

By: Denny

To: Apportionment and
Elections; Judiciary
B

HOUSE BILL NO. 457

1 AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT PERSONS WHO HAVE BEEN CONVICTED IN A COURT OF THIS
3 STATE OR ANY OTHER STATE OR IN ANY FEDERAL COURT OF ANY FELONY
4 FROM BEING A QUALIFIED ELECTOR; TO AMEND SECTIONS 23-15-19,
5 23-15-39, 23-15-47, 23-15-151, 23-15-299, 23-15-309 AND 23-15-689,
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 23-15-11, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-11. Every inhabitant of this state, except idiots and
12 insane persons, who is a citizen of the United States of America,
13 eighteen (18) years old and upwards, who has resided in this state
14 for thirty (30) days and for thirty (30) days in the county in
15 which he offers to vote, and for thirty (30) days in the
16 supervisors district or in the incorporated city or town in which
17 he offers to vote, and who shall have been duly registered as an
18 elector by an officer of this state under the laws thereof, and
19 who has never been convicted of any crime listed in Section 241,
20 Mississippi Constitution of 1890, and who has never been convicted
21 in any court of this state, another state or in any federal court,
22 of any felony, shall be a qualified elector in and for the county,
23 municipality and voting precinct of his residence, and shall be

24 entitled to vote at any election. Any person who will be eighteen
25 (18) years of age or older on or before the date of the general
26 election and who is duly registered to vote not less than thirty
27 (30) days prior to the primary election associated with such
28 general election, may vote in such primary election even though
29 such person has not reached his or her eighteenth birthday at the
30 time such person offers to vote at such primary election. No
31 others than those above included shall be entitled, or shall be
32 allowed, to vote at any election.

33 SECTION 2. Section 23-15-19, Mississippi Code of 1972, is
34 amended as follows:

35 23-15-19. Any person who has been convicted of any crime
36 described in Section 23-15-11 shall not be registered, or if
37 registered the name of such person shall be erased from the
38 registration book on which it may be found by the registrar or by
39 the election commissioners. Whenever any person shall be
40 convicted in the circuit court of his county of any of said
41 crimes, the registrar shall thereupon erase his name from the
42 registration book; and whenever any person shall be convicted of
43 any of said crimes in any other court of any county, the presiding
44 judge thereof shall, on demand, certify the fact in writing to the
45 registrar, who shall thereupon erase the name of such person from
46 the registration book and file said certificate as a record of his
47 office.

48 SECTION 3. Section 23-15-39, Mississippi Code of 1972, is
49 amended as follows:

50 23-15-39. (1) Applications for registration as electors of
51 this state, which are sworn to and subscribed before the registrar
52 or deputy registrar authorized by law and which are not made by
53 mail, shall be made upon a triplicate form in the following words
54 and figures:

55 "APPLICATION FOR REGISTRATION

56 (You may receive assistance in filling out this form from any
57 person of your choosing. It is not necessary that this form be
58 filled out in the presence of the registrar, however, the oath
59 must be executed in the presence of the registrar or his deputy.)

60 1. What is your full name, including maiden name, if you
61 have one? _____

62 2. Please give your Social Security number. _____

63 3. What is your date of birth, if known? _____

64 4. Are you a citizen of the United States? _____

65 5. What is your present residence address and each place you
66 have resided during the past year, stating when you lived at each
67 place, and specifying the municipality or community, the street
68 name and number and/or any other designation which accurately
69 describes the geographic location of your present residence
70 address?

71 (a) Present address: _____
72 From _____ (month) to date.

73 (b) Previous address: _____
74 From _____ (month) to _____ (month).

75 (c) Previous address: _____
76 From _____ (month) to _____ (month).

77 (If you need additional space, use the back side of this
78 form.)

79 6. What is your present mailing address? _____

80 7. Are you now a resident of this state and county? _____

81 8. Do you now reside within the corporate limits of a
82 municipality located within this county? _____

83 9. Have you ever registered to vote before in any other
84 county or state? If so, give the last place or last two (2)
85 places if registered more than once. _____

86 10. Have you ever been convicted of the crime of murder,
87 rape, bribery, theft, arson, obtaining money or goods under false
88 pretenses, perjury, forgery, embezzlement, or bigamy, or convicted
89 in any court of any felony? _____

90 11. The following questions may be answered by you at your
91 option and are solely for the purpose of aiding in registering you
92 in the proper precinct:

93 (a) Are there any registered voters living at your
94 present residence? _____ If so, give the name of each such
95 person. _____

96 (b) Do you have a telephone at your present residence?
97 _____ If so, give the telephone number of such telephone.
98 _____

99 12. Will you need assistance on election day? _____ If
100 yes, for which of the following reasons: permanently physically
101 disabled _____; other (please describe) _____
102 _____.

