

By: Representative Martinson

To: Apportionment and  
Elections

HOUSE BILL NO. 1136

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 AND 23-15-309,  
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 incorporated city or town in which he offers to vote, and who  
17 shall have been duly registered as an elector pursuant to Section  
18 23-15-33, and who has never been convicted of any crime listed in  
19 Section 241, Mississippi Constitution of 1890, and who has never  
20 been convicted in any court of this state, another state or in any  
21 federal court, of any felony, shall be a qualified elector in and  
22 for the county, municipality and voting precinct of his residence,  
23 and shall be entitled to vote at any election. Any person who  
24 will be eighteen (18) years of age or older on or before the date  
25 of the general election and who is duly registered to vote not  
26 less than thirty (30) days prior to the primary election  
27 associated with such general election, may vote in such primary  
28 election even though such person has not reached his or her

29 eighteenth birthday at the time such person offers to vote at such  
30 primary election. No others than those above included shall be  
31 entitled, or shall be allowed, to vote at any election.

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

34 23-15-19. Any person who has been convicted of any crime  
35 described in Section 23-15-11 shall not be registered, or if  
36 registered the name of such person shall be erased from the  
37 registration book on which it may be found by the registrar or by  
38 the election commissioners. Whenever any person shall be  
39 convicted in the circuit court of his county of any of said  
40 crimes, the registrar shall thereupon erase his name from the  
41 registration book; and whenever any person shall be convicted of  
42 any of said crimes in any other court of any county, the presiding  
43 judge thereof shall, on demand, certify the fact in writing to the  
44 registrar, who shall thereupon erase the name of such person from  
45 the registration book and file said certificate as a record of his  
46 office.

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

49 23-15-39. (1) Applications for registration as electors of  
50 this state, which are sworn to and subscribed before the registrar  
51 or deputy registrar authorized by law and which are not made by  
52 mail, shall be made upon a triplicate form in the following words  
53 and figures:

54 "APPLICATION FOR REGISTRATION

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

59 1. What is your full name, including maiden name, if you  
60 have one? \_\_\_\_\_

61 2. Please give your social security number. \_\_\_\_\_

62 3. What is your date of birth? \_\_\_\_\_

63 4. Are you a citizen of the United States? \_\_\_\_\_

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

70 (a) Present address: \_\_\_\_\_

71 From \_\_\_\_\_ (month) to date.

72 (b) Previous address: \_\_\_\_\_

73 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

74 (c) Previous address: \_\_\_\_\_

75 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

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

78 6. What is your present mailing address? \_\_\_\_\_

79 7. Are you now a resident of this state and county? \_\_\_\_\_

80 8. Do you now reside within the city limits of a city or  
81 town located within this county? \_\_\_\_\_

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

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

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

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

95 (b) Do you have a telephone at your present residence?

96 \_\_\_\_\_ If so, give the telephone number of such telephone.

97 \_\_\_\_\_ Please give your work telephone number. \_\_\_\_\_

98 After you have answered 1 through 11 above, sign or make your  
99 mark on the following oath in the presence of the registrar or  
100 deputy registrar.

101 STATE OF MISSISSIPPI

102 COUNTY OF \_\_\_\_\_

103 I do solemnly swear (or affirm) that I am at least eighteen  
104 (18) years old (or I will be before the next general election in  
105 this county), and that I am now in good faith a resident of this  
106 state and of \_\_\_\_\_ Election Precinct in this county, and that I  
107 am not disqualified from voting by reason of having been convicted  
108 of any crime listed in Question 10 of the application; that I have  
109 truly answered all questions propounded to me in the foregoing  
110 application for registration, and that I will faithfully support  
111 the Constitutions of the United States and of the State of  
112 Mississippi, and will bear true faith and allegiance to the same.  
113 So help me God.

114 Applicant sign here: \_\_\_\_\_

115 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_ day of  
116 \_\_\_\_\_ 20 \_\_\_\_.

117 \_\_\_\_\_ (Registrar)

118 By \_\_\_\_\_ (Deputy Registrar)"

119 (2) The boards of supervisors shall make proper allowances  
120 for office supplies reasonably necessitated by the registration of  
121 county electors.

