

By: Representatives Miles, Bowles, Markham,
Cummings, Fillingane, Montgomery (15th),
Moss, Scott (17th), Ward

To: Apportionment and
Elections

HOUSE BILL NO. 801

1 AN ACT TO AMEND SECTIONS 23-15-299 AND 23-15-1031,
2 MISSISSIPPI CODE OF 1972, TO POSTPONE THE QUALIFYING DEADLINE AND
3 PRIMARY DATE FOR THE 2002 CONGRESSIONAL ELECTION; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 23-15-299, Mississippi Code of 1972, is
7 amended as follows:

8 **[Until July 1, 2003, this section shall read as follows:]**

9 23-15-299. (1) Assessments made pursuant to paragraphs (a),
10 (b) and (c) of Section 23-15-297 and assessments made pursuant to
11 paragraph (d) of Section 23-15-297 for legislative offices shall
12 be paid by each candidate to the Secretary of the State Executive
13 Committee with which the candidate is affiliated by 5:00 p.m. on
14 March 1 of the year in which the primary election for the office
15 is held or on the date of the qualifying deadline provided by
16 statute for the office, whichever is earlier.

17 (2) Assessments made pursuant to paragraphs (d) and (e) of
18 Section 23-15-297, other than assessments made for legislative
19 offices, shall be paid by each candidate to the circuit clerk of
20 such candidate's county of residence by 5:00 p.m. on March 1 of
21 the year in which the primary election for the office is held or
22 on the date of the qualifying deadline provided by statute for the
23 office, whichever is earlier; provided, however, that no such
24 assessments may be paid before January 1 of the year in which the
25 election for the office is held. The circuit clerk shall forward
26 the fee and all necessary information to the secretary of the
27 proper county executive committee within two (2) business days.



28 (3) Assessments made pursuant to paragraphs (f) and (g) of
29 Section 23-15-297 must be paid by each candidate to the Secretary
30 of the State Executive Committee with which the candidate is
31 affiliated by 5:00 p.m. sixty (60) days before the presidential
32 preference primary in years in which a presidential preference
33 primary is held. Assessments made pursuant to paragraphs (f) and
34 (g) of Section 23-15-297, in years when a presidential preference
35 primary is not being held, shall be paid by each candidate to the
36 Secretary of the State Executive Committee with which the
37 candidate is affiliated by 5:00 p.m. on June 1 of the year in
38 which the primary election for the office is held.

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

44 (b) The State Executive Committee shall transmit to the
45 Secretary of State a copy of the written statements accompanying
46 the fees paid pursuant to subsections (1) and (2) of this section.
47 All copies must be received by the Office of the Secretary of
48 State by not later than 6:00 p.m. on the date of the qualifying
49 deadline; provided, however, the failure of the Office of the
50 Secretary of State to receive such copies by 6:00 p.m. on the date
51 of the qualifying deadline shall not affect the qualification of a
52 person who pays the required fee and files the required statement
53 by 5:00 p.m. on the date of the qualifying deadline. The name of
54 any person who pays the required fee and files the required
55 statement after 5:00 p.m. on the date of the qualifying deadline
56 shall not be placed on the primary election ballot.

57 (5) The secretary or circuit clerk to whom such payments are
58 made shall promptly receipt for same stating the office for which
59 such candidate making payment is running and the political party
60 with which he or she is affiliated, and he or she shall keep an



61 itemized account in detail showing the exact time and date of the
62 receipt of each payment received by him or her and, where
63 applicable, the date of the postmark on the envelope containing
64 the fee and from whom, and for what office the party paying same
65 is a candidate.

66 (6) The secretaries of the proper executive committee shall
67 hold said funds to be finally disposed of by order of their
68 respective executive committees. Such funds may be used or
69 disbursed by the executive committee receiving same to pay all
70 necessary traveling or other necessary expenses of the members of
71 the executive committee incurred in discharging their duties as
72 committeemen, and of their secretary and may pay the secretary
73 such salary as may be reasonable.