103 After you have answered 1 through 12 above, sign or make your
104 mark on the following oath in the presence of the registrar or
105 deputy registrar.

106 STATE OF MISSISSIPPI
107 COUNTY OF _____

108 I do solemnly swear (or affirm) that I am at least eighteen
109 (18) years old (or I will be before the next general election in
110 this county), and that I am now in good faith a resident of this

111 state and of _____ Election Precinct in this county, and that I
112 am not disqualified from voting by reason of having been convicted
113 of any crime listed in Question 10 of the application; that I have
114 truly answered all questions propounded to me in the foregoing
115 application for registration, and that I will faithfully support
116 the Constitutions of the United States and of the State of
117 Mississippi, and will bear true faith and allegiance to the same.
118 So help me God.

119 Applicant sign here: _____

120 SWORN TO AND SUBSCRIBED before me, this the ____ day of
121 _____ 20__.

122 _____ (Registrar)

123 By _____ (Deputy Registrar)"

124 (2) The boards of supervisors shall make proper allowances
125 for office supplies reasonably necessitated by the registration of
126 county electors.

127 (3) If the reply to Question 8 above is affirmative, the
128 county registrar shall forward notice of registration, a copy of
129 the application for registration, and any changes to such
130 registration when they occur, either by certified mail to the
131 clerk of the municipality indicated in the present residence
132 address stated in answer to Question 5(a) above or by personal
133 delivery to such clerk provided that a numbered receipt is signed
134 by such clerk in return for the described documents. Upon receipt
135 of the copy of the application for registration or changes to such
136 registration, and if a review of same indicates that the applicant
137 meets all the criteria necessary to qualify as a municipal
138 elector, then the clerk of said municipality shall make a

139 determination of the municipal voting precinct in which the person
140 making the application shall be required to vote. The clerk shall
141 send this municipal voting precinct information by United States
142 first-class mail, postage prepaid, to such person at the address
143 provided on the application. Any and all mailing costs incurred
144 by the county registrar or the clerk of the municipality in
145 effectuating this subsection shall be paid by the governing
146 authority of such municipality. If a review of the copy of the
147 application for registration or changes to such registration
148 indicates that the applicant is not qualified to vote in said
149 municipality, the clerk of said municipality shall challenge such
150 application. The municipal election commissioners responsible for
151 said municipality shall review any such challenge or
152 disqualification after having notified the applicant by certified
153 mail of such challenge or disqualification.

154 (4) If the reply to Question 9 above is affirmative, the
155 registrar or clerk shall on a monthly basis send notice of this
156 new registration to the registrar or clerk of the county stated in
157 Question 9 as the voter's previous place of registration. The
158 election commission of the voter's previous place of registration
159 shall be responsible for having such voter's name erased from the
160 appropriate registration book and pollbook.

161 (5) The registrar shall issue to the person making the
162 application a copy of such application upon which has been written
163 the county voting precinct in which said person shall vote. The
164 registrar shall assign a voter registration number to such person,
165 which shall be that person's Social Security number if such a
166 number is provided, and said voter registration number shall be

167 clearly shown on the application.

168 (6) Any person desiring an application for registration may
169 secure the same from the registrar of the county of which he is a
170 resident and may take said form with him and secure assistance in
171 completing said form from any person of the applicant's choice.
172 It shall be the duty of all registrars to furnish forms for
173 registering to all persons requesting the same, and it shall
174 likewise be his duty to furnish aid and assistance in the
175 completing of said forms when requested by an applicant. The
176 application for registration shall be sworn to and subscribed
177 before the registrar or deputy registrar at the municipal clerk's
178 office, the county registrar's office or any other location where
179 the applicant is allowed to register to vote. No fee or cost
180 shall be charged the applicant by the registrar for accepting the
181 application or administering the oath or for any other duty
182 imposed by law regarding the registration of electors.

183 (7) The receipt of a copy of the application for
184 registration sent pursuant to Section 23-15-35(2), shall be
185 sufficient to allow the applicant to be registered as an elector
186 of this state, provided that such application is not challenged as
187 provided for therein.