122 (3) If the reply to Question 8 above is affirmative, the  
123 county registrar shall forward notice of registration, a copy of  
124 the application for registration, and any changes to such  
125 registration when they occur, either by certified mail to the  
126 clerk of the municipality indicated in the present residence  
127 address stated in answer to Question 5(a) above or by personal

128 delivery to such clerk provided that a numbered receipt is signed  
129 by such clerk in return for the described documents. Upon receipt  
130 of the copy of the application for registration or changes to such  
131 registration, and if a review of same indicates that the applicant  
132 meets all the criteria necessary to qualify as a municipal  
133 elector, then the clerk of said municipality shall make a  
134 determination of the municipal voting precinct in which the person  
135 making the application shall be required to vote. The clerk shall  
136 send this municipal voting precinct information by United States  
137 first-class mail, postage prepaid, to such person at the address  
138 provided on the application. Any and all mailing costs incurred  
139 by the county registrar or the clerk of the municipality in  
140 effectuating this subsection shall be paid by the governing  
141 authority of such municipality. If a review of the copy of the  
142 application for registration or changes to such registration  
143 indicates that the applicant is not qualified to vote in said  
144 municipality, the clerk of said municipality shall challenge such  
145 application. The municipal election commissioners responsible for  
146 said municipality shall review any such challenge or  
147 disqualification after having notified the applicant by certified  
148 mail of such challenge or disqualification.

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

156 (5) The registrar shall issue to the person making the  
157 application a copy of such application upon which has been written  
158 the county voting precinct in which said person shall vote. The  
159 registrar shall assign a voter registration number to such person,  
160 which shall be that person's social security number if such a

161 number is provided, and said voter registration number shall be  
162 clearly shown on the application.

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

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

183 (8) In any case in which a municipality expands its  
184 corporate boundaries by annexation, the municipal clerk shall,  
185 within ten (10) days after the effective date of such annexation,  
186 forward to the county registrar a map which accurately depicts the  
187 annexed area. The county registrar shall, within ten (10) days  
188 after the receipt of such map, forward to the municipal clerk a  
189 copy of the most recent county precinct or subprecinct pollbook  
190 for the county precincts in which such annexed area is included,  
191 or equivalent computer data or information as will permit the  
192 identification of county electors who reside in the annexed area.  
193 The municipal clerk shall add those county electors who have

194 resided in the annexed area for at least thirty (30) days after  
195 annexation to the municipal registration books as registered  
196 voters of the municipality and shall forward to such persons  
197 written notification of such addition and of the municipal  
198 precinct or ward in which such persons reside.

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

201 23-15-47. (1) Any person who is qualified to register to  
202 vote in the State of Mississippi may register to vote by mail-in  
203 application in the manner prescribed in this section.

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

206 (a) Any qualified elector may register to vote by  
207 mailing or delivering a completed mail-in application to his  
208 county registrar at least thirty (30) days prior to any election.  
209 The postmark date of a mailed application shall be the date of  
210 registration. The application shall be witnessed by one (1)  
211 qualified elector in the county of the applicant's residence. The  
212 name, address and, if available, the daytime telephone number of  
213 the person witnessing the application must be legibly written or  
214 printed on the application. The witness shall not be a candidate  
215 for public office as of the date of the execution of the  
216 application. Any applicant or witness is subject to the penalties  
217 provided in Section 23-15-17 for false registration. Any person  
218 who willfully swears falsely to any material matter on a mail-in  
219 application is guilty of perjury and, upon conviction thereof,  
220 shall be punished as provided in Section 97-9-61.

221 (b) Upon receipt of a mail-in application, the county  
222 registrar shall stamp such application with the date of receipt,  
223 and shall verify the application by contacting the applicant by  
224 telephone, by personal contact with the applicant, or by any other  
225 method approved by the Secretary of State. Within twenty-five  
226 (25) days of receipt of a mail-in application, the county

227 registrar shall complete action on the application, including any  
228 attempts to notify the applicant of the status of his application.

