

Senate Amendments to House Bill No. 293

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

14 **SECTION 1.** Section 23-15-1031, Mississippi Code of 1972, is
15 amended as follows:
16 23-15-1031. Except as provided by Section 23-15-1081, the
17 first primary election for Congressmen shall be held on the * * *
18 second Tuesday in * * * March of the years in which congressmen
19 are elected, and a second primary, if necessary, shall be held
20 four (4) weeks thereafter. Each year in which a presidential
21 election is held, the congressional primary shall be held as
22 provided in Section 23-15-1081. The election shall be held in all
23 districts of the state on the same day. Candidates for United
24 States Senator shall be nominated at the congressional primary
25 next preceding the general election at which a senator is to be
26 elected and in the same manner that congressmen are nominated.
27 The chair and secretary of the state executive committee shall
28 certify the vote for United States Senator to the Secretary of
29 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

56 year in which the primary election for the office is held. If
57 February 1 or the date of the qualifying deadline provided by
58 statute for the office occurs on a Saturday, Sunday or legal
59 holiday, then the assessments required to be paid by this
60 paragraph (b) shall be paid by 5:00 p.m. on the business day
61 immediately following the Saturday, Sunday or legal holiday.

62 (2) (a) Assessments made pursuant to subsection (1)(e) and
63 (f) of Section 23-15-297, shall be paid by each candidate who
64 seeks a nomination in the political party election to the circuit
65 clerk of that candidate's county of residence by 5:00 p.m. on
66 February 1 of the year in which the primary election for the
67 office is held or on the date of the qualifying deadline provided
68 by statute for the office, whichever is earlier; however, no such
69 assessments may be paid before January 1 of the year in which the
70 election for the office is held. If February 1 or the date of the
71 qualifying deadline provided by statute for the office occurs on a
72 Saturday, Sunday or legal holiday, then the assessments required
73 to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the
74 business day immediately following the Saturday, Sunday or legal
75 holiday. The circuit clerk shall forward the fee and all
76 necessary information to the secretary of the proper county
77 executive committee within two (2) business days. No candidate
78 may attempt to qualify with any political party that does not have
79 a duly organized county executive committee, and the circuit clerk
80 shall not accept any assessments paid for nonlegislative offices
81 pursuant to subsection (1)(e) and (f) of Section 23-15-297 if the

82 circuit clerk does not have contact information for the secretary
83 of the county executive committee for that political party.

84 (b) Assessments made pursuant to subsection (3)(d) and
85 (e) of Section 23-15-297 shall be paid by each independent
86 candidate or special election candidate to the circuit clerk of
87 that candidate's county of residence by 5:00 p.m. on February 1 of
88 the year in which the primary election for the office is held or
89 on the date of the qualifying deadline provided by statute for the
90 office, whichever is earlier; however, no such assessments may be
91 paid before January 1 of the year in which the primary election
92 for the office is held. If February 1 or the date of the
93 qualifying deadline provided by statute for the office occurs on a
94 Saturday, Sunday or legal holiday, then the assessments required
95 to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the
96 business day immediately following the Saturday, Sunday or legal
97 holiday. The circuit clerk shall forward the fee and all
98 necessary information to the secretary of the proper county
99 election commission within two (2) business days.

100 (3) (a) Assessments made pursuant to subsection (1)(g) and
101 (h) of Section 23-15-297 must be paid by each candidate who seeks
102 a nomination in the political party election to the secretary of
103 the state executive committee with which the candidate is
104 affiliated by 5:00 p.m. sixty (60) days before the * * *
105 congressional preference primary * * *; however, no such
106 assessments may be paid before * * * December 1 of the year * * *
107 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
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)(f) and
(g) of Section 23-15-297 must be paid by each independent
candidate or special election candidate to the Secretary of State
by 5:00 p.m. sixty (60) days before the * * * congressional
preference primary in years in which a * * * congressional
preference primary is held; however, no such assessments may be
paid before * * * December 1 of the year in which the primary
election for the office is held. Assessments made pursuant to
subsection (3)(f) and (g) of Section 23-15-297, in years when
a * * * congressional preference primary is not being held, shall

be paid by each independent candidate or special election candidate to the Secretary of State 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 (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

160 person who pays the required fee and files the required statement
161 by 5:00 p.m. on the date of the qualifying deadline. The name of
162 any person who pays the required fee and files the required
163 statement after 5:00 p.m. on the date of the qualifying deadline
164 shall not be placed on the primary election ballot or the general
165 election ballot.

