

2008 Candidate Qualifying Guide



DELBERT HOSEMANN

Secretary of State

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Mississippi Secretary of State's Office



A Message from the Secretary of State

Dear Fellow Mississippian:

Our office is pleased to provide you with the ***2008 Mississippi Elections Candidate Qualifying Guide***. This handbook carefully outlines candidate qualifications, qualifying deadlines, and procedures.

I encourage you to take advantage of the resources offered by our agency, and I hope you find this guide useful. If my office can assist you with additional information or clarification regarding candidate qualifying, please do not hesitate to call the Elections Division at 601-576-2550 or 800-829-6786, or you may email us at elections@sos.state.ms.us.

Sincerely yours,

A handwritten signature in blue ink that reads "Delbert".

DELBERT HOSEMANN
Secretary of State



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PURPOSE

This qualifying guide provides essential information for candidates running in Mississippi's regular federal, state, and county elections in 2008. This guide begins with an overview of the qualifying process for party, independent, and non-partisan candidates seeking various levels of public office. Candidates should familiarize themselves with the legal qualifications and the qualifying procedures for the office they intend to seek. This guide *only* covers offices in the 2008 election cycle.

The deadlines for filing qualifying materials in 2008 are:

- **5:00 p.m., Friday, January 11** for Federal candidates
- **5:00 p.m., Friday, May 9** for all Judicial candidates

The qualifying deadline for County Election Commissioner in 2008 is:

- **5:00 p.m., Friday, September 5**

The qualifying period for County School Board candidates in 2008 is:

- **Wednesday, August 6 – Friday, September 5**

All candidates must file *campaign finance reports*. This guide includes an explanation of campaign finance reporting requirements. Keep in mind, failure to file campaign finance reports could result in criminal and civil penalties.



CANDIDATE REQUIREMENTS: AN OVERVIEW



Party Candidates



A **party candidate** must submit *two* items to the proper office: (1) the appropriate qualifying fee; and, (2) a completed “Statement of Intent for a Candidate for Party Nomination” available at your Circuit Clerk’s office, State Party headquarters, and the Secretary of State’s office. You may also download the form from the Secretary of State’s office website: www.sos.state.ms.us.

Independent Candidates

Independent candidates do not pay a qualifying fee. Instead, they must submit petitions signed by the number of qualified electors specified for each office to the proper filing office. The appropriate Circuit Clerk must certify that the signatures are those of registered voters in the county. Candidates for *statewide* offices or *multi-county district* offices must submit completed, Circuit Clerk-certified petitions to the Secretary of State’s office. Independent candidates should budget sufficient time to ensure the certified petitions, are delivered to the Secretary of State’s office on or prior to the qualifying deadline. Petitions forms are available from each Circuit Clerk or the Secretary of State’s office.

Non-Partisan Candidates

In Mississippi, *all* judicial candidates (with the exception of candidates for Justice Court Judge) as well as county School Board Members must run as **non-partisan candidates**. The individual qualifying requirements for each of these offices is outlined in this guide.

Qualifying Papers

WHAT to file:

All Candidates, *except candidates for election commissioner and levee commissioner*, must file a **Statement of Economic Interest** with the Mississippi Ethics Commission within *fifteen* (15) days of qualifying.

Federal Offices: Partisan – (1) Qualifying Statement of Intent; (2) Qualifying Fee
Independent – (1) Certified Petition with Signatures; (2) Qualifying Statement of Intent

Judicial Offices: (1) Affidavit of Judicial Candidate; (2) Qualifying Statement of Intent; (3) Qualifying Fee

County Election Commission and County School Board Candidates: (1) Statement of Candidate; (2) Certified Petition with Signatures

WHERE to file:

Federal

Party candidates for **Federal** offices must file their qualifying papers (Statement of Intent and Qualifying Fee) with the appropriate **State Party**. Candidates for Federal offices who are running as **Independent Candidates** must file qualifying papers (original certified petition) with the Secretary of State's office.

Judicial

Candidates for non-partisan **Judicial** offices file their qualifying papers with the Secretary of State's office.

Countywide and County District Offices

Candidates for **Countywide** offices and **County District** offices file their qualifying papers with their county Circuit Clerk's office, except that candidates for County Election Commissioner file their qualifying papers with the county Chancery Clerk's office.