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

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

248 (i) An incomplete portion of the application which  
249 makes it impossible for the registrar to determine the eligibility  
250 of the applicant to register;

251 (ii) A portion of the application which is  
252 illegible in the opinion of the county registrar and makes it  
253 impossible to determine the eligibility of the applicant to  
254 register;

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



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

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

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

265                   (e) If the mail-in application of a person is subject  
266 to rejection for any of the reasons set forth in paragraphs (d)(i)  
267 through (iii) of this subsection, and it appears to the registrar  
268 that the defect or omission is of such a minor nature and that any  
269 necessary additional information may be supplied by the applicant  
270 over the telephone or by further correspondence, the registrar may  
271 write or call the applicant at the telephone number provided on  
272 the application. If the registrar is able to contact the  
273 applicant by mail or telephone, he shall attempt to ascertain the  
274 necessary information and if this information is sufficient for  
275 the registrar to complete the application, the applicant shall be  
276 registered. If the necessary information cannot be obtained by  
277 mail or telephone or is not sufficient, the registrar shall give  
278 the applicant written notice of the rejection and provide the  
279 reason for such rejection. The registrar shall further inform the  
280 applicant that he has a right to attempt to register by appearing  
281 in person or by filing another mail-in application.

282                   (f) If a mail-in application is subject to rejection  
283 for the reason stated in paragraph (d)(v) of this subsection and  
284 the "present home address" portion of the application is different  
285 from the residence address for the applicant found in the  
286 registration book, the mail-in application shall be deemed a  
287 written request to transfer registration pursuant to Section  
288 23-15-13. Subject to the time limits and other provisions of  
289 Section 23-15-13, the registrar or the election commissioners  
290 shall note the new residence address on his records and, if  
291 necessary, transfer the applicant to his new precinct, advise the

292 applicant of his new precinct, polling place and supervisor  
293 district, and notify the municipal clerk of any such changes on a  
294 monthly basis.

295 (3) The instructions and the application form for voter  
296 registration by mail shall be in the following form and shall  
297 contain the following information:

298 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

299 1. Anyone may assist you in completing the enclosed  
300 application.

301 2. A registered voter of your county who is not now a  
302 candidate for public office must complete and sign the 'Witness  
303 Signature and Certification' portion of the enclosed application.

304 3. All required information must be supplied in legible  
305 form.

306 4. The completed application must be mailed or delivered to  
307 the registrar of your county at least thirty (30) days before an  
308 election in order for you to be registered for that election.  
309 Applications which are mailed must be postmarked thirty (30) days  
310 prior to any election.

311 5. The penalty for conviction of false registration is a  
312 felony punishable by a fine of not more than Five Thousand Dollars  
313 (\$5,000.00) or imprisonment for not more than five (5) years, or  
314 both."

315 "APPLICATION FOR VOTER REGISTRATION BY MAIL

316 STATE OF MISSISSIPPI

317 I, \_\_\_\_\_, hereby apply for registration as a  
318 voter of \_\_\_\_\_ County, Mississippi.

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

320 \_\_\_\_\_ (First, Middle and/or Maiden, Last)

321 2. Male \_\_\_ Female \_\_\_

322 3. Please give your Social Security number: \_\_\_\_\_

323 4. Date of Birth: \_\_\_\_\_ 4a. Age: \_\_\_\_\_

324 5. Present Home Address:

325 (a) \_\_\_\_\_ (Street and Number)

326 \_\_\_\_\_ (City, State, Zip)

327 (b) How long have you lived there?

328 From \_\_\_\_\_ (month/year) to present.

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

330 county? \_\_\_\_\_ If so, which? \_\_\_\_\_

331 (d) Telephone number, if available:

332 (i) Home telephone number \_\_\_\_\_

333 (ii) Daytime or work telephone number \_\_\_\_\_

334 6. Mailing Address: Give your current mailing address if  
335 different from your present home address:

336 \_\_\_\_\_ (Box or Street and Number)

337 \_\_\_\_\_ (City, State, Zip)

338 7. Previous Address: List your most recent address before  
339 your present address:

340 \_\_\_\_\_ (Box or Street and Number)

341 \_\_\_\_\_ (City, State, Zip)

342 From \_\_\_\_\_ (month/year) to \_\_\_\_\_ (month/year)

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

345 \_\_\_\_\_ If yes, give the last place you were registered:

346 \_\_\_\_\_ (City, County, State)

347 9. Citizenship, Residence, Prior Convictions:

348 (a) Are you a citizen of the United States? \_\_\_\_\_

349 (b) Are you a resident of this state and county? \_\_\_\_\_

350 (c) Have you ever been convicted of the crime of murder,  
351 rape, bribery, theft, arson, obtaining money or goods under false  
352 pretenses, perjury, forgery, embezzlement, or bigamy, or convicted  
353 in any court of any felony? \_\_\_\_ If so, what State \_\_\_\_\_,  
354 County \_\_\_\_\_? Date of conviction \_\_\_\_\_.

