

By: Representative Smith (39th)

To: Apportionment and Elections

HOUSE BILL NO. 968

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,  
2 TO CHANGE THE QUALIFYING DEADLINE FOR LEGISLATIVE OFFICES FOR THE  
3 YEAR 2011 ONLY IF THE 2010 CENSUS IS NOT RECEIVED BY THE GOVERNOR  
4 BY JANUARY 1, 2011; AND FOR RELATED 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 23-15-299. (1) (a) Assessments made pursuant to paragraphs  
9 (a), (b) and (c) of Section 23-15-297 and assessments made  
10 pursuant to paragraph (d) of Section 23-15-297 for legislative  
11 offices shall be paid by each candidate to the Secretary of the  
12 State Executive Committee with which the candidate is affiliated  
13 by 5:00 p.m. on March 1 of the year in which the primary election  
14 for the office is held or on the date of the qualifying deadline  
15 provided by statute for the office, whichever is earlier.

16 (b) If the 2010 federal decennial census has not been  
17 received from the United States Secretary of Commerce by the  
18 Governor of the State of Mississippi by January 1, 2011, then the  
19 qualifying deadline for legislative offices shall be changed for  
20 the year 2011 only, as follows: Assessments made pursuant to  
21 paragraph (d) of Section 23-15-297 for legislative offices shall  
22 be paid by each candidate to the Secretary of the State Executive  
23 Committee with which the candidate is affiliated by 5:00 p.m. on  
24 June 1, 2011. This paragraph (b) shall stand repealed on July 1,  
25 2012.

26 (2) Assessments made pursuant to paragraphs (d) and (e) of  
27 Section 23-15-297, other than assessments made for legislative  
28 offices, shall be paid by each candidate to the circuit clerk of



29 such candidate's county of residence by 5:00 p.m. on March 1 of  
30 the year in which the primary election for the office is held or  
31 on the date of the qualifying deadline provided by statute for the  
32 office, whichever is earlier; provided, however, that no such  
33 assessments may be paid before January 1 of the year in which the  
34 election for the office is held. The circuit clerk shall forward  
35 the fee and all necessary information to the secretary of the  
36 proper county executive committee within two (2) business days.

37 (3) Assessments made pursuant to paragraphs (f) and (g) of  
38 Section 23-15-297 must be paid by each candidate to the Secretary  
39 of the State Executive Committee with which the candidate is  
40 affiliated by 5:00 p.m. sixty (60) days before the presidential  
41 preference primary in years in which a presidential preference  
42 primary is held. Assessments made pursuant to paragraphs (f) and  
43 (g) of Section 23-15-297, in years when a presidential preference  
44 primary is not being held, shall be paid by each candidate to the  
45 Secretary of the State Executive Committee with which the  
46 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
47 which the primary election for the office is held.

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

53 (b) The State Executive Committee shall transmit to the  
54 Secretary of State a copy of the written statements accompanying  
55 the fees paid pursuant to subsections (1) and (2) of this section.  
56 All copies must be received by the Office of the Secretary of  
57 State by not later than 6:00 p.m. on the date of the qualifying  
58 deadline; provided, however, the failure of the Office of the  
59 Secretary of State to receive such copies by 6:00 p.m. on the date  
60 of the qualifying deadline shall not affect the qualification of a  
61 person who pays the required fee and files the required statement



62 by 5:00 p.m. on the date of the qualifying deadline. The name of  
63 any person who pays the required fee and files the required  
64 statement after 5:00 p.m. on the date of the qualifying deadline  
65 shall not be placed on the primary election ballot.

66 (5) The secretary or circuit clerk to whom such payments are  
67 made shall promptly receipt for same stating the office for which  
68 such candidate making payment is running and the political party  
69 with which he or she is affiliated, and he or she shall keep an  
70 itemized account in detail showing the exact time and date of the  
71 receipt of each payment received by him or her and, where  
72 applicable, the date of the postmark on the envelope containing  
73 the fee and from whom, and for what office the party paying same  
74 is a candidate.

75 (6) The secretaries of the proper executive committee shall  
76 hold said funds to be finally disposed of by order of their  
77 respective executive committees. Such funds may be used or  
78 disbursed by the executive committee receiving same to pay all  
79 necessary traveling or other necessary expenses of the members of  
80 the executive committee incurred in discharging their duties as  
81 committeemen, and of their secretary and may pay the secretary  
82 such salary as may be reasonable.

83 (7) Upon receipt of the proper fee and all necessary  
84 information, the proper executive committee shall then determine  
85 whether each candidate is a qualified elector of the state, state  
86 district, county or county district which they seek to serve, and  
87 whether each candidate meets all other qualifications to hold the  
88 office he is seeking or presents absolute proof that he will,  
89 subject to no contingencies, meet all qualifications on or before  
90 the date of the general or special election at which he could be  
91 elected to office. The committee also shall determine whether any  
92 candidate has been convicted of any felony in a court of this  
93 state, or has been convicted on or after December 8, 1992, of any  
94 offense in another state which is a felony under the laws of this



95 state, or has been convicted of any felony in a federal court on  
96 or after December 8, 1992. Excepted from the above are  
97 convictions of manslaughter and violations of the United States  
98 Internal Revenue Code or any violations of the tax laws of this  
99 state unless the offense also involved misuse or abuse of his  
100 office or money coming into his hands by virtue of his office. If  
101 the proper executive committee finds that a candidate either (a)  
102 is not a qualified elector, (b) does not meet all qualifications  
103 to hold the office he seeks and fails to provide absolute proof,  
104 subject to no contingencies, that he will meet the qualifications  
105 on or before the date of the general or special election at which  
106 he could be elected, or (c) has been convicted of a felony as  
107 described in this subsection, and not pardoned, then the name of  
108 such candidate shall not be placed upon the ballot.

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

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

115 **SECTION 2.** The Attorney General of the State of Mississippi  
116 shall submit this act, immediately upon approval by the Governor,  
117 or upon approval by the Legislature subsequent to a veto, to the  
118 Attorney General of the United States or to the United States  
119 District Court for the District of Columbia in accordance with the  
120 provisions of the Voting Rights Act of 1965, as amended and  
121 extended.

122 **SECTION 3.** This act shall take effect and be in force from  
123 and after July 1, 2003, if it is effectuated on or before that  
124 date under Section 5 of the Voting Rights Act of 1965, as amended  
125 and extended. If it is effectuated under Section 5 of the Voting  
126 Rights Act of 1965, as amended and extended, after July 1, 2003,  
127 this act shall take effect and be in force from and after the date



128 it is effectuated under Section 5 of the Voting Rights Act of  
129 1965, as amended and extended.