WHEN to file:



The qualifying deadline for **Federal Offices** (U.S. House and U.S. Senate) regularly elected in 2008 is 5:00 p.m., Friday, January 11, 2008. Please note that this date cannot be extended, and the 5:00 p.m. deadline is also statutory and *cannot* be extended. This is **not** a postmark deadline.

The qualifying deadline for **Judicial Offices** (Supreme Court and Court of Appeals) is **5:00 p.m., Friday, May 9, 2008.**

The qualifying deadline for **County School Board** candidates is no earlier than **Wednesday, August 6, 2008**, and *no later* than **5:00 p.m., Friday, September 5, 2008.**

The qualifying deadline for Election Commission is **Friday, September 5, 2008, at 5:00 p.m.**

Additional Requirements:

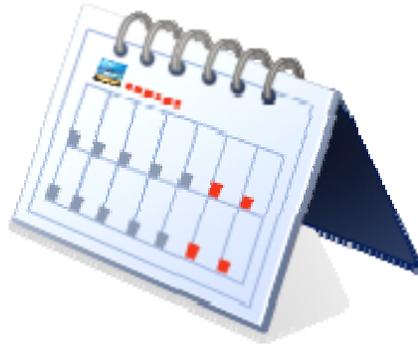
Campaign Finance Disclosure: All candidates for public office in Mississippi must file campaign finance reports in accordance with state law. These reports are mandatory and are explained in further detail in the Secretary of State's office publication entitled Campaign Finance Disclosure in Mississippi, and in Miss. Code Ann., §23-15-801 et seq. (10972). Forms are available from your Circuit Clerk, the Secretary of State's office, or at www.sos.state.ms.us.

Be sure to review the requirements for campaign finance disclosure contained in House Bill 1609, which became effective in January 1999. This law requires additional reports by candidates and political committees and imposes fines of \$50 per day for late reports from legislative, statewide, and state district candidates.

Ethics: All candidates, *excluding U.S. Senator, U.S. Representative, election commissioner, and levee board*, are required to file a Statement of Economic Interest with the Ethics Commission within 15 calendar days of qualifying:

Mississippi Ethics Commission
146 E. Amite Street, Rm 103, Burroughs Bldg.
Jackson, MS 39201
(601) 359-1285

2008 ELECTIONS CALENDAR

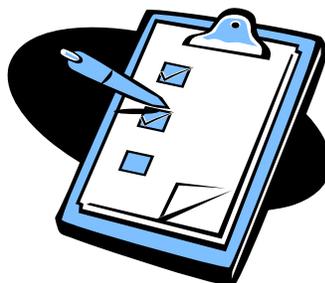


Qualifying Deadline for U.S. Representative and U.S. Senator.....5p.m., Fri., Jan. 11, 2008
Qualifying Deadline for Judicial Candidates.....5 p.m., Fri., May 9, 2008
Qualifying Period for County School Board.....Wed., Aug. 6 - Fri., Sept. 5, 2008
Qualifying Deadline for County Special Elections.....5 p.m., Fri., Sept. 5, 2008
Qualifying Deadline for County Election Commissioners.....5 p.m., Fri., Sept. 5, 2008

Party Primary.....Tuesday, March 11, 2008
Primary Run-Off.....Tuesday, April 1, 2008
General Election.....Tuesday, November 4, 2008
General / Special Election Runoff (if required).....Tuesday, November 25, 2008