355 10. Will you need assistance on election day? \_\_\_\_\_. If  
356 yes, for which of the following reasons: permanently physically

357 disabled\_\_\_\_\_; other (please describe)\_\_\_\_\_

358 \_\_\_\_\_.

359 11. Applicant Signature and Certification:

360 I certify that I am at least eighteen (18) years old (or I

361 will be before the next general election), that the above

362 information given by me is true and correct and that I have truly

363 answered all questions in the foregoing application for

364 registration, and that I will faithfully support the Constitution

365 of the United States and of the State of Mississippi, and will

366 bear true faith and allegiance to the same.

367 Applicant sign here: \_\_\_\_\_

368 Date: \_\_\_\_\_

369 12. Witness Signature and Certification:

370 I certify that I am a registered voter in \_\_\_\_\_

371 County, Mississippi, that I am not now a candidate for public

372 office, and that the above named applicant signed this application

373 for registration in my presence. I further certify that I have

374 read the above application, and that the facts stated therein are

375 true and correct to the best of my knowledge. I personally know

376 the person who appeared before me or I have seen the person's

377 identification. I understand that the penalty for knowingly

378 procuring a person's registration who is not entitled to be

379 registered, or is registered under a false name or in any other

380 voting precinct than that in which he resides, is a fine of not

381 more than Five Thousand Dollars (\$5,000.00) or imprisonment for

382 not more than five (5) years, or both.

383 Witness sign here: \_\_\_\_\_

384 Full name and address of witness (Print):

385 Name: \_\_\_\_\_

386 Address: \_\_\_\_\_ (Street and Number)

387 \_\_\_\_\_ (City, State, Zip)

388 Telephone number, if available:

389 Home telephone number \_\_\_\_\_

390 Daytime or work telephone number \_\_\_\_\_"

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

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

402 (c) Bulk quantities of forms for application for voter  
403 registration by mail shall be furnished by the Secretary of State  
404 to any person or organization. The Secretary of State shall  
405 charge a person or organization the actual cost he incurs in  
406 providing bulk quantities of forms for application for voter  
407 registration to such person or organization.

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

412 (6) If the reply to question 5(c) above is affirmative, the  
413 county registrar shall forward notice of registration, a duplicate  
414 copy of the application for registration, and any changes to such  
415 registration when they occur, either by certified mail to the  
416 clerk of the municipality indicated in the present residence  
417 address stated in answer to Question 5(c) above or by personal  
418 delivery to such clerk, provided that a numbered receipt is signed  
419 by such clerk in return for the described documents. Upon receipt  
420 of the copy of the application for registration or changes to such  
421 registration, and if a review of same indicates that the applicant  
422 meets all the criteria necessary to qualify as a municipal

423 elector, then the clerk of said municipality shall register the  
424 applicant as a municipal elector and make a determination of the  
425 municipal voting precinct in which the person making the  
426 application shall be required to vote. The clerk shall send this  
427 municipal voting precinct information by United States first-class  
428 mail, postage prepaid, to such person at the address provided on  
429 the application. Any and all mailing costs incurred by the county  
430 registrar or the clerk of the municipality in effectuating this  
431 subsection shall be paid by the governing authority of such  
432 municipality. If a review of the copy of the application for  
433 registration or changes to such registration indicates that the  
434 applicant is not qualified to vote in said municipality, the clerk  
435 of said municipality shall deny such application and notify  
436 applicant.

437 (7) If the reply to Question 8 above is affirmative, the  
438 registrar or clerk shall send written notice of this new  
439 registration by regular United States mail to the registrar or  
440 clerk of the county stated in Question 8 as the voter's previous  
441 place of registration. The information shall include the complete  
442 name, address and age of the voter and shall include the Social  
443 Security number of such voter if it has been previously supplied.  
444 The election commission of the voter's previous place of  
445 registration shall be responsible for having such voter's name  
446 erased from the appropriate registration book and pollbook.