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

175 (6) The secretaries of the proper executive committee shall
176 hold the funds to be finally disposed of by order of their
177 respective executive committees. The funds may be used or
178 disbursed by the executive committee receiving same to pay all
179 necessary traveling or other necessary expenses of the members of
180 the executive committee incurred in discharging their duties as
181 committee members, and of their secretary and may pay the
182 secretary such salary as may be reasonable. The Secretary of
183 State shall deposit any qualifying fees received from candidates
184 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.

210 (b) If the proper executive committee or the Secretary
211 of State, whichever is applicable, finds that a candidate either
212 (i) is not a qualified elector, (ii) does not meet all
213 qualifications to hold the office he or she seeks and fails to
214 provide absolute proof, subject to no contingencies, that he or
215 she will meet the qualifications on or before the date of the
216 general or special election at which he or she could be elected,
217 or (iii) has been convicted of a felony or other disqualifying
218 offense as described in paragraph (a) of this subsection, and not
219 pardoned, then the executive committee shall notify the candidate
220 and give the candidate an opportunity to be heard. The executive
221 committee shall mail notice to the candidate at least three (3)
222 business days before the hearing to the address provided by the
223 candidate on the qualifying forms, and the committee shall attempt
224 to contact the candidate by telephone, email and facsimile if the
225 candidate provided this information on the forms. If the
226 candidate fails to appear at the hearing or to prove that he or
227 she meets all qualifications to hold the office subject to no
228 contingencies, then the name of that candidate shall not be placed
229 upon the ballot.

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

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

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

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

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

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

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

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

278 (2) (a) Unless the petition or fee, whichever is
279 applicable, required above shall be filed as provided for in
280 subsection (3), (4) or (5) of this section, as appropriate, the
281 name of the person requested to be a candidate, unless nominated
282 by a political party, shall not be placed upon the ballot. The
283 ballot shall contain the names of each candidate for each office,
284 and the names shall be listed under the name of the political
285 party that candidate represents as provided by law and as
286 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; 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

339 office he or she is seeking or presents absolute proof that he or
340 she will, subject to no contingencies, meet all qualifications on
341 or before the date of the general or special election at which he
342 or she could be elected to office. The election commission shall
343 determine whether the candidate has taken the steps necessary to
344 qualify for more than one (1) office at the election. The
345 election commission also shall determine whether any candidate has
346 been convicted (i) of any felony in a court of this state, (ii) on
347 or after December 8, 1992, of any offense in another state which
348 is a felony under the laws of this state, (iii) of any felony in a
349 federal court on or after December 8, 1992, or (iv) of any offense
350 that involved the misuse or abuse of his or her office or money
351 coming into his or her hands by virtue of the office. Excepted
352 from the above are convictions of manslaughter and violations of
353 the United States Internal Revenue Code or any violations of the
354 tax laws of this state.

355 (b) If the appropriate election commission finds that a
356 candidate either (i) is not a qualified elector, (ii) does not
357 meet all qualifications to hold the office he or she seeks and
358 fails to provide absolute proof, subject to no contingencies, that
359 he or she will meet the qualifications on or before the date of
360 the general or special election at which he or she could be
361 elected, or (iii) has been convicted of a felony or other
362 disqualifying offense as described in paragraph (a) of this
363 subsection, and not pardoned, then the election commission shall
364 notify the candidate and give the candidate an opportunity to be

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

377 (10) If after the deadline to qualify as a candidate for an
378 office or after the time for holding any party primary for an
379 office, only one (1) person has duly qualified to be a candidate
380 for the office in the general election, the name of that person
381 shall be placed on the ballot; provided, however, that if not more
382 than one (1) person duly qualified to be a candidate for each
383 office on the general election ballot, the election for all
384 offices on the ballot shall be dispensed with and the appropriate
385 election commission shall declare each candidate elected without
386 opposition if the candidate meets all the qualifications to hold
387 the office as determined pursuant to a review by the election
388 commission in accordance with the provisions of subsection (9) of
389 this section and if the candidate has filed all required campaign
390 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 Board of Levee Commissioners 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. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held. In years when a presidential preference primary is not being held, the qualification deadline shall be by 5:00 p.m. on January 15 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, January 15, or the date of the qualifying deadline provided by statute for the office 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 board of commissioners 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.

416 **SECTION 6.** Section 4 of this act shall be codified as a new
417 section in Chapter 15, Title 23, Mississippi Code of 1972.

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

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

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

SS26\HB293A.J

Amanda White
Secretary of the Senate