188 (8) In any case in which a municipality expands its
189 corporate boundaries by annexation, the municipal clerk shall,
190 within ten (10) days after the effective date of such annexation,
191 forward to the county registrar a map which accurately depicts the
192 annexed area. The county registrar shall, within ten (10) days
193 after the receipt of such map, forward to the municipal clerk a
194 copy of the most recent county precinct or subprecinct pollbook

195 for the county precincts in which such annexed area is included,
196 or equivalent computer data or information as will permit the
197 identification of county electors who reside in the annexed area.
198 The municipal clerk shall add those county electors who have
199 resided in the annexed area for at least thirty (30) days after
200 annexation to the municipal registration books as registered
201 voters of the municipality and shall forward to such persons
202 written notification of such addition and of the municipal
203 precinct or ward in which such persons reside.

204 SECTION 4. Section 23-15-47, Mississippi Code of 1972, is
205 amended as follows:

206 23-15-47. (1) Any person who is qualified to register to
207 vote in the State of Mississippi may register to vote by mail-in
208 application in the manner prescribed in this section.

209 (2) The following procedure shall be used in the
210 registration of electors by mail:

211 (a) Any qualified elector may register to vote by
212 mailing or delivering a completed mail-in application to his
213 county registrar at least thirty (30) days prior to any election.
214 The postmark date of a mailed application shall be the date of
215 registration. The application shall be witnessed by one (1)
216 qualified elector in the county of the applicant's residence. The
217 name, address and, if available, the daytime telephone number of
218 the person witnessing the application must be legibly written or
219 printed on the application. The witness shall not be a candidate
220 for public office as of the date of the execution of the
221 application. Any applicant or witness is subject to the penalties
222 provided in Section 23-15-17 for false registration. Any person

223 who willfully swears falsely to any material matter on a mail-in
224 application is guilty of perjury and, upon conviction thereof,
225 shall be punished as provided in Section 97-9-61.

226 (b) Upon receipt of a mail-in application, the county
227 registrar shall stamp such application with the date of receipt,
228 and shall verify the application by contacting the applicant by
229 telephone, by personal contact with the applicant, or by any other
230 method approved by the Secretary of State. Within twenty-five
231 (25) days of receipt of a mail-in application, the county
232 registrar shall complete action on the application, including any
233 attempts to notify the applicant of the status of his application.

234 (c) If the county registrar determines that the
235 applicant is qualified and his application is legible and
236 complete, he shall mail the applicant written notification that
237 the application has been approved, specifying the county voting
238 precinct, polling place and supervisor district in which such
239 person shall vote. This written notification of approval
240 containing the specified information shall be the voter's
241 registration card. Said registration cards shall be provided by
242 the county registrar. The registrar shall assign a voter
243 registration number to such person, which shall be that person's
244 Social Security number if such a number is provided, and said
245 voter registration number shall be clearly shown on the
246 application and on the written notification of approval. In
247 mailing such written notification, the county registrar shall note
248 the following on the envelope: "DO NOT FORWARD." If any
249 registration notification form is returned as undeliverable, the
250 voter's registration shall be void.

251 (d) A mail-in application shall be rejected for any of
252 the following reasons:

253 (i) An incomplete portion of the application which
254 makes it impossible for the registrar to determine the eligibility
255 of the applicant to register;

256 (ii) A portion of the application which is
257 illegible in the opinion of the county registrar and makes it
258 impossible to determine the eligibility of the applicant to
259 register;

260 (iii) The county registrar is unable to determine,
261 from the address and information stated on the application, the
262 precinct in which the voter should be assigned or the supervisor
263 district in which he is entitled to vote;

264 (iv) The applicant is not qualified to register to
265 vote pursuant to Section 23-15-11;

266 (v) The registrar determines that the applicant is
267 registered as a qualified elector of the county;

268 (vi) The county registrar is unable to verify the
269 application pursuant to subsection (2)(b) of this section.