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

449 23-15-151. The circuit clerk of each county is authorized  
450 and directed to prepare and keep in his office a full and complete  
451 list, in alphabetical order, of persons convicted of any crime  
452 described in Section 23-15-11. Said clerk shall enter the names  
453 of all persons who have been or shall be hereafter convicted of  
454 any crime described in Section 23-15-11 in a book prepared and  
455 kept for that purpose. The board of supervisors of each county

456 shall, as early as practicable, furnish the circuit clerk of their  
457 county with a suitable book for the enrollment of said names  
458 showing the name, date of birth, address, court, crime and date of  
459 conviction. Said roll, when so prepared, shall be compared with  
460 the registration book before each election commissioner of the  
461 county. A certified copy of any enrollment by one clerk to  
462 another will be sufficient authority for the enrollment of such  
463 name, or names, in another county.

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

466 23-15-299. (1) Assessments made pursuant to paragraphs (a),  
467 (b) and (c) of Section 23-15-297 and assessments made pursuant to  
468 paragraph (d) of Section 23-15-297 for legislative offices shall  
469 be paid by each candidate to the Secretary of the State Executive  
470 Committee with which the candidate is affiliated by 5:00 p.m. on  
471 March 1 of the year in which the primary election for the office  
472 is held or on the date of the qualifying deadline provided by  
473 statute for the office, whichever is earlier.

474 (2) Assessments made pursuant to paragraphs (d) and (e) of  
475 Section 23-15-297, other than assessments made for legislative  
476 offices, shall be paid by each candidate to the circuit clerk of  
477 such candidate's county of residence by 5:00 p.m. on March 1 of  
478 the year in which the primary election for the office is held or  
479 on the date of the qualifying deadline provided by statute for the  
480 office, whichever is earlier; provided, however, that no such  
481 assessments may be paid before January 1 of the year in which the  
482 election for the office is held. The circuit clerk shall forward  
483 the fee and all necessary information to the secretary of the  
484 proper county executive committee within two (2) business days.

485 (3) Assessments made pursuant to paragraphs (f) and (g) of  
486 Section 23-15-297 must be paid by each candidate to the Secretary  
487 of the State Executive Committee with which the candidate is  
488 affiliated by 5:00 p.m. sixty (60) days before the presidential

489 preference primary in years in which a presidential preference  
490 primary is held. Assessments made pursuant to paragraphs (f) and  
491 (g) of Section 23-15-297, in years when a presidential preference  
492 primary is not being held, shall be paid by each candidate to the  
493 Secretary of the State Executive Committee with which the  
494 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
495 which the primary election for the office is held.

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

501 (b) The State Executive Committee shall transmit to the  
502 Secretary of State a copy of the written statements accompanying  
503 the fees paid pursuant to subsections (1) and (2) of this section.  
504 All copies must be received by the Office of the Secretary of  
505 State by not later than 6:00 p.m. on the date of the qualifying  
506 deadline; provided, however, the failure of the Office of the  
507 Secretary of State to receive such copies by 6:00 p.m. on the date  
508 of the qualifying deadline shall not affect the qualification of a  
509 person who pays the required fee and files the required statement  
510 by 5:00 p.m. on the date of the qualifying deadline. The name of  
511 any person who pays the required fee and files the required  
512 statement after 5:00 p.m. on the date of the qualifying deadline  
513 shall not be placed on the primary election ballot.

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



521 the fee and from whom, and for what office the party paying same  
522 is a candidate.

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

531 (7) Upon receipt of the proper fee and all necessary  
532 information, the proper executive committee shall then determine  
533 whether each candidate is a qualified elector of the state, state  
534 district, county or county district which they seek to serve, and  
535 whether each candidate meets all other qualifications to hold the  
536 office he is seeking or presents absolute proof that he will,  
537 subject to no contingencies, meet all qualifications on or before  
538 the date of the general or special election at which he could be  
539 elected to office. The committee also shall determine whether any  
540 candidate has been convicted of any felony in a court of this  
541 state, or has been convicted on or after December 8, 1992, of any  
542 offense in another state which is a felony under the laws of this  
543 state, or has been convicted of any felony in a federal court on  
544 or after December 8, 1992 or has been convicted of any crime  
545 described in Section 23-15-11. Excepted from the above are  
546 convictions of manslaughter and violations of the United States  
547 Internal Revenue Code or any violations of the tax laws of this  
548 state unless the offense also involved misuse or abuse of his  
549 office or money coming into his hands by virtue of his office. If  
550 the proper executive committee finds that a candidate either (a)  
551 is not a qualified elector, (b) does not meet all qualifications  
552 to hold the office he seeks and fails to provide absolute proof,  
553 subject to no contingencies, that he will meet the qualifications

