



DELBERT HOSEMANN
Secretary of State

2012
Candidate Qualifying Guide

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DELBERT HOSEMANN
Secretary of State

A Message from the Secretary of State

Dear Fellow Mississippian:

Our office is pleased to provide you with the ***2012 Mississippi 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.

Sincerely yours,

C. DELBERT HOSEMANN, JR.
Secretary of State



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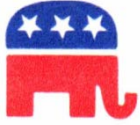
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OVERVIEW

This qualifying guide provides essential information for candidates running in Mississippi's regularly scheduled federal, state, and county elections in 2012. This guide gives an overview of the qualifying procedures for party, independent, and non-partisan judicial candidates seeking 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 2012 election cycle.



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 website: www.sos.ms.gov.

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 the Secretary of State’s office.

Non-Partisan Candidates

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

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. Forms are available from your Circuit Clerk, the Secretary of State's office, or at www.sos.ms.gov.

*Candidates for federal offices are not required to file campaign finance reports in Mississippi. Federal candidates should verify reporting requirements with the Federal Election Commission (FEC). 1-800-424-9530

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
(601) 359-1285

2012 ELECTIONS CALENDAR



Qualifying Deadline for U.S. Representative and U.S. Senator.....5p.m., Fri., Jan. 13, 2012
Qualifying Deadline for Party Presidential Candidates (by petition)..... Sat., Jan. 14, 2012
Qualifying Deadline for Judicial Candidates.....5 p.m., Fri., May 11, 2012
Qualifying Period for County School Board.....Wed., Aug. 8 - Fri., Sept. 7, 2012
Qualifying Deadline for Independent Presidential Candidates..... 5 p.m., Fri, Sept. 7, 2012
Qualifying Deadline for County Special Elections..... 5 p.m., Fri., Sept. 7, 2012
Qualifying Deadline for County Election Commissioners.....5 p.m., Mon., June 4, 2012

Party Primary.....Tuesday, March, 13, 2012
Primary Run-Off.....Tuesday, April 3, 2012
General Election.....Tuesday, November 6, 2012
General / Special Election Runoff (if required).....Tuesday, November 27, 2012

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 Judicial candidates run as non-partisan 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**:

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

Qualifying Statements of Intent 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.ms.gov.

Qualifying as an **Independent** Candidate:

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 2012 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.ms.gov.

QUALIFICATIONS FOR OFFICE

Candidates for U.S. Congress, U.S. Senate, state, state district, county, county district and judicial offices must:

- Be a qualified elector (registered voter) of the State of Mississippi in the district, county, or county district (excluding justice court judge) of the office for which the candidate seeks election. Miss. Const. Art. 4, § 250.
- Never have been convicted of a disenfranchising crime. Miss. Const. Art.12, §§ 241 and 253.
- 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.

Qualifiers for Federal Offices

UNITED STATES PRESIDENT

Qualifications: No Person except a natural born citizen, or a citizen of the United States at the time of the Adoption of the Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States. U.S. Constitution Article II, Section I.

For a party presidential candidate qualifying by petition:

Any person desiring to have his name placed on the presidential preference primary ballot shall file a petition or petitions in support of his candidacy with the state executive committee of the appropriate political party after January 1 of the year in which the presidential preference primary is to be held and before January 15 of that same year. To comply with this requirement, a candidate may file a petition or petition or petitions signed by a total of not less than 500 qualified electors of the state, or petitions signed by not less than 100 qualified electors of each congressional district of the state, in which case there shall be a separate petition for each congressional district. (Petitions can be obtained from the appropriate state executive committee.) Miss. Code Ann., §23-15-1093.

For independent presidential candidates:

Independent candidates must submit a petition signed by not less than 1,000 qualified electors of the state. Signatures must be certified by the appropriate circuit clerk in each county from which signatures are collected. The petition must be filed with the State Board of Election Commissioners by filing the same in the office of the Secretary of State by 5:00 p.m. not less than 60 days before the general election. Miss. Code Ann. §23-15-785; §23-15-359.

UNITED STATES SENATOR

Qualifications: 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. U.S. Constitution, Article 1, Section 3.

Fee for political party candidates: \$300 paid to respective state executive committee's secretary. (Miss. Code Ann. §23-15-297)

Party candidates submit a qualifying statement of intent along with the qualifying fee.

Independent candidates file a qualifying statement of intent and a petition with the Secretary of State containing signatures of not less than 1,000 qualified electors of the state. (Miss. Code Ann. §23-15-359)

UNITED STATES REPRESENTATIVE

Qualifications: 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. Miss. Code Ann., §23-15-1035.

Fee for political party candidates: \$200 paid to respective state executive committee's secretary. (Miss. Code Ann. §23-15-297)

Party candidates submit a qualifying statement of intent along with the qualifying fee.

Independent candidates file a qualifying statement of intent and a petition with the Secretary of State containing signatures of not less than 200 qualified electors of district. (Miss. Code Ann. §23-15-299)

Qualifiers for State Offices

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 immediately preceding appointment. Miss. Const. of 1890, art. VI, §150 and §250.

Fee for all candidates: \$200 made payable to the Mississippi Secretary of State's office.

Qualifiers must file a statement of intent to be a candidate with Secretary of State's office.

COURT OF APPEALS

Qualifications: A qualified elector of the Court of Appeals district in which election is sought, 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.

Qualifiers must file a statement of intent to be a candidate with Secretary of State's office.

Qualifiers for County Office

SCHOOL BOARD MEMBER

Qualifications: A qualified elector of the district in which election is sought and a high school diploma or its equivalent. Miss. Const. of 1890, §250. Miss. Code Ann. §37-7-306.

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.

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.ms.gov.

*Candidates for federal offices are not required to file campaign finance reports in Mississippi. Federal candidates should verify reporting requirements with the Federal Election Commission (FEC). 1-800-424-9530

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

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 must be received by 5:00 p.m. on deadline dates in the proper office. If the deadline falls on a weekend or holiday, the report must be received by 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. 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 that 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. *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.

2012 Campaign Finance Reporting Schedule

Thursday, May 10, 2012.....**Periodic Report**
(January 1, 2012, through April 30, 2012)

Friday, June 8, 2012.....**Periodic Report**
(May 1, 2012, through May 31, 2012)

Tuesday, July 10, 2012.....**Periodic Report**
(June 1, 2012, through June 30, 2012)

Wednesday, October 10, 2012.....**Periodic Report**
(July 1, 2012, through September 30, 2012)

Tuesday, October 30, 2012.....**Pre-General Report**
(October 1, 2012, through October 27, 2012)

Tuesday, November 20, 2012.....**Pre-Runoff Report**
(October 28, 2012, through November 17, 2012) Runoff Candidates Only

Thursday, January 10, 2013.....**Periodic Report**
(October 28, 2012, through December, 31, 2012)

Wednesday, January 30, 2013.....**Annual Report**
(January 1, 2012, through December, 31, 2012) All Candidates Who
Did Not Seek Judicial Office in 2012

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.ms.gov, 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.

LEARNING MORE ABOUT ELECTIONS IN MISSISSIPPI

For further information about Mississippi's election process, visit our website at www.sos.ms.gov or call 1-800-829-6786. Election Division publications may be 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 2012. 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. Candidates should not rely solely on the information in this guide.

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.