270 (e) If the mail-in application of a person is subject
271 to rejection for any of the reasons set forth in paragraphs (d)(i)
272 through (iii) of this subsection, and it appears to the registrar
273 that the defect or omission is of such a minor nature and that any
274 necessary additional information may be supplied by the applicant
275 over the telephone or by further correspondence, the registrar may
276 write or call the applicant at the telephone number provided on
277 the application. If the registrar is able to contact the
278 applicant by mail or telephone, he shall attempt to ascertain the

279 necessary information and if this information is sufficient for
280 the registrar to complete the application, the applicant shall be
281 registered. If the necessary information cannot be obtained by
282 mail or telephone or is not sufficient, the registrar shall give
283 the applicant written notice of the rejection and provide the
284 reason for such rejection. The registrar shall further inform the
285 applicant that he has a right to attempt to register by appearing
286 in person or by filing another mail-in application.

287 (f) If a mail-in application is subject to rejection
288 for the reason stated in paragraph (d)(v) of this subsection and
289 the "present home address" portion of the application is different
290 from the residence address for the applicant found in the
291 registration book, the mail-in application shall be deemed a
292 written request to transfer registration pursuant to Section
293 23-15-13. Subject to the time limits and other provisions of
294 Section 23-15-13, the registrar or the election commissioners
295 shall note the new residence address on his records and, if
296 necessary, transfer the applicant to his new precinct, advise the
297 applicant of his new precinct, polling place and supervisor
298 district, and notify the municipal clerk of any such changes on a
299 monthly basis.

300 (3) The instructions and the application form for voter
301 registration by mail shall be in the following form and shall
302 contain the following information:

303 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

304 1. Anyone may assist you in completing the enclosed
305 application.

306 2. A registered voter of your county who is not now a

307 candidate for public office must complete and sign the 'Witness
308 Signature and Certification' portion of the enclosed application.

309 3. All required information must be supplied in legible
310 form.

311 4. The completed application must be mailed or delivered to
312 the registrar of your county at least thirty (30) days before an
313 election in order for you to be registered for that election.
314 Applications which are mailed must be postmarked thirty (30) days
315 prior to any election.

316 5. The penalty for conviction of false registration is a
317 felony punishable by a fine of not more than Five Thousand Dollars
318 (\$5,000.00) or imprisonment for not more than five (5) years, or
319 both."

320 "APPLICATION FOR VOTER REGISTRATION BY MAIL

321 STATE OF MISSISSIPPI

322 I, _____, hereby apply for registration as a
323 voter of _____ County, Mississippi.

324 1. Full Name, including maiden name if you have one:

325 _____ (First, Middle and/or Maiden, Last)

326 2. Male ___ Female ___

327 3. Please give your Social Security number: _____

328 4. Date of Birth: _____ 4a. Age: _____

329 5. Present Home Address:

330 (a) _____ (Street and Number)

331 _____ (City, State, Zip)

332 (b) How long have you lived there?

333 From _____ (month/year) to present.

334 (c) Do you now live in a city or town of this

335 county? _____ If so, which? _____

336 (d) Telephone number, if available:

337 (i) Home telephone number _____

338 (ii) Daytime or work telephone number _____

339 6. Mailing Address: Give your current mailing address if
340 different from your present home address:

341 _____(Box or Street and Number)

342 _____(City, State, Zip)

343 7. Previous Address: List your most recent address before
344 your present address:

345 _____(Box or Street and Number)

346 _____(City, State, Zip)

347 From _____ (month/year) to _____ (month/year)

348 8. Last Registration: Have you ever registered to vote
349 before in any other county in Mississippi or in any other state?

350 _____ If yes, give the last place you were registered:

351 _____ (City, County, State)

352 9. Citizenship, Residence, Prior Convictions:

353 (a) Are you a citizen of the United States? _____

354 (b) Are you a resident of this state and county? _____

355 (c) Have you ever been convicted of the crime of murder,
356 rape, bribery, theft, arson, obtaining money or goods under false
357 pretenses, perjury, forgery, embezzlement, or bigamy, or convicted
358 in any court of any felony? ____ If so, what State _____,

359 County _____? Date of conviction _____.

360 10. Will you need assistance on election day? _____. If
361 yes, for which of the following reasons: permanently physically
362 disabled _____; other (please describe) _____

363 _____.

364 11. Applicant Signature and Certification:

365 I certify that I am at least eighteen (18) years old (or I
366 will be before the next general election), that the above
367 information given by me is true and correct and that I have truly
368 answered all questions in the foregoing application for
369 registration, and that I will faithfully support the Constitution
370 of the United States and of the State of Mississippi, and will
371 bear true faith and allegiance to the same.

