or circuit clerk
166 to whom such payments are made shall promptly receipt for same
167 stating the office for which the candidate making payment is
168 running and the political party with which he or she is
169 affiliated, if applicable, and he or she shall keep an itemized



170 account in detail showing the exact time and date of the receipt
171 of each payment received by him or her and, where applicable, the
172 date of the postmark on the envelope containing the fee and from
173 whom, and for what office the party paying same is a candidate.

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

184 (7) (a) Upon receipt of the proper fee and all necessary
185 information, the proper executive committee or the Secretary of
186 State, whichever is applicable, shall then determine at the time
187 of the qualifying deadline, unless otherwise provided by law,
188 whether each candidate is a qualified elector of the state, state
189 district, county or county district which they seek to serve, and
190 whether each candidate meets all other qualifications to hold the
191 office he or she is seeking or presents absolute proof that he or
192 she will, subject to no contingencies, meet all qualifications on
193 or before the date of the general or special election at which he
194 or she could be elected to office. The proper executive committee



195 or the Secretary of State, whichever is applicable, shall
196 determine whether the candidate has taken the steps necessary to
197 qualify for more than one (1) office at the election. The
198 committee or the Secretary of State, whichever is applicable,
199 shall also determine whether any candidate has been convicted (i)
200 of any felony in a court of this state, (ii) on or after December
201 8, 1992, of any offense in another state which is a felony under
202 the laws of this state, (iii) of any felony in a federal court on
203 or after December 8, 1992, or (iv) of any offense that involved
204 the misuse or abuse of his or her office or money coming into his
205 or her hands by virtue of the office. Excepted from the above are
206 convictions of manslaughter and violations of the United States
207 Internal Revenue Code or any violations of the tax laws of this
208 state.

209 (b) If the proper executive committee or the Secretary
210 of State, whichever is applicable, finds that a candidate either
211 (i) is not a qualified elector, (ii) does not meet all
212 qualifications to hold the office he or she seeks and fails to
213 provide absolute proof, subject to no contingencies, that he or
214 she will meet the qualifications on or before the date of the
215 general or special election at which he or she could be elected,
216 or (iii) has been convicted of a felony or other disqualifying
217 offense as described in paragraph (a) of this subsection, and not
218 pardoned, then the executive committee shall notify the candidate
219 and give the candidate an opportunity to be heard. The executive



220 committee shall mail notice to the candidate at least three (3)
221 business days before the hearing to the address provided by the
222 candidate on the qualifying forms, and the committee shall attempt
223 to contact the candidate by telephone, email and facsimile if the
224 candidate provided this information on the forms. If the
225 candidate fails to appear at the hearing or to prove that he or
226 she meets all qualifications to hold the office subject to no
227 contingencies, then the name of that candidate shall not be placed
228 upon the ballot.

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

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

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

241 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is
242 amended as follows:

243 23-15-359. (1) Except as provided in this section, the
244 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.



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

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

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

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

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

292 (3) Petitions for offices described in paragraphs (a), (b),
293 (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; however, no petition may be filed before * * * December 1 of the year * * * before the election for the office is held.

(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 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 election commission shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The



election commission also shall 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 appropriate election commission 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 general or special election at which he or she could be elected, or (iii) has been convicted of a felony or other 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 5. Section 23-15-297, Mississippi Code of 1972, is brought forward as follows:



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

(a) Candidates for Governor, the amount determined by the state executive committee of the party pursuant to subsection (2) of this section but no less than One Thousand Dollars (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).

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

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

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

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



(f) Candidates for county surveyor, county coroner and constable, One Hundred Dollars (\$100.00).

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

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

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

(b) Each state executive committee of a political party shall report the entry fee determined for each office to the Secretary of State by October 1 of the year before the election is held for that office. If a state executive committee does not meet the deadline in this paragraph for any office, the minimum



entry fee shall be assessed for the office in that party's primary election during that election cycle.

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

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

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

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

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

(e) Candidates for county surveyor, county coroner and constable, One Hundred Dollars (\$100.00).

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

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



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

471 **SECTION 6.** This act shall take effect and be in force from
472 and after July 1, 2025.