74 (7) Upon receipt of the proper fee and all necessary
75 information, the proper executive committee shall then determine
76 whether each candidate is a qualified elector of the state, state
77 district, county or county district which they seek to serve, and
78 whether each candidate meets all other qualifications to hold the
79 office he is seeking or presents absolute proof that he will,
80 subject to no contingencies, meet all qualifications on or before
81 the date of the general or special election at which he could be
82 elected to office. The committee also shall determine whether any
83 candidate has been convicted of any felony in a court of this
84 state, or has been convicted on or after December 8, 1992, of any
85 offense in another state which is a felony under the laws of this
86 state, or has been convicted of any felony in a federal court on
87 or after December 8, 1992. Excepted from the above are
88 convictions of manslaughter and violations of the United States
89 Internal Revenue Code or any violations of the tax laws of this
90 state unless the offense also involved misuse or abuse of his
91 office or money coming into his hands by virtue of his office. If
92 the proper executive committee finds that a candidate either (a)
93 is not a qualified elector, (b) does not meet all qualifications



94 to hold the office he seeks and fails to provide absolute proof,
95 subject to no contingencies, that he will meet the qualifications
96 on or before the date of the general or special election at which
97 he could be elected, or (c) has been convicted of a felony as
98 described in this subsection, and not pardoned, then the name of
99 such candidate shall not be placed upon the ballot.

100 Where there is but one (1) candidate for each office
101 contested at the primary election, the proper executive committee
102 when the time has expired within which the names of candidates
103 shall be furnished shall declare such candidates the nominees.

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

106 **[From and after July 1, 2003, this section shall read as**
107 **follows:]**

108 23-15-299. (1) Assessments made pursuant to paragraphs (a),
109 (b) and (c) of Section 23-15-297 and assessments made pursuant to
110 paragraph (d) of Section 23-15-297 for legislative offices shall
111 be paid by each candidate to the Secretary of the State Executive
112 Committee with which the candidate is affiliated by 5:00 p.m. on
113 March 1 of the year in which the primary election for the office
114 is held or on the date of the qualifying deadline provided by
115 statute for the office, whichever is earlier.

116 (2) Assessments made pursuant to paragraphs (d) and (e) of
117 Section 23-15-297, other than assessments made for legislative
118 offices, shall be paid by each candidate to the circuit clerk of
119 such candidate's county of residence by 5:00 p.m. on March 1 of
120 the year in which the primary election for the office is held or
121 on the date of the qualifying deadline provided by statute for the
122 office, whichever is earlier; provided, however, that no such
123 assessments may be paid before January 1 of the year in which the
124 election for the office is held. The circuit clerk shall forward
125 the fee and all necessary information to the secretary of the
126 proper county executive committee within two (2) business days.



127 (3) Assessments made pursuant to paragraphs (f) and (g) of
128 Section 23-15-297 must be paid by each candidate to the Secretary
129 of the State Executive Committee with which the candidate is
130 affiliated by 5:00 p.m. sixty (60) days before the presidential
131 preference primary in years in which a presidential preference
132 primary is held. Assessments made pursuant to paragraphs (f) and
133 (g) of Section 23-15-297, in years when a presidential preference
134 primary is not being held, shall be paid by each candidate to the
135 Secretary of the State Executive Committee with which the
136 candidate is affiliated by 5:00 p.m. on March 1 of the year in
137 which the primary election for the office is held.

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

143 (b) The State Executive Committee shall transmit to the
144 Secretary of State a copy of the written statements accompanying
145 the fees paid pursuant to subsections (1) and (2) of this section.
146 All copies must be received by the Office of the Secretary of
147 State by not later than 6:00 p.m. on the date of the qualifying
148 deadline; provided, however, the failure of the Office of the
149 Secretary of State to receive such copies by 6:00 p.m. on the date
150 of the qualifying deadline shall not affect the qualification of a
151 person who pays the required fee and files the required statement
152 by 5:00 p.m. on the date of the qualifying deadline. The name of
153 any person who pays the required fee and files the required
154 statement after 5:00 p.m. on the date of the qualifying deadline
155 shall not be placed on the primary election ballot.

156 (5) The secretary or circuit clerk to whom such payments are
157 made shall promptly receipt for same stating the office for which
158 such candidate making payment is running and the political party
159 with which he or she is affiliated, and he or she shall keep an



160 itemized account in detail showing the exact time and date of the
161 receipt of each payment received by him or her and, where
162 applicable, the date of the postmark on the envelope containing
163 the fee and from whom, and for what office the party paying same
164 is a candidate.

