

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2043

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 This paragraph (b) shall stand repealed on July 1,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.