554 on or before the date of the general or special election at which  
555 he could be elected, \* \* \* (c) has been convicted of a felony as  
556 described in this subsection, and not pardoned, (d) or has been  
557 convicted of any crime described in Section 23-15-11, then the  
558 name of such candidate shall not be placed upon the ballot.

559 Where there is but one (1) candidate for each office  
560 contested at the primary election, the proper executive committee  
561 when the time has expired within which the names of candidates  
562 shall be furnished shall declare such candidates the nominees.

563 (8) No candidate may qualify by filing the information  
564 required by this section by using the Internet.

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

567 23-15-309. (1) Nominations for all municipal officers which  
568 are elective shall be made at a primary election, or elections, to  
569 be held in the manner prescribed by law. All persons desiring to  
570 be candidates for the nomination in the primary elections shall  
571 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
572 at least sixty (60) days prior to the first primary election, no  
573 later than 5:00 p.m. on such deadline day.

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

578 (3) The clerk shall promptly receipt the payment, stating  
579 the office for which the person making the payment is running and  
580 the political party with which such person is affiliated. The  
581 clerk shall keep an itemized account in detail showing the time  
582 and date of the receipt of such payment received by him, from whom  
583 such payment was received, the party with which such person is  
584 affiliated and for what office the person paying the fee is a  
585 candidate. The clerk shall promptly supply all necessary  
586 information and pay over all fees so received to the secretary of

587 the proper municipal executive committee. Such funds may be used  
588 and disbursed in the same manner as is allowed in Section  
589 23-15-299 in regard to other executive committees.

590 (4) Upon receipt of the above information, the proper  
591 municipal executive committee shall then determine whether each  
592 candidate is a qualified elector of the municipality, and of the  
593 ward if the office sought is a ward office, shall determine  
594 whether each candidate either meets all other qualifications to  
595 hold the office he is seeking or presents absolute proof that he  
596 will, subject to no contingencies, meet all qualifications on or  
597 before the date of the general or special election at which he  
598 could be elected to office. The committee also shall determine  
599 whether any candidate has been convicted of any crime described in  
600 Section 23-15-11, any felony in a court of this state, or has been  
601 convicted on or after December 8, 1992, of any offense in another  
602 state which is a felony under the laws of this state, or has been  
603 convicted of any felony in a federal court on or after December 8,  
604 1992. Excepted from the above are convictions of manslaughter and  
605 violations of the United States Internal Revenue Code or any  
606 violations of the tax laws of this state unless such offense also  
607 involved misuse or abuse of his office or money coming into his  
608 hands by virtue of his office. If the proper municipal executive  
609 committee finds that a candidate either (a) does not meet all  
610 qualifications to hold the office he seeks and fails to provide  
611 absolute proof, subject to no contingencies, that he will meet the  
612 qualifications on or before the date of the general or special  
613 election at which he could be elected, \* \* \* (b) has been  
614 convicted of a felony as described in this subsection and not  
615 pardoned, or (c) or has been convicted of any crime described in  
616 Section 23-15-11, then the name of such candidate shall not be  
617 placed upon the ballot.

618 (5) Where there is but one (1) candidate, the proper  
619 municipal executive committee when the time has expired within

620 which the names of candidates shall be furnished shall declare  
621 such candidate the nominee.

622 SECTION 8. The Attorney General of the State of Mississippi  
623 is hereby directed to submit this act, immediately upon approval  
624 by the Governor, or upon approval by the Legislature subsequent to  
625 a veto, to the Attorney General of the United States or to the  
626 United States District Court for the District of Columbia in  
627 accordance with the provisions of the Voting Rights Act of 1965,  
628 as amended and extended.

629 SECTION 9. This act shall take effect and be in force from  
630 and after the date it is effectuated under Section 5 of the Voting  
631 Rights Act of 1965, as amended and extended.