

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 293

BY: Representative Sanford

1 **AMEND** by inserting the following after line 23 and renumber
2 the succeeding sections:

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

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



14 for the office is held. If February 1 or the date of the
15 qualifying deadline provided by statute for the office occurs on a
16 Saturday, Sunday or legal holiday, then the assessments required
17 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
18 business day immediately following the Saturday, Sunday or legal
19 holiday.

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

33 (2) (a) Assessments made pursuant to subsection (1)(e) and
34 (f) of Section 23-15-297, shall be paid by each candidate who
35 seeks a nomination in the political party election to the circuit
36 clerk of that candidate's county of residence by 5:00 p.m. on
37 February 1 of the year in which the primary election for the
38 office is held or on the date of the qualifying deadline provided



39 by statute for the office, whichever is earlier; however, no such
40 assessments may be paid before January 1 of the year in which the
41 election for the office is held. If February 1 or the date of the
42 qualifying deadline provided by statute for the office occurs on a
43 Saturday, Sunday or legal holiday, then the assessments required
44 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
45 business day immediately following the Saturday, Sunday or legal
46 holiday. The circuit clerk shall forward the fee and all
47 necessary information to the secretary of the proper county
48 executive committee within two (2) business days. No candidate
49 may attempt to qualify with any political party that does not have
50 a duly organized county executive committee, and the circuit clerk
51 shall not accept any assessments paid for nonlegislative offices
52 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the
53 circuit clerk does not have contact information for the secretary
54 of the county executive committee for that political party.

55 (b) Assessments made pursuant to subsection (3)(d) and
56 (e) of Section 23-15-297 shall be paid by each independent
57 candidate or special election candidate to the circuit clerk of
58 that candidate's county of residence by 5:00 p.m. on February 1 of
59 the year in which the primary election for the office is held or
60 on the date of the qualifying deadline provided by statute for the
61 office, whichever is earlier; however, no such assessments may be
62 paid before January 1 of the year in which the primary election
63 for the office is held. If February 1 or the date of the



64 qualifying deadline provided by statute for the office occurs on a
65 Saturday, Sunday or legal holiday, then the assessments required
66 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
67 business day immediately following the Saturday, Sunday or legal
68 holiday. The circuit clerk shall forward the fee and all
69 necessary information to the secretary of the proper county
70 election commission within two (2) business days.

71 (3) (a) Assessments made pursuant to subsection (1)(g) and
72 (h) of Section 23-15-297 must be paid by each candidate who seeks
73 a nomination in the political party election to the secretary of
74 the state executive committee with which the candidate is
75 affiliated by 5:00 p.m. sixty (60) days before the presidential
76 preference primary in years in which a presidential preference
77 primary is held; however, no such assessments may be paid before
78 January 1 of the year in which the primary election for the office
79 is held. Assessments made pursuant to subsection (1)(g) and (h)
80 of Section 23-15-297, in years when a presidential preference
81 primary is not being held, shall be paid by each candidate who
82 seeks a nomination in the political party election to the
83 secretary of the state executive committee with which the
84 candidate is affiliated by 5:00 p.m. on * * * January 15 of the
85 year in which the primary election for the office is held;
86 however, no such assessments may be paid before January 1 of the
87 year in which the primary election for the office is held. If
88 sixty (60) days before the presidential preference primary in



89 years in which a presidential preference primary is held, * * *
90 January 15, or the date of the qualifying deadline provided by
91 statute for the office occurs on a Saturday, Sunday or legal
92 holiday, then the assessments required to be paid by this
93 paragraph (a) shall be paid by 5:00 p.m. on the business day
94 immediately following the Saturday, Sunday or legal holiday.

95 (b) Assessments made pursuant to subsection (3)(f) and
96 (g) of Section 23-15-297 must be paid by each independent
97 candidate or special election candidate to the Secretary of State
98 by 5:00 p.m. sixty (60) days before the presidential preference
99 primary in years in which a presidential preference primary is
100 held; however, no such assessments may be paid before January 1 of
101 the year in which the primary election for the office is held.
102 Assessments made pursuant to subsection (3)(f) and (g) of Section
103 23-15-297, in years when a presidential preference primary is not
104 being held, shall be paid by each independent candidate or special
105 election candidate to the Secretary of State by 5:00 p.m. on * * *
106 January 15 of the year in which the primary election for the
107 office is held; however, no such assessments may be paid before
108 January 1 of the year in which the primary election for the office
109 is held. If sixty (60) days before the presidential preference
110 primary in years in which a presidential preference primary is
111 held, * * * January 15, or the date of the qualifying deadline
112 provided by statute for the office occurs on a Saturday, Sunday or
113 legal holiday, then the assessments required to be paid by this



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

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

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

136 (5) The Secretary of State or the secretary or circuit clerk
137 to whom such payments are made shall promptly receipt for same
138 stating the office for which the candidate making payment is



139 running and the political party with which he or she is
140 affiliated, if applicable, and he or she shall keep an itemized
141 account in detail showing the exact time and date of the receipt
142 of each payment received by him or her and, where applicable, the
143 date of the postmark on the envelope containing the fee and from
144 whom, and for what office the party paying same is a candidate.