SUMMARY OF CANDIDATE REQUIREMENTS

<p style="text-align: center;"><u>Federal Offices</u></p> <p>U. S. Representative and U. S. Senator</p>	<ol style="list-style-type: none"> (1) Qualify for Office (2) File campaign finance forms (as a candidate or a political committee) with the FEC. (3) Pay \$200 to the appropriate State Party (if partisan) for U.S. Representative (4) Pay \$300 to the appropriate State Party (if partisan) for U.S. Senator
<p style="text-align: center;"><u>State District Offices</u></p> <p>Supreme Court Justice (staggered 8-year term)</p> <p>Court of Appeals (staggered 8-year term)</p>	<ol style="list-style-type: none"> (1) Qualify for office (2) File campaign finance forms (as a candidate or a political committee) with the Secretary of State (3) File "Statement of Economic Interest" with the Mississippi Ethics Commission (4) Pay \$200 Qualifying Fee to the Secretary of State (5) File "Affidavit of Judicial Candidate"
<p>School Board Member</p>	<ol style="list-style-type: none"> (1) Qualify for office (2) File campaign finance forms (as a candidate or a political committee) with the Circuit Clerk (3) File "Statement of Economic Interest" with the Mississippi Ethics Commission (4) File a petition signed by 50 qualified voters with the Circuit Clerk
<p>Election Commissioner</p>	<ol style="list-style-type: none"> (1) Qualify for office (2) File campaign finance forms (as a candidate or a political committee) with the Secretary of State (3) File a petition signed by 50 qualified voters with the Chancery Clerk



QUALIFICATIONS FOR OFFICE

All candidates must:

- Be a qualified elector (registered voter) of the State of Mississippi in the district, county, or county district of the office for which the candidate seeks election.
- Never have been convicted of a crime punishable by confinement in the penitentiary (unless the candidate received a full pardon).
- Never have been convicted of a felony in federal court, or a felony in the court of another state, as provided in Section 44 of the Mississippi Constitution.

Unique qualifications:

Federal

UNITED STATES SENATOR

U.S. Constitution, Article 1, Section 3 – Each senator must be at least 30 years old, must have been a citizen of the United States for at least the past nine years, and must be, at the time of the election, an inhabitant of the state they seek to represent. Fee for political party candidates: \$300 paid to respective state executive committee’s secretary. Independent candidates file petition with the Secretary of State containing signatures of not less than 1,000 qualified electors of the state.

UNITED STATES REPRESENTATIVE

Miss. Code Ann., §23-15-1035 (1972) – Each congressional district shall be entitled to one (1) representative, who shall have attained the age of twenty-five (25) years, and been seven (7) years a citizen of the United States, and who shall, when elected, be an inhabitant of the state. Fee for political party candidates: \$200 paid to respective state executive committee’s secretary. Independent candidates file petition with the Secretary of State containing signatures of not less than 200 qualified electors of district.

State

SUPREME COURT JUSTICE

Qualifications: A qualified elector of the Supreme Court District in which election is sought, at least 30 years of age, and a practicing attorney and citizen of the state for five years. Miss. Const. of 1890, art. VI, §150 and §250. Fee for all candidates: \$200 made payable to the Mississippi Secretary of State’s Office.

COURT OF APPEALS

Qualifications: At least 30 years of age, a practicing attorney, and a citizen of the state for (5) years preceding the day of election. Miss. Code Ann. §9-4-5. Fee for all candidates: \$200 made payable to the Mississippi Secretary of State's office.

County

SCHOOL BOARD MEMBER

Qualifications: A qualified elector of the district in which election is sought. Miss. Const. of 1890, §250. No fee for candidates, but a petition containing signatures of 50 qualified electors' of the district required to be filed with the Circuit Clerk.

ELECTION COMMISSIONER

Qualifications: A qualified elector of the county and district in which election is sought (Miss. Code Ann., §23-15-213). No fee for candidates, but a petition containing 50 qualified electors' signatures of supervisor's district required to be filed with the Chancery Clerk.

NOTE on fees and petitions: In most cases, fees are assessed only of candidates who run in party primaries. Independent candidates are not assessed fees. For the current schedule of most fees, see Miss. Code Ann. §23-15-297 and §23-15-977 (1972). Party candidates must file the required fee and a qualifying statement of intent (available from the Circuit Clerk or the Secretary of State's Office). The completed and certified petitions of Independent candidates for multi-county offices must be submitted to the Secretary of State's office by the appropriate qualifying deadline. Accordingly, the petition must first be submitted a reasonable time in advance to the appropriate Circuit Clerk's office so signatures may be certified as those of registered voters. For more information, call the Secretary of State's office (601) 576-2550; 1-800-829-6786; or the county Circuit Clerk.

QUALIFYING PROCEDURES

Party and Independent Candidates

An individual running for federal office may either participate in a primary election as a candidate for **Party Nomination** or qualify as an **Independent** candidate. All 2008 Judicial and School Board candidates are non-partisan and participate as neither party nor independent candidates. Independent candidates appear on the ballot at the general election only. Below are the qualifying procedures for candidates for party nomination (“party candidates”) and for independent candidates.

