

By: Senator(s) Cuevas, Lee (47th), Doxey,
Brown, Gollott, Albritton, Walley

To: Elections

SENATE BILL NO. 2422

1 AN ACT TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,
2 TO INCREASE TO \$150.00 THE ASSESSMENT PAID BY CANDIDATES FOR STATE
3 SENATOR AND STATE REPRESENTATIVE UPON ENTERING THE RACE FOR PARTY
4 NOMINATIONS; TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,
5 TO PROVIDE THAT SUCH ASSESSMENTS SHALL BE PAID BY THE PROPER TIME
6 SIXTY DAYS PRIOR TO THE DATE FIXED BY LAW FOR EACH PRIMARY
7 ELECTION; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 23-15-297, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-297. All candidates upon entering the race for party
12 nominations for office shall first pay to the proper officer as
13 provided for in Section 23-15-299 for each primary election the
14 following amounts:

15 (a) Candidates for Governor not to exceed Three Hundred
16 Dollars (\$300.00).

17 (b) Candidates for Lieutenant Governor, Attorney
18 General, Secretary of State, State Treasurer, Auditor of Public
19 Accounts, Commissioner of Insurance, Commissioner of Agriculture
20 and Commerce, State Highway Commissioner and State Public Service
21 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

22 (c) Candidates for State Senator and State
23 Representative, not to exceed One Hundred Fifty Dollars (\$150.00).

24 (d) Candidates for district attorney, not to exceed One
25 Hundred Dollars (\$100.00).

26 (e) Candidates for * * * sheriff, chancery clerk,
27 circuit clerk, tax assessor, tax collector, county attorney,
28 county superintendent of education and board of supervisors, not
29 to exceed Fifteen Dollars (\$15.00).

30 (f) Candidates for county surveyor, county coroner,
31 justice court judge and constable, not to exceed Ten Dollars
32 (\$10.00).

33 (g) Candidates for United States Senator, not to exceed
34 Three Hundred Dollars (\$300.00).

35 (h) Candidates for United States Representative, not to
36 exceed Two Hundred Dollars (\$200.00).

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

39 23-15-299. (1) (a) Assessments made pursuant to paragraphs
40 (a), (b) and (d) of Section 23-15-297 and assessments made
41 pursuant to paragraph (c) of Section 23-15-297 for legislative
42 offices shall be paid by each candidate to the Secretary of the
43 State Executive Committee with which the candidate is affiliated
44 by 5:00 p.m. * * * Sixty (60) days before the date fixed by law
45 for the primary election * * * or on the date of the qualifying
46 deadline provided by statute for the office, whichever is earlier.

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

57 (2) Assessments made pursuant to paragraphs (e) and (f) of
58 Section 23-15-297, * * * shall be paid by each candidate to the
59 circuit clerk of such candidate's county of residence by 5:00 p.m.
60 sixty (60) days before the date fixed by law for the primary
61 election * * * or on the date of the qualifying deadline provided
62 by statute for the office, whichever is earlier; provided,

63 however, that no such assessments may be paid before January 1 of
64 the year in which the election for the office is held. The
65 circuit clerk shall forward the fee and all necessary information
66 to the secretary of the proper county executive committee within
67 two (2) business days.

68 (3) Assessments made pursuant to paragraphs (g) and (h) of
69 Section 23-15-297 must be paid by each candidate to the Secretary
70 of the State Executive Committee with which the candidate is
71 affiliated by 5:00 p.m. sixty (60) days before the presidential
72 preference primary in years in which a presidential preference
73 primary is held. Assessments made pursuant to paragraphs (g) and
74 (h) of Section 23-15-297, in years when a presidential preference
75 primary is not being held, shall be paid by each candidate to the
76 Secretary of the State Executive Committee with which the
77 candidate is affiliated by 5:00 p.m. sixty (60) days before the
78 date fixed by law for the primary election * * *.

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

84 (b) The State Executive Committee shall transmit to the
85 Secretary of State a copy of the written statements accompanying
86 the fees paid pursuant to subsections (1) and (2) of this section.
87 All copies must be received by the Office of the Secretary of
88 State by not later than 6:00 p.m. on the date of the qualifying
89 deadline; provided, however, the failure of the Office of the
90 Secretary of State to receive such copies by 6:00 p.m. on the date
91 of the qualifying deadline shall not affect the qualification of a
92 person who pays the required fee and files the required statement
93 by 5:00 p.m. on the date of the qualifying deadline. The name of
94 any person who pays the required fee and files the required

95 statement after 5:00 p.m. on the date of the qualifying deadline
96 shall not be placed on the primary election ballot.

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

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

114 (7) Upon receipt of the proper fee and all necessary
115 information, the proper executive committee shall then determine
116 whether each candidate is a qualified elector of the state, state
117 district, county or county district which they seek to serve, and
118 whether each candidate meets all other qualifications to hold the
119 office he is seeking or presents absolute proof that he will,
120 subject to no contingencies, meet all qualifications on or before
121 the date of the general or special election at which he could be
122 elected to office. The committee also shall determine whether any
123 candidate has been convicted of any felony in a court of this
124 state, or has been convicted on or after December 8, 1992, of any
125 offense in another state which is a felony under the laws of this
126 state, or has been convicted of any felony in a federal court on
127 or after December 8, 1992. Excepted from the above are

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

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

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

146 **SECTION 3.** The Attorney General of the State of Mississippi
147 shall submit this act, immediately upon approval by the Governor,
148 or upon approval by the Legislature subsequent to a veto, to the
149 Attorney General of the United States or to the United States
150 District Court for the District of Columbia in accordance with the
151 provisions of the Voting Rights Act of 1965, as amended and
152 extended.

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