165 (6) The secretaries of the proper executive committee shall
166 hold said funds to be finally disposed of by order of their
167 respective executive committees. Such funds may be used or
168 disbursed by the executive committee receiving same to pay all
169 necessary traveling or other necessary expenses of the members of
170 the executive committee incurred in discharging their duties as
171 committeemen, and of their secretary and may pay the secretary
172 such salary as may be reasonable.

173 (7) Upon receipt of the proper fee and all necessary
174 information, the proper executive committee shall then determine
175 whether each candidate is a qualified elector of the state, state
176 district, county or county district which they seek to serve, and
177 whether each candidate meets all other qualifications to hold the
178 office he is seeking or presents absolute proof that he will,
179 subject to no contingencies, meet all qualifications on or before
180 the date of the general or special election at which he could be
181 elected to office. The committee also shall determine whether any
182 candidate has been convicted of any felony in a court of this
183 state, or has been convicted on or after December 8, 1992, of any
184 offense in another state which is a felony under the laws of this
185 state, or has been convicted of any felony in a federal court on
186 or after December 8, 1992. Excepted from the above are
187 convictions of manslaughter and violations of the United States
188 Internal Revenue Code or any violations of the tax laws of this
189 state unless the offense also involved misuse or abuse of his
190 office or money coming into his hands by virtue of his office. If
191 the proper executive committee finds that a candidate either (a)
192 is not a qualified elector, (b) does not meet all qualifications



193 to hold the office he seeks and fails to provide absolute proof,
194 subject to no contingencies, that he will meet the qualifications
195 on or before the date of the general or special election at which
196 he could be elected, or (c) has been convicted of a felony as
197 described in this subsection, and not pardoned, then the name of
198 such candidate shall not be placed upon the ballot.

199 Where there is but one (1) candidate for each office
200 contested at the primary election, the proper executive committee
201 when the time has expired within which the names of candidates
202 shall be furnished shall declare such candidates the nominees.

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

205 **SECTION 2.** Section 23-15-1031, Mississippi Code of 1972, is
206 amended as follows:

207 **[Until July 1, 2003, this section shall read as follows:]**

208 23-15-1031. Except as may be otherwise provided by Section
209 23-15-1081, the first primary election for congressmen shall be
210 held on the first Tuesday in August of the years in which
211 congressmen are elected, and the second primary, when one is
212 necessary, shall be held three (3) weeks thereafter. Each year in
213 which a presidential election is held, the congressional primary
214 shall be held as provided in Section 23-15-1081. The election
215 shall be held in all districts of the state on the same day.
216 Candidates for United States Senator shall be nominated at the
217 congressional primary next preceding the general election at which
218 a senator is to be elected and in the same manner that congressmen
219 are nominated, and the chairman and secretary of the state
220 executive committee shall certify the vote for United States
221 Senator to the Secretary of State in the same manner that county
222 executive committees certify the returns of counties in general
223 state and county primary elections.

224 **[From and after July 1, 2003, this section shall read as**
225 **follows:]**



226 23-15-1031. Except as may be otherwise provided by Section
227 23-15-1081, the first primary election for congressmen shall be
228 held on the first Tuesday in June of the years in which
229 congressmen are elected, and the second primary, when one is
230 necessary, shall be held three (3) weeks thereafter. Each year in
231 which a presidential election is held, the congressional primary
232 shall be held as provided in Section 23-15-1081. The election
233 shall be held in all districts of the state on the same day.
234 Candidates for United States Senator shall be nominated at the
235 congressional primary next preceding the general election at which
236 a senator is to be elected and in the same manner that congressmen
237 are nominated, and the chairman and secretary of the state
238 executive committee shall certify the vote for United States
239 Senator to the Secretary of State in the same manner that county
240 executive committees certify the returns of counties in general
241 state and county primary elections.

242 **SECTION 3.** The Attorney General of the State of Mississippi
243 shall submit this act, immediately upon approval by the Governor,
244 or upon approval by the Legislature subsequent to a veto, to the
245 Attorney General of the United States or to the United States
246 District Court for the District of Columbia in accordance with the
247 provisions of the Voting Rights Act of 1965, as amended and
248 extended.

249 **SECTION 4.** This act shall take effect and be in force from
250 and after the date it is effectuated under Section 5 of the Voting
251 Rights Act of 1965, as amended and extended.