372 Applicant sign here: _____

373 Date: _____

374 12. Witness Signature and Certification:

375 I certify that I am a registered voter in _____
376 County, Mississippi, that I am not now a candidate for public
377 office, and that the above named applicant signed this application
378 for registration in my presence. I further certify that I have
379 read the above application, and that the facts stated therein are
380 true and correct to the best of my knowledge. I personally know
381 the person who appeared before me or I have seen the person's
382 identification. I understand that the penalty for knowingly
383 procuring a person's registration who is not entitled to be
384 registered, or is registered under a false name or in any other
385 voting precinct than that in which he resides, is a fine of not
386 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
387 not more than five (5) years, or both.

388 Witness sign here: _____

389 Full name and address of witness (Print):

390 Name: _____

391 Address: _____ (Street and Number)

392 _____ (City, State, Zip)

393 Telephone number, if available:

394 Home telephone number _____

395 Daytime or work telephone number _____"

396 (4) (a) The Secretary of State shall prepare and furnish
397 without charge the necessary forms for application for voter
398 registration by mail to each county registrar, municipal clerk,
399 all public schools, each private school that requests such
400 applications, and all public libraries.

401 (b) The Secretary of State shall distribute without
402 charge sufficient forms for application for voter registration by
403 mail to the Commissioner of Public Safety, who shall distribute
404 such forms to each driver's license examining and renewal station
405 in the state, and shall ensure that the forms are regularly
406 available to the public at such stations.

407 (c) Bulk quantities of forms for application for voter
408 registration by mail shall be furnished by the Secretary of State
409 to any person or organization. The Secretary of State shall
410 charge a person or organization the actual cost he incurs in
411 providing bulk quantities of forms for application for voter
412 registration to such person or organization.

413 (5) The originals of completed mail-in applications shall
414 remain on file in the office of the county registrar in accordance
415 with Section 23-15-113. Nothing in this section shall preclude
416 having applications on microfilm or microfiche.

417 (6) If the reply to question 5(c) above is affirmative, the
418 county registrar shall forward notice of registration, a duplicate

419 copy of the application for registration, and any changes to such
420 registration when they occur, either by certified mail to the
421 clerk of the municipality indicated in the present residence
422 address stated in answer to Question 5(c) above or by personal
423 delivery to such clerk, provided that a numbered receipt is signed
424 by such clerk in return for the described documents. Upon receipt
425 of the copy of the application for registration or changes to such
426 registration, and if a review of same indicates that the applicant
427 meets all the criteria necessary to qualify as a municipal
428 elector, then the clerk of said municipality shall register the
429 applicant as a municipal elector and make a determination of the
430 municipal voting precinct in which the person making the
431 application shall be required to vote. The clerk shall send this
432 municipal voting precinct information by United States first-class
433 mail, postage prepaid, to such person at the address provided on
434 the application. Any and all mailing costs incurred by the county
435 registrar or the clerk of the municipality in effectuating this
436 subsection shall be paid by the governing authority of such
437 municipality. If a review of the copy of the application for
438 registration or changes to such registration indicates that the
439 applicant is not qualified to vote in said municipality, the clerk
440 of said municipality shall deny such application and notify
441 applicant.

442 (7) If the reply to Question 8 above is affirmative, the
443 registrar or clerk shall send written notice of this new
444 registration by regular United States mail to the registrar or
445 clerk of the county stated in Question 8 as the voter's previous
446 place of registration. The information shall include the complete

447 name, address and age of the voter and shall include the Social
448 Security number of such voter if it has been previously supplied.

449 The election commission of the voter's previous place of
450 registration shall be responsible for having such voter's name
451 erased from the appropriate registration book and pollbook.

452 SECTION 5. Section 23-15-151, Mississippi Code of 1972, is
453 amended as follows:

454 23-15-151. The circuit clerk of each county is authorized
455 and directed to prepare and keep in his office a full and complete
456 list, in alphabetical order, of persons convicted of any crime
457 described in Section 23-15-11. Said clerk shall enter the names
458 of all persons who have been or shall be hereafter convicted of
459 any crime described in Section 23-15-11 in a book prepared and
460 kept for that purpose. The board of supervisors of each county
461 shall, as early as practicable, furnish the circuit clerk of their
462 county with a suitable book for the enrollment of said names
463 showing the name, date of birth, address, court, crime and date of
464 conviction. Said roll, when so prepared, shall be compared with
465 the registration book before each election commissioner of the
466 county. A certified copy of any enrollment by one clerk to
467 another will be sufficient authority for the enrollment of such
468 name, or names, in another county.

