

By: Representative Howell

To: Apportionment and
Elections

HOUSE BILL NO. 327

1 AN ACT TO AMEND SECTIONS 23-15-297, 23-15-309 AND 23-15-977,
2 MISSISSIPPI CODE OF 1972, TO REVISE QUALIFYING FEES FOR CERTAIN
3 ELECTIVE OFFICES; AND FOR RELATED PURPOSES.

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

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

7 23-15-297. All candidates upon entering the race for party
8 nominations for office shall first pay to the proper officer as
9 provided for in Section 23-15-299 for each primary election the
10 following amounts:

11 (a) Candidates for Governor not to exceed Four Hundred
12 Dollars (\$400.00).

13 (b) Candidates for Lieutenant Governor, Attorney
14 General, Secretary of State, State Treasurer, Auditor of Public
15 Accounts, Commissioner of Insurance, Commissioner of Agriculture
16 and Commerce, State Highway Commissioner and State Public Service
17 Commissioner, not to exceed Three Hundred Dollars (\$300.00).

18 (c) Candidates for district attorney, not to exceed One
19 Hundred Fifty Dollars (\$150.00).

20 (d) Candidates for State Senator, State Representative,
21 sheriff, chancery clerk, circuit clerk, tax assessor, tax
22 collector, county attorney, county superintendent of education and
23 board of supervisors, not to exceed Twenty-five Dollars (\$25.00).

24 (e) Candidates for county surveyor, county coroner,
25 justice court judge and constable, not to exceed Fifteen Dollars
26 (\$15.00).

27 (f) Candidates for United States Senator, not to exceed
28 Four Hundred Dollars (\$400.00).

29 (g) Candidates for United States Representative, not to
30 exceed Three Hundred Dollars (\$300.00).

31 **SECTION 2.** Section 23-15-309, Mississippi Code of 1972, is
32 amended as follows:

33 23-15-309. (1) Nominations for all municipal officers which
34 are elective shall be made at a primary election, or elections, to
35 be held in the manner prescribed by law. All persons desiring to
36 be alderman or council candidates for the nomination in the
37 primary elections shall first pay Ten Dollars (\$10.00) and persons
38 desiring to be mayoral candidates for nomination in the primary
39 elections shall first pay Twenty-five Dollars (\$25.00) to the
40 clerk of the municipality, at least sixty (60) days prior to the
41 first primary election, no later than 5:00 p.m. on such deadline
42 day.

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

47 (3) The clerk shall promptly receipt the payment, stating
48 the office for which the person making the payment is running and
49 the political party with which such person is affiliated. The
50 clerk shall keep an itemized account in detail showing the time
51 and date of the receipt of such payment received by him, from whom
52 such payment was received, the party with which such person is
53 affiliated and for what office the person paying the fee is a
54 candidate. The clerk shall promptly supply all necessary
55 information and pay over all fees so received to the secretary of
56 the proper municipal executive committee. Such funds may be used
57 and disbursed in the same manner as is allowed in Section
58 23-15-299 in regard to other executive committees.

59 (4) Upon receipt of the above information, the proper
60 municipal executive committee shall then determine whether each
61 candidate is a qualified elector of the municipality, and of the
62 ward if the office sought is a ward office, shall determine
63 whether each candidate either meets all other qualifications to
64 hold the office he is seeking or presents absolute proof that he
65 will, subject to no contingencies, meet all qualifications on or
66 before the date of the general or special election at which he
67 could be elected to office. The committee also shall determine
68 whether any candidate has been convicted of any felony in a court
69 of this state, or has been convicted on or after December 8, 1992,
70 of any offense in another state which is a felony under the laws
71 of this state, or has been convicted of any felony in a federal
72 court on or after December 8, 1992. Excepted from the above are
73 convictions of manslaughter and violations of the United States
74 Internal Revenue Code or any violations of the tax laws of this
75 state unless such offense also involved misuse or abuse of his
76 office or money coming into his hands by virtue of his office. If
77 the proper municipal executive committee finds that a candidate
78 either (a) does not meet all qualifications to hold the office he
79 seeks and fails to provide absolute proof, subject to no
80 contingencies, that he will meet the qualifications on or before
81 the date of the general or special election at which he could be
82 elected, or (b) has been convicted of a felony as described in
83 this subsection and not pardoned, then the name of such candidate
84 shall not be placed upon the ballot.

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

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

91 23-15-977. (1) All candidates for judicial office as
92 defined in Section 23-15-975 of this subarticle shall file their
93 intent to be a candidate with the proper officials not later than
94 5:00 p.m. on the first Friday after the first Monday in May prior
95 to the general election for judicial office and shall pay to the
96 proper officials the following amounts:

97 (a) Candidates for Supreme Court judge and Court of
98 Appeals, the sum of Two Hundred Dollars (\$200.00).

99 (b) Candidates for circuit judge and chancellor, the
100 sum of One Hundred Dollars (\$100.00).

101 (c) Candidates for county judge and family court judge,
102 the sum of Fifteen Dollars (\$15.00).

103 (2) Candidates for judicial offices listed in paragraphs (a)
104 and (b) of subsection (1) of this section shall file their intent
105 to be a candidate with, and pay the proper assessment made
106 pursuant to subsection (1) of this section to, the State Board of
107 Election Commissioners.

108 (3) Candidates for judicial offices listed in paragraph (c)
109 of subsection (1) of this section shall file their intent to be a
110 candidate with, and pay the proper assessment made pursuant to
111 subsection (1) of this section to, the circuit clerk of the proper
112 county. The circuit clerk shall notify the county commissioners
113 of election of all persons who have filed their intent to be a
114 candidate filed with, and paid the proper assessment to, such
115 clerk. Such notification shall occur within two (2) business days
116 and shall contain all necessary information.

117 **SECTION 4.** The Attorney General of the State of Mississippi
118 shall submit this act, immediately upon approval by the Governor,
119 or upon approval by the Legislature subsequent to a veto, to the
120 Attorney General of the United States or to the United States
121 District Court for the District of Columbia in accordance with the
122 provisions of the Voting Rights Act of 1965, as amended and
123 extended.

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