

By: Representative Moak

To: Apportionment and
Elections

HOUSE BILL NO. 174

1 AN ACT TO AMEND SECTIONS 23-15-297, 23-15-299 AND 23-15-977,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE FEES REQUIRED TO BE PAID
3 BY A CANDIDATE UPON ENTERING CERTAIN RACES FOR PARTY NOMINATION;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-297, Mississippi Code of 1972, is
7 amended as follows:

8 23-15-297. Any candidate entering the race for party
9 nominations for office shall first pay to the proper officer as
10 provided for in Section 23-15-299 for each primary election the
11 following amounts:

12 (a) Candidates for Governor, the sum of One Thousand
13 Dollars (\$1,000.00).

14 (b) Candidates for Lieutenant Governor, the sum of One
15 Thousand Two Hundred Fifty Dollars (\$1,250.00).

16 (c) Candidates for Attorney General, State Treasurer,
17 Auditor of Public Accounts, Commissioner of Insurance, Secretary
18 of State and Commissioner of Agriculture and Commerce, the sum of
19 One Thousand Dollars (\$1,000.00).

20 (d) Candidates for Mississippi Transportation
21 Commissioner and State Public Service Commissioner, the sum of
22 Nine Hundred Dollars (\$900.00).

23 (e) Candidates for State Senator and State
24 Representative, the sum of Three Hundred Fifty Dollars (\$350.00).

25 (f) Candidates for district attorney, the sum of Three
26 Hundred Dollars (\$300.00).

27 (g) Candidates for sheriff, chancery clerk, circuit
28 clerk, tax assessor, county attorney, tax collector, county

29 superintendent of education, county coroner, county surveyor and
30 ranger, the sum of One Hundred Dollars (\$100.00).

31 (h) Candidates for justice court judge, constable,
32 board of supervisors and county board of education, the sum of
33 Fifty Dollars (\$50.00).

34 (i) Candidates for United States Senator, the sum of
35 One Thousand Dollars (\$1,000.00).

36 (j) Candidates for United States Representative, the
37 sum of Two Hundred Dollars (\$200.00).

38 A person shall not be denied candidacy for any of the offices
39 for which fees are assessed under this section because the person
40 is unable to pay the fees required by this section.

41 **SECTION 2.** Section 23-15-299, Mississippi Code of 1972, is
42 amended as follows:

43 23-15-299. (1) (a) Assessments made pursuant to paragraphs
44 (a), (b), (c), (d) and (f) of Section 23-15-297 and assessments
45 made pursuant to paragraph (e) of Section 23-15-297 for
46 legislative offices shall be paid by each candidate to the
47 Secretary of the State Executive Committee with which the
48 candidate is affiliated by 5:00 p.m. on March 1 of the year in
49 which the primary election for the office is held or on the date
50 of the qualifying deadline provided by statute for the office,
51 whichever is earlier.

52 (b) If the 2010 federal decennial census has not been
53 received from the United States Secretary of Commerce by the
54 Governor of the State of Mississippi by January 1, 2011, then the
55 qualifying deadline for legislative offices shall be changed for
56 the year 2011 only, as follows: Assessments made pursuant to
57 paragraph (e) of Section 23-15-297 for legislative offices shall
58 be paid by each candidate to the Secretary of the State Executive
59 Committee with which the candidate is affiliated by 5:00 p.m. on
60 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
61 2012.

62 (2) Assessments made pursuant to paragraphs * * * (e), (g)
63 and (h) of Section 23-15-297, other than assessments made for
64 legislative offices, shall be paid by each candidate to the
65 circuit clerk of such candidate's county of residence by 5:00 p.m.
66 on March 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; provided,
69 however, that no such assessments may be paid before January 1 of
70 the year in which the election for the office is held. The
71 circuit clerk shall forward the fee and all necessary information
72 to the secretary of the proper county executive committee within
73 two (2) business days.

74 (3) Assessments made pursuant to paragraphs (f) and (g) of
75 Section 23-15-297 must be paid by each candidate to the Secretary
76 of the State Executive Committee with which the candidate is
77 affiliated by 5:00 p.m. sixty (60) days before the presidential
78 preference primary in years in which a presidential preference
79 primary is held. Assessments made pursuant to paragraphs (f) and
80 (g) of Section 23-15-297, in years when a presidential preference
81 primary is not being held, shall be paid by each candidate to the
82 Secretary of the State Executive Committee with which the
83 candidate is affiliated by 5:00 p.m. on March 1 of the year in
84 which the primary election for the office is held.

