

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 This paragraph (b) shall stand repealed on July 1,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.

