

By: Senator(s) Little

To: Elections

SENATE BILL NO. 2843

1 AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT PERSONS DESIRING TO QUALIFY FOR OFFICE SHALL TAKE  
3 THE NECESSARY STEPS TO DO SO 60 DAYS BEFORE THE DATE FIXED BY LAW  
4 FOR THE PRIMARY ELECTION FOR THE OFFICE; 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. sixty (60) days before the date fixed by law for the  
14 primary election for the office \* \* \* or on the date of the  
15 qualifying deadline provided by statute for the office, whichever  
16 is earlier.

17 (b) If the 2010 federal decennial census has not been  
18 received from the United States Secretary of Commerce by the  
19 Governor of the State of Mississippi by January 1, 2011, then the  
20 qualifying deadline for legislative offices shall be changed for  
21 the year 2011 only, as follows: Assessments made pursuant to  
22 paragraph (d) of Section 23-15-297 for legislative offices shall  
23 be paid by each candidate to the Secretary of the State Executive  
24 Committee with which the candidate is affiliated by 5:00 p.m. on  
25 June 1, 2011. This paragraph (b) shall stand repealed on July 1,  
26 2012.

27 (2) Assessments made pursuant to paragraphs (d) and (e) of  
28 Section 23-15-297, other than assessments made for legislative

29 offices, shall be paid by each candidate to the circuit clerk of  
30 such candidate's county of residence by 5:00 p.m. sixty (60) days  
31 before the date fixed by law for the primary election for the  
32 office \* \* \* or on the date of the qualifying deadline provided by  
33 statute for the office, whichever is earlier; \* \* \* however, \* \* \*  
34 no such assessments may be paid before January 1 of the year in  
35 which the election for the office is held. The circuit clerk  
36 shall forward the fee and all necessary information to the  
37 secretary of the proper county executive committee within two (2)  
38 business days.

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

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

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

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

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

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

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

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

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

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

117 **SECTION 2.** 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 3.** 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.