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

155 (7) (a) Upon receipt of the proper fee and all necessary
156 information, the proper executive committee or the Secretary of
157 State, whichever is applicable, shall then determine at the time
158 of the qualifying deadline, unless otherwise provided by law,
159 whether each candidate is a qualified elector of the state, state
160 district, county or county district which they seek to serve, and
161 whether each candidate meets all other qualifications to hold the
162 office he or she is seeking or presents absolute proof that he or
163 she will, subject to no contingencies, meet all qualifications on



164 or before the date of the general or special election at which he
165 or she could be elected to office. The proper executive committee
166 or the Secretary of State, whichever is applicable, shall
167 determine whether the candidate has taken the steps necessary to
168 qualify for more than one (1) office at the election. The
169 committee or the Secretary of State, whichever is applicable,
170 shall also determine whether any candidate has been convicted (i)
171 of any felony in a court of this state, (ii) on or after December
172 8, 1992, of any offense in another state which is a felony under
173 the laws of this state, (iii) of any felony in a federal court on
174 or after December 8, 1992, or (iv) of any offense that involved
175 the misuse or abuse of his or her office or money coming into his
176 or her hands by virtue of the office. Excepted from the above are
177 convictions of manslaughter and violations of the United States
178 Internal Revenue Code or any violations of the tax laws of this
179 state.

180 (b) If the proper executive committee or the Secretary
181 of State, whichever is applicable, finds that a candidate either
182 (i) is not a qualified elector, (ii) does not meet all
183 qualifications to hold the office he or she seeks and fails to
184 provide absolute proof, subject to no contingencies, that he or
185 she will meet the qualifications on or before the date of the
186 general or special election at which he or she could be elected,
187 or (iii) has been convicted of a felony or other disqualifying
188 offense as described in paragraph (a) of this subsection, and not



189 pardoned, then the executive committee shall notify the candidate
190 and give the candidate an opportunity to be heard. The executive
191 committee shall mail notice to the candidate at least three (3)
192 business days before the hearing to the address provided by the
193 candidate on the qualifying forms, and the committee shall attempt
194 to contact the candidate by telephone, email and facsimile if the
195 candidate provided this information on the forms. If the
196 candidate fails to appear at the hearing or to prove that he or
197 she meets all qualifications to hold the office subject to no
198 contingencies, then the name of that candidate shall not be placed
199 upon the ballot.

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

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

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

212 **SECTION 3.** Nomination of candidates for the office of
213 commissioner of the Yazoo-Mississippi Delta Levee District, by any



214 political party, shall be made by counties, or parts of a county
215 having a levee commissioner, and the primary elections for that
216 purpose shall be held on the second Tuesday in March. The
217 qualification deadline for such election shall be by 5:00 p.m.
218 sixty (60) days before the presidential preference primary in
219 years in which a presidential preference primary is held. In
220 years when a presidential preference primary is not being held,
221 the qualification deadline shall be by 5:00 p.m. on January 15 of
222 the year in which the primary election for the office is held. If
223 sixty (60) days before the presidential preference primary in
224 years in which a presidential preference primary is held, January
225 15, or the date of the qualifying deadline provided by statute for
226 the office occurs on a Saturday, Sunday or legal holiday, then the
227 qualifying deadline shall be by 5:00 p.m. on the business day
228 immediately following the Saturday, Sunday or legal holiday. The
229 general primary election laws shall apply to and govern the
230 nomination of candidates for the office of commissioner for the
231 said levee districts in so far as they may be applicable.

232 **SECTION 4.** Section 8, Chapter 12, Laws of 1928, which
233 provides for the dates of the nominations for Yazoo-Mississippi
234 Delta Levee Commissioners, is repealed.

235 **SECTION 5.** Section 3 of this act shall be codified as a new
236 section in Chapter 15, Title 23, Mississippi Code of 1972."

237 **AMEND TITLE** to conform.