469 SECTION 6. Section 23-15-299, Mississippi Code of 1972, is
470 amended as follows:

471 23-15-299. (1) Assessments made pursuant to paragraphs (a),
472 (b) and (c) of Section 23-15-297, and assessments made pursuant to
473 paragraph (d) of Section 23-15-297 for legislative offices for
474 districts composed of more than one (1) county or parts of more

475 than one (1) county, shall be paid by each candidate to the
476 Secretary of the State Executive Committee with which the
477 candidate is affiliated by 5:00 p.m. on March 1 of the year in
478 which the primary election for the office is held or on the date
479 of the qualifying deadline provided by statute for the office,
480 whichever is earlier.

481 (2) Assessments made pursuant to paragraphs (d) and (e) of
482 Section 23-15-297, other than assessments made for legislative
483 offices for districts containing more than one (1) county or parts
484 of more than one (1) county, shall be paid by each candidate to
485 the circuit clerk of such candidate's county of residence by 5:00
486 p.m. on March 1 of the year in which the primary election for the
487 office is held or on the date of the qualifying deadline provided
488 by statute for the office, whichever is earlier. The circuit
489 clerk shall forward the fee and all necessary information to the
490 secretary of the proper county executive committee within two (2)
491 business days.

492 (3) Assessments made pursuant to paragraphs (f) and (g) of
493 Section 23-15-297 must be paid by each candidate to the Secretary
494 of the State Executive Committee with which the candidate is
495 affiliated by 5:00 p.m. on Friday, January 26, 1996, for the
496 presidential preference primary in 1996 and must be paid sixty
497 (60) days before the presidential preference primary in the years
498 after 1996. Assessments made pursuant to paragraphs (f) and (g)
499 of Section 23-15-297, in years when a presidential preference
500 primary is not being held, shall be paid by each candidate to the
501 Secretary of the State Executive Committee with which the
502 candidate is affiliated by 5:00 p.m. on March 1 of the year in

503 which the primary election for the office is held.

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

509 (5) The secretary or circuit clerk to whom such payments are
510 made shall promptly receipt for same stating the office for which
511 such candidate making payment is running and the political party
512 with which he or she is affiliated, and he or she shall keep an
513 itemized account in detail showing the exact time and date of the
514 receipt of each payment received by him or her and, where
515 applicable, the date of the postmark on the envelope containing
516 the fee and from whom, and for what office the party paying same
517 is a candidate.

518 (6) The secretaries of the proper executive committee shall
519 hold said funds to be finally disposed of by order of their
520 respective executive committees. Such funds may be used or
521 disbursed by the executive committee receiving same to pay all
522 necessary traveling or other necessary expenses of the members of
523 the executive committee incurred in discharging their duties as
524 committeemen, and of their secretary and may pay the secretary
525 such salary as may be reasonable.

526 (7) Upon receipt of the proper fee and all necessary
527 information, the proper executive committee shall then determine
528 whether or not each candidate is a qualified elector, and whether
529 any candidate has been convicted of any crime described in Section
530 23-15-11, or is a fugitive from justice for this state or any

531 other state, and such charge upon which a candidate has fled has
532 not been dismissed. If the proper executive committee finds that
533 a candidate is not a qualified elector, or that such candidate has
534 been convicted of any crime described in Section 23-15-11, and not
535 pardoned nor has served his or her sentence, or is a fugitive from
536 justice as aforesaid, then the name of such candidate shall not be
537 placed upon the ballot.

538 Where there is but one (1) candidate, the proper executive
539 committee when the time has expired within which the names of
540 candidates shall be furnished shall declare such candidate the
541 nominee.

542 SECTION 7. Section 23-15-309, Mississippi Code of 1972, is
543 amended as follows:

544 23-15-309. (1) Nominations for all municipal officers which
545 are elective shall be made at a primary election, or elections, to
546 be held in the manner prescribed by law. All persons desiring to
547 be candidates for the nomination in the primary elections shall
548 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
549 at least thirty (30) days prior to the first primary election, no
550 later than 5:00 p.m. on such deadline day.

551 (2) The fee paid pursuant to subsection (1) of this section
552 shall be accompanied by a written statement containing the name
553 and address of the candidate, the party with which he is
554 affiliated, and the office for which he is a candidate.