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

90 (b) The State Executive Committee shall transmit to the
91 Secretary of State a copy of the written statements accompanying
92 the fees paid pursuant to subsections (1) and (2) of this section.
93 All copies must be received by the Office of the Secretary of
94 State by not later than 6:00 p.m. on the date of the qualifying

95 deadline; provided, however, the failure of the Office of the
96 Secretary of State to receive such copies by 6:00 p.m. on the date
97 of the qualifying deadline shall not affect the qualification of a
98 person who pays the required fee and files the required statement
99 by 5:00 p.m. on the date of the qualifying deadline. The name of
100 any person who pays the required fee and files the required
101 statement after 5:00 p.m. on the date of the qualifying deadline
102 shall not be placed on the primary election ballot.

103 (5) The secretary or circuit clerk to whom such payments are
104 made shall promptly receipt for same stating the office for which
105 such candidate making payment is running and the political party
106 with which he or she is affiliated, and he or she shall keep an
107 itemized account in detail showing the exact time and date of the
108 receipt of each payment received by him or her and, where
109 applicable, the date of the postmark on the envelope containing
110 the fee and from whom, and for what office the party paying same
111 is a candidate.

112 (6) The secretaries of the proper executive committee shall
113 hold said funds to be finally disposed of by order of their
114 respective executive committees. Such funds may be used or
115 disbursed by the executive committee receiving same to pay all
116 necessary traveling or other necessary expenses of the members of
117 the executive committee incurred in discharging their duties as
118 committeemen, and of their secretary and may pay the secretary
119 such salary as may be reasonable.

120 (7) Upon receipt of the proper fee and all necessary
121 information, the proper executive committee shall then determine
122 whether each candidate is a qualified elector of the state, state
123 district, county or county district which they seek to serve, and
124 whether each candidate meets all other qualifications to hold the
125 office he is seeking or presents absolute proof that he will,
126 subject to no contingencies, meet all qualifications on or before
127 the date of the general or special election at which he could be

128 elected to office. The committee also shall determine whether any
129 candidate has been convicted of any felony in a court of this
130 state, or has been convicted on or after December 8, 1992, of any
131 offense in another state which is a felony under the laws of this
132 state, or has been convicted of any felony in a federal court on
133 or after December 8, 1992. Excepted from the above are
134 convictions of manslaughter and violations of the United States
135 Internal Revenue Code or any violations of the tax laws of this
136 state unless the offense also involved misuse or abuse of his
137 office or money coming into his hands by virtue of his office. If
138 the proper executive committee finds that a candidate either (a)
139 is not a qualified elector, (b) does not meet all qualifications
140 to hold the office he seeks and fails to provide absolute proof,
141 subject to no contingencies, that he will meet the qualifications
142 on or before the date of the general or special election at which
143 he could be elected, or (c) has been convicted of a felony as
144 described in this subsection, and not pardoned, then the name of
145 such candidate shall not be placed upon the ballot.

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

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

152 **SECTION 3.** Section 23-15-977, Mississippi Code of 1972, is
153 amended as follows:

154 23-15-977. (1) Any candidates for judicial office as
155 defined in Section 23-15-975 of this subarticle shall file their
156 intent to be a candidate with the proper officials not later than
157 5:00 p.m. on the first Friday after the first Monday in May prior
158 to the general election for judicial office and shall pay to the
159 proper officials the following amounts:

160 (a) Candidates for Supreme Court judge and Court of
161 Appeals, the sum of Nine Hundred Dollars (\$900.00).

162 (b) Candidates for circuit judge and chancellor, the
163 sum of Three Hundred Dollars (\$300.00).

164 (c) Candidates for county judge * * *, the sum of One
165 Hundred Dollars (\$100.00).

166 (2) Candidates for judicial offices listed in paragraphs (a)
167 and (b) of subsection (1) of this section shall file their intent
168 to be a candidate with, and pay the proper assessment made
169 pursuant to subsection (1) of this section to, the State Board of
170 Election Commissioners.

171 (3) Candidates for judicial offices listed in paragraph (c)
172 of subsection (1) of this section shall file their intent to be a
173 candidate with, and pay the proper assessment made pursuant to
174 subsection (1) of this section to, the circuit clerk of the proper
175 county. The circuit clerk shall notify the county commissioners
176 of election of all persons who have filed their intent to be a
177 candidate filed with, and paid the proper assessment to, such
178 clerk. Such notification shall occur within two (2) business days
179 and shall contain all necessary information.

180 (4) A person shall not be denied candidacy for any of the
181 offices for which fees are assessed under this section because the
182 person is unable to pay the fees required by this section.

183 **SECTION 4.** The Attorney General of the State of Mississippi
184 shall submit this act, immediately upon approval by the Governor,
185 or upon approval by the Legislature subsequent to a veto, to the
186 Attorney General of the United States or to the United States
187 District Court for the District of Columbia in accordance with the
188 provisions of the Voting Rights Act of 1965, as amended and
189 extended.

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