Qualifying as a Candidate for **Party Nomination** for federal offices:

- Complete the “Qualifying Statement of Intent” for a Candidate for Party Nomination.
- Determine the qualifying fee from the “Qualifications for Office” section.
- Submit the completed Qualifying Statement and the appropriate fee to the party’s state executive committee:

Democratic Party of the State of Mississippi (D)
Post Office Box 1583
Jackson, MS 39215
(601) 969-2913 / (f) (601) 354-1599
Email: msdemparty@aol.com
Website: www.msdemocrats.net

Mississippi Republican Party (R)
Post Office Box 60
Jackson, MS 39205-0060
(601) 948-5191 / (f) (601) 354-0972
Email: chairman@msgop.org
Website: www.msgop.org

Libertarian Party of Mississippi (L)
1625 E. County Line Road, Suite 200-145
Jackson, MS 39211-1832
Website: www.lp.org

Reform Party of Mississippi (RP)
142 Old Highway 98 West
Tylertown, MS 39667
Website: www.spo-rpusa.org/miss

Natural Law Party of Mississippi (N)
9301 Dogwood Avenue
Ocean Springs, MS 39564
Website: www.natural-law.org

The Constitution Party (C)
742 East Service Drive
Coldwater, MS 38618
(662) 622-7639
Website: www.constitutionparty.org

Green Party of Mississippi
707D McLarty Road
Oxford, MS 38655
Website: www.greenpartymms.org

America First Party
405 River Road
Greenwood, MS 38930
(662) 453-8412
Website: www.americafirstparty.gov

Qualifying Statements of Intent and other forms are available by contacting the Secretary of State's office at (601) 576-2550, 1-800-829-6786 or via the website at www.sos.state.ms.us.

Qualifying as an **Independent** Candidate for federal offices:

An individual who chooses to run as an independent candidate for federal office qualifies for placement on the general election ballot by collecting signatures of registered voters residing in the state and in the district from which he or she seeks election. The number of petition signatures required depends upon the office sought.

- Independent candidate petitions for federal offices in the 2008 elections must be submitted to the Secretary of State's office. Petitions will not be accepted by the Secretary of State's office unless the required number of signatures has been certified by the Circuit Clerk of the respective counties from which the signatures were collected.
- Independent candidate petitions and qualifying statements of intent are available from the Secretary of State's Office, Elections Division, Post Office Box 136, Jackson, Mississippi 39205. You may also contact us at the Mississippi Secretary of State's website: www.sos.state.ms.us.

The number of certified signatures required for each office up for election in 2008 is as follows:

United States Senator – **One Thousand** (1,000) signatures statewide.

United States Representative – **Two hundred** (200) signatures from the represented congressional district.

CAMPAIGN FINANCE DISCLOSURE

Mississippi law states that all candidates for elective office must file campaign finance disclosure reports. Under the law, one is a candidate if he/she has filed qualifying papers or has spent or received over \$200 toward an election campaign. Following the qualifying deadline, all person who have filed qualifying papers are candidates under the law, even if they have not received or spent \$200. Reports must be filed by **all** candidates even if they have no contributions or disbursements to itemize. Forms necessary for compliance with these laws are available from the Secretary of State's office or the Circuit clerk. Campaign Finance reporting forms may also be downloaded from the Secretary of State's website: www.sos.state.ms.us.

WHAT to Report

Totals

All reports filed under state law must include aggregate year-to-date and reporting period totals of contributions received and expenditures and disbursements made from all sources. Total cash on hand must be reported. *Miss. Code Ann. §23-15-807 (d)(i)(1972)*. Each report must also include each of the following categories.

Itemized Contributions

Each report must contain an itemized listing of each contributor, including name, address, occupation, employer, date of each contribution, and amount of each contribution giving year-to-date totals aggregating to more than **\$200**. *Miss. Code Ann. §23-15-807 (c)(ii)(1972)*. The grand totals of itemized contributions plus non-itemized contributions must be disclosed. *Miss. Code Ann. §23-15-807 (d)(ii)(1972)*.

