

By: Representative Howell

To: Apportionment and  
Elections

HOUSE BILL NO. 76

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 Three Hundred Dollars (\$300.00).

99           (b) Candidates for circuit judge and chancellor, the  
100 sum of One Hundred Fifty Dollars (\$150.00).

101           (c) Candidates for county judge and family court judge,  
102 the sum of Twenty Dollars (\$20.00).

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 with, and paid the proper assessment to, such clerk.  
115 Such notification shall occur within two (2) business days and  
116 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.