

By: Holland, Reynolds

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 417

1 AN ACT TO AMEND SECTION 23-15-309, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE FILING DEADLINE FOR MUNICIPAL CANDIDATES; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 23-15-309, Mississippi Code of 1972, is
6 amended as follows:[BD1]

7 23-15-309. (1) Nominations for all municipal officers which
8 are elective shall be made at a primary election, or elections, to
9 be held in the manner prescribed by law. All persons desiring to
10 be candidates for the nomination in the primary elections shall
11 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
12 at least sixty (60) days prior to the first primary election, no
13 later than 5:00 p.m. on such deadline day.

14 (2) The fee paid pursuant to subsection (1) of this section
15 shall be accompanied by a written statement containing the name
16 and address of the candidate, the party with which he is
17 affiliated, and the office for which he is a candidate.

18 (3) The clerk shall promptly receipt the payment, stating
19 the office for which the person making the payment is running and
20 the political party with which such person is affiliated. The
21 clerk shall keep an itemized account in detail showing the time
22 and date of the receipt of such payment received by him, from whom
23 such payment was received, the party with which such person is
24 affiliated, and for what office the person paying the fee is a
25 candidate. The clerk shall promptly supply all necessary
26 information and pay over all fees so received to the secretary of

27 the proper municipal executive committee. Such funds may be used
28 and disbursed in the same manner as is allowed in Section
29 23-15-299 in regard to other executive committees.

30 (4) Upon receipt of the above information, the proper
31 municipal executive committee shall then determine whether or not
32 each candidate is a qualified elector, and whether any candidate
33 has been convicted of any crime listed in Section 241, Mississippi
34 Constitution of 1890, or is a fugitive from justice from this
35 state or any other state and such charge upon which a candidate
36 has fled has not been dismissed. If the proper municipal
37 executive committee finds that a candidate is not a qualified
38 elector, or that such candidate has been convicted of a felony and
39 not pardoned nor has served his sentence, or is a fugitive from
40 justice as aforesaid, then the name of such candidate shall not be
41 placed upon the ballot.

42 (5) Where there is but one (1) candidate, the proper
43 municipal executive committee when the time has expired within
44 which the names of candidates shall be furnished shall declare
45 such candidate the nominee.

46 SECTION 2. The Attorney General of the State of Mississippi
47 shall submit this act, immediately upon approval by the Governor,
48 or upon approval by the Legislature subsequent to a veto, to the
49 Attorney General of the United States or to the United States
50 District Court for the District of Columbia in accordance with the
51 provisions of the Voting Rights Act of 1965, as amended and
52 extended.

53 SECTION 3. This act shall take effect and be in force from
54 and after the date it is effectuated under Section 5 of the Voting
55 Rights Act of 1965, as amended and extended.