Itemized Disbursements

Each report must contain an itemized listing of each person, business, or entity including name, address, occupation, employer, date of each expenditure or disbursement, and each amount receiving year-to-date totals aggregating to more than **\$200**. *Miss. Code Ann. §23-15-807 (c)(ii)(1972)*. The grand totals of itemized expenditures plus non-itemized expenditures must be disclosed. *Miss. Code Ann. §23-15-807 (d)(ii)(1972)*.

Non-Itemized Contributions and Disbursements

Contributions and disbursements aggregating to \$200 or less in a calendar year do not have to be itemized. However, these amounts *are* included in grand totals of all contributions and grand totals of all disbursements as indicated on the cover sheet of each report.

Reporting Threshold

All candidates and political committees must fully itemize (identify) the source of contributions and itemize expenditures when they aggregate to \$200.01 or more in a calendar year. House Bill 1609 repealed the provision allowing statewide and Supreme Court district candidates to itemize at the \$500 level. *Miss. Code Ann. §23-15-807 (1972)*.

WHERE to Report

Federal Offices:

U.S. Representative or U.S. Senate candidates file with the:

Federal Election Commission:

999 E Street NW
Washington, DC 20463
1-800-424-9530

State District Offices: Candidates file with the Secretary of State. This includes candidates for Supreme Court Justice and Court of Appeals.

County offices: Candidates file with the Circuit Clerk of the county.

County District offices: Candidates file with the Circuit Clerk of the county.

WHEN to Report

Reports are due **no later than 5:00 p.m. on deadline dates in the proper office**. If the deadline falls on a weekend or holiday, the report is due at 5:00 p.m. on the first working day **prior** to the weekend or holiday. The exact deadline dates are indicated on the front of each reporting form and on the enclosed schedule. *Miss. Code Ann. §23-15-807 (e)(1972)*.

Reports must actually be received by the proper office on the deadline date. The “postmark” rule no longer applies. Regardless of the postmark on the report, the appropriate office must have reports by 5:00 p.m. on the deadline date. *Miss. Code Ann. §23-15-807 (e)(1972)*.



Fines for Late Reports and Failure to File Reports

Candidates for state or state district offices and political committees are required to be registered with the Secretary of State’s office are fined \$50 per day for failure to file reports by the statutory deadlines. The maximum fine for a single report is \$500; the maximum fine for failure to file all seven (7) reports required in 2008 is \$3,500. *Miss. Code Ann. §23-15-813 (a)(ii)(1972)*.

Additional Penalties for Failure to File Reports

Any candidate who *willfully* and *deliberately* does not file reports shall be charged with a misdemeanor. The candidate shall not be certified as nominated for election, as elected to office, nor receive salary or remuneration for the office until all required reports are filed. *Miss. Code Ann. §23-15-811 (1972)*.

48 Hour Reports

If a candidate or candidate's committee receives a contribution of more than \$200 after the tenth day, but more than 48 hours before 12:01 a.m. on the day of the election, the candidate or candidate's committee must fully disclose the contribution by filing a "48 Hour Report" with the appropriate office, designated in *Miss. Code Ann. §23-15-802 (1972)*, within 48 hours of the contribution.

The notification shall be in writing, and may be transmitted by overnight mail, courier service, or other reliable mean, including electronic facsimile (FAX), but the candidate or candidate's committee shall ensure that the notification shall in fact be received in the appropriate office within forty-eight (48) hours of the contribution. *Miss. Code Ann. §23-15-807 (1972)*. Please contact your Circuit Clerk or the Secretary of State's office for information on obtaining a 48-Hour Report form.

2008 Campaign Finance Reporting Schedule

<u>Friday, May 9, 2008</u> (January 1, 2008, through April 30, 2008)	Periodic Report Judicial Candidates
<u>Tuesday, June 10, 2008</u> (May 1, 2008, through May 31, 2008)	Periodic Report Judicial Candidates
<u>Thursday, July 10, 2008</u> (June 1, 2008, through June 30, 2008)	Periodic Report Judicial Candidates
<u>Friday, October 10, 2008</u> (July 1, 2008, through September 30, 2008)	Periodic Report Judicial Candidates
<u>Tuesday, October 28, 2008</u> (October 1, 2008, through October 25, 2008)	Pre-General Report All Candidates
<u>Tuesday, November 18, 2008</u> (October 26, 2008, through November 15, 2008)	Pre-Runoff Report Runoff Candidates Only
<u>Friday, January 9, 2009</u> (October 26, 2008, through December, 31, 2008)	Periodic Report Judicial Candidates
<u>Friday, January 30, 2009</u> (January 1, 2008, through December, 31, 2008)	Annual Report All Candidates Who Did Not Seek Judicial Office in 2008