555 (3) The clerk shall promptly receipt the payment, stating
556 the office for which the person making the payment is running and
557 the political party with which such person is affiliated. The
558 clerk shall keep an itemized account in detail showing the time

559 and date of the receipt of such payment received by him, from whom
560 such payment was received, the party with which such person is
561 affiliated, and for what office the person paying the fee is a
562 candidate. The clerk shall promptly supply all necessary
563 information and pay over all fees so received to the secretary of
564 the proper municipal executive committee. Such funds may be used
565 and disbursed in the same manner as is allowed in Section
566 23-15-299 in regard to other executive committees.

567 (4) Upon receipt of the above information, the proper
568 municipal executive committee shall then determine whether or not
569 each candidate is a qualified elector, and whether any candidate
570 has been convicted of any crime described in Section 23-15-11, or
571 is a fugitive from justice from this state or any other state and
572 such charge upon which a candidate has fled has not been
573 dismissed. If the proper municipal executive committee finds that
574 a candidate is not a qualified elector, or that such candidate has
575 been convicted of any crime described in Section 23-15-11 and not
576 pardoned nor has served his sentence, or is a fugitive from
577 justice as aforesaid, then the name of such candidate shall not be
578 placed upon the ballot.

579 (5) Where there is but one (1) candidate, the proper
580 municipal executive committee when the time has expired within
581 which the names of candidates shall be furnished shall declare
582 such candidate the nominee.

583 SECTION 8. Section 23-15-689, Mississippi Code of 1972, is
584 amended as follows:

585 23-15-689. The registrar, on application requesting
586 registration by an absent voter, as defined in this subarticle,

587 shall forward immediately the proper registration blank to the
588 absent voter so that such absent voter may register as a voter and
589 vote in any elections held in the voting precinct in which such
590 absent voter would be entitled to vote if otherwise qualified.
591 Such person shall subscribe an affidavit to be administered by any
592 officer of the Armed Forces, Merchant Marine, or constituted
593 authority or officer authorized to administer an oath. Said
594 officers may administer the oath hereinbelow prescribed and
595 certify to it. Said officer or registrant shall mail said
596 registration immediately to the registrar of the county set out in
597 said registration in order that the registrant may be registered
598 thirty (30) days before any general election or special election
599 at which he may offer to vote. Said registrant shall be
600 considered as registered from and after the date of the affidavit.

601 The oath to be taken by the said person shall be as follows:

602 "I, _____, do solemnly swear (or affirm) that I am at least
603 eighteen (18) years old (or will be before the next election in
604 this county), and that I am now in good faith a resident of the
605 State of Mississippi and in _____ Election Precinct of _____
606 County, and that I am not disqualified from voting by reason of
607 having been convicted of the crime of murder, rape, bribery,
608 theft, arson, obtaining money or goods under false pretenses,
609 perjury, forgery, embezzlement or bigamy, or having been convicted
610 in any court of any felony; and that I will truly answer all
611 questions propounded to me concerning my antecedents so far as
612 they relate to my right to vote, and also as to my residence prior
613 to my citizenship in this precinct; that I will faithfully support
614 the Constitution of the United States and of the State of

615 Mississippi, and will bear true faith and allegiance to the same.

616 So help me God. SIGNED _____

617 "SWORN TO AND SUBSCRIBED before me, _____, on the _____ day of
618 _____, A.D., 20__.

619 _____ (Official title, civilian or military officer)"

620 Upon receipt of the foregoing registration filled out and
621 sworn to in the proper form, the registrar of the county shall
622 place the applicant's name on the registration books, if the
623 statements are found to be true, noting on the back of the
624 affidavit that it is an absentee registration. The registrar
625 shall file the application as a matter of record in his office.
626 The registrar of the county shall certify to the registrar of
627 municipal registration names of applicants who have qualified
628 under this section, and the municipal registrar shall duly
629 register all names so certified upon the registration books of the
630 municipality.

631 SECTION 9. The Attorney General of the State of Mississippi
632 is hereby directed to submit this act, immediately upon approval
633 by the Governor, or upon approval by the Legislature subsequent to
634 a veto, to the Attorney General of the United States or to the
635 United States District Court for the District of Columbia in
636 accordance with the provisions of the Voting Rights Act of 1965,
637 as amended and extended.

638 SECTION 10. This act shall take effect and be in force from
639 and after the date it is effectuated under Section 5 of the Voting
640 Rights Act of 1965, as amended and extended.