NOTE: If a candidate receives a contribution of more than \$200 after the tenth day, but more than forty-eight (48) hours before 12:01 a.m. on the day of the election, the candidate must fully disclose the contribution by filing a “Forty-Eight Hour Report” with the appropriate office designated in Miss. Code Ann. § 23-15-805 (1972) within forty-eight (48) hours of receipt of the contribution.

Termination Report - Required by *all* candidates and all political committees in order to end reporting obligations. To be eligible for termination, the candidate or committee must no longer be soliciting contributions, no longer making campaign disbursements, nor have any outstanding debts or financial obligations.

Campaign Finance Forms are available from your Circuit Clerk, the Secretary of State’s website at www.sos.state.ms.us, or by calling the Secretary of State’s office at (601) 576-2550 or 1-800-829-6786. The Secretary of State’s office also has an explanatory handbook entitled *Campaign Finance Disclosure in Mississippi: for Candidates and Political Committees*, which provides detailed information on campaign finance procedures and contains a complete copy of the campaign finance disclosure law.

FREQUENTLY ASKED QUESTIONS



Q: Where can a candidate receive a map with his/her district drawn out?

A: The Mississippi State Reapportionment Office
Woolfolk Building, Suite 301-A
501 Northwest Street, Jackson, MS 39201
(601) 359-6555 / (f) (601) 359-1838

Q: Where can elected officials find information on their official duties and responsibilities?

A: The Mississippi Code which can be accessed through the Mississippi Secretary of State's website: www.sos.state.ms.us.

Q: Where do candidates file their Statement of Economic Interest?

A: The Mississippi Ethics Commission
146 E. Amite Street, Room 103, Burroughs Bldg.
Jackson, MS 39201
(601) 359-1285

Q: How does an independent candidate for a federal, state district (or multi-county) office turn in his/her petition to the Secretary of State's office?

A: The Secretary of State's office must receive your certified petition by 5:00 p.m. on the qualifying deadline date. Therefore, the signatures on the petitions must first be certified by the Circuit Clerks of the counties in which the petitions are circulated prior to the entire petition being submitted to the Secretary of State's office.

Q: When may a judicial candidate begin soliciting funds for his/her campaign?

A: According to Canon 5 of the Mississippi Code of Judicial Conduct, a candidate's committee may solicit funds for his/her campaign no earlier than sixty (60) days before the qualifying deadline and no later than ninety (90) days after the last election in which he participates during the election year.

IMPORTANT CONTACT INFORMATION



Mississippi Secretary of State's Office
Post Office Box 136
Jackson, Mississippi 39205



Elections Call Center.....	(601) 576-2250
Elections Answerline	1-800-829-6786
Fax	(601) 359-5019
Fax (Alternate)	(601) 359-1499
U.S. Department of Justice (Voting Section)	1-800-253-3931
Mississippi Ethics Commission	(601) 359-1285
Mississippi Attorney General's Office	(601) 359-3680

LEARNING MORE ABOUT ELECTIONS IN MISSISSIPPI

For further information about Mississippi's election process, visit our website at www.sos.state.ms.us. Election Division publications maybe downloaded from the website.

NOTE: This qualifying guide has been produced as an aid and convenience for candidates who wish to qualify for most regularly elected state and county offices in 2008. Candidates should be aware that changes in state law enacted or court decision made after the printing of this guide may change deadlines or other substantive provisions of election law. Accordingly, in addition to using this guide, candidates should review all current elections and campaign finance laws relevant to the office they seek.

This guide is not intended to address qualifying for special elections. Candidates interested in qualifying for special elections should contact their Circuit Clerk or the Secretary of State's office for additional information.

This guide supersedes all previous editions of Candidate Qualifying Guides issued by this office, as well as Section 7 of the Mississippi Guide to Elections publication of June 2002.