

By: Representative Martinson

To: Apportionment and
Elections

HOUSE BILL NO. 16

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 _____, 2____.

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) If the person making the application is unable to read
179 or write, for reason of disability or otherwise, he shall not be
180 required to personally complete the application in writing and
181 execute the oath. In such cases, the registrar or deputy
182 registrar shall read to such person the application and oath and
183 such person's answers thereto shall be recorded by the registrar
184 or his deputy. The person shall be registered as an elector if he
185 otherwise meets the requirements to be registered as such. The
186 registrar shall record the responses of such person and such
187 recorded responses shall be retained permanently by the registrar.
188 The registrar shall forward a copy of all such recorded responses
189 to the Secretary of State and shall indicate which were approved
190 for registration.

191 (8) The receipt of a copy of the application for
192 registration sent pursuant to Section 23-15-35(2) shall be
193 sufficient to allow the applicant to be registered as an elector



194 of this state, provided that such application is not challenged as
195 provided for therein.

196 (9) In any case in which a municipality expands its
197 corporate boundaries by annexation, the municipal clerk shall,
198 within ten (10) days after the effective date of such annexation,
199 forward to the county registrar a map which accurately depicts the
200 annexed area. The county registrar shall, within ten (10) days
201 after the receipt of such map, forward to the municipal clerk a
202 copy of the most recent county precinct or subprecinct pollbook
203 for the county precincts in which such annexed area is included,
204 or equivalent computer data or information as will permit the
205 identification of county electors who reside in the annexed area.
206 The municipal clerk shall add those county electors who have
207 resided in the annexed area for at least thirty (30) days after
208 annexation to the municipal registration books as registered
209 voters of the municipality and shall forward to such persons
210 written notification of such addition and of the municipal
211 precinct or ward in which such persons reside.

212 **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is
213 amended as follows:

214 23-15-47. (1) Any person who is qualified to register to
215 vote in the State of Mississippi may register to vote by mail-in
216 application in the manner prescribed in this section.

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

219 (a) Any qualified elector may register to vote by
220 mailing or delivering a completed mail-in application to his
221 county registrar at least thirty (30) days prior to any election.
222 The postmark date of a mailed application shall be the date of
223 registration. The application shall be witnessed by one (1)
224 qualified elector in the county of the applicant's residence. The
225 name, address and, if available, the daytime telephone number of
226 the person witnessing the application must be legibly written or



227 printed on the application. The witness shall not be a candidate
228 for public office as of the date of the execution of the
229 application. Any applicant or witness is subject to the penalties
230 provided in Section 23-15-17 for false registration. Any person
231 who willfully swears falsely to any material matter on a mail-in
232 application is guilty of perjury and, upon conviction thereof,
233 shall be punished as provided in Section 97-9-61.

234 (b) Upon receipt of a mail-in application, the county
235 registrar shall stamp such application with the date of receipt,
236 and shall verify the application by contacting the applicant by
237 telephone, by personal contact with the applicant, or by any other
238 method approved by the Secretary of State. Within twenty-five
239 (25) days of receipt of a mail-in application, the county
240 registrar shall complete action on the application, including any
241 attempts to notify the applicant of the status of his application.

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



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

261 (i) An incomplete portion of the application which
262 makes it impossible for the registrar to determine the eligibility
263 of the applicant to register;

264 (ii) A portion of the application which is
265 illegible in the opinion of the county registrar and makes it
266 impossible to determine the eligibility of the applicant to
267 register;

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

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

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

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

278 (e) If the mail-in application of a person is subject
279 to rejection for any of the reasons set forth in paragraphs (d)(i)
280 through (iii) of this subsection, and it appears to the registrar
281 that the defect or omission is of such a minor nature and that any
282 necessary additional information may be supplied by the applicant
283 over the telephone or by further correspondence, the registrar may
284 write or call the applicant at the telephone number provided on
285 the application. If the registrar is able to contact the
286 applicant by mail or telephone, he shall attempt to ascertain the
287 necessary information and if this information is sufficient for
288 the registrar to complete the application, the applicant shall be
289 registered. If the necessary information cannot be obtained by
290 mail or telephone or is not sufficient, the registrar shall give
291 the applicant written notice of the rejection and provide the



292 reason for such rejection. The registrar shall further inform the
293 applicant that he has a right to attempt to register by appearing
294 in person or by filing another mail-in application.

295 (f) If a mail-in application is subject to rejection
296 for the reason stated in paragraph (d)(v) of this subsection and
297 the "present home address" portion of the application is different
298 from the residence address for the applicant found in the
299 registration book, the mail-in application shall be deemed a
300 written request to transfer registration pursuant to Section
301 23-15-13. Subject to the time limits and other provisions of
302 Section 23-15-13, the registrar or the election commissioners
303 shall note the new residence address on his records and, if
304 necessary, transfer the applicant to his new precinct, advise the
305 applicant of his new precinct, polling place and supervisor
306 district, and notify the municipal clerk of any such changes on a
307 monthly basis.

308 (3) The instructions and the application form for voter
309 registration by mail shall be in the following form and shall
310 contain the following information:

311 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

312 1. Anyone may assist you in completing the enclosed
313 application.

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

317 3. All required information must be supplied in legible
318 form.

319 4. The completed application must be mailed or delivered to
320 the registrar of your county at least thirty (30) days before an
321 election in order for you to be registered for that election.

322 Applications which are mailed must be postmarked thirty (30) days
323 prior to any election.



324 5. The penalty for conviction of false registration is a
325 felony punishable by a fine of not more than Five Thousand Dollars
326 (\$5,000.00) or imprisonment for not more than five (5) years, or
327 both."

328 "APPLICATION FOR VOTER REGISTRATION BY MAIL

329 STATE OF MISSISSIPPI

330 I, _____, hereby apply for registration as a
331 voter of _____ County, Mississippi.

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

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

334 2. Male ___ Female ___

335 3. Please give your social security number: _____

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

337 5. Present Home Address:

338 (a) _____ (Street and Number)

339 _____ (City, State, Zip)

340 (b) How long have you lived there?

341 From _____ (month/year) to present.

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

343 county? _____ If so, which? _____

344 (d) Telephone number, if available:

345 (i) Home telephone number _____

346 (ii) Daytime or work telephone number _____

347 6. Mailing Address: Give your current mailing address if
348 different from your present home address:

349 _____ (Box or Street and Number)

350 _____ (City, State, Zip)

351 7. Previous Address: List your most recent address before
352 your present address:

353 _____ (Box or Street and Number)

354 _____ (City, State, Zip)

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



356 8. Last Registration: Have you ever registered to vote
357 before in any other county in Mississippi or in any other state?
358 _____ If yes, give the last place you were registered:
359 _____ (City, County, State)

360 9. Citizenship, Residence, Prior Convictions:

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

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

363 (c) Have you ever been convicted of the crime of murder,
364 rape, bribery, theft, arson, obtaining money or goods under false
365 pretenses, perjury, forgery, embezzlement, or bigamy, or convicted
366 in any court of any felony? ___ If so, what State _____,
367 County _____? Date of conviction_____.

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

372 11. Applicant Signature and Certification:

373 I certify that I am at least eighteen (18) years old (or I
374 will be before the next general election), that the above
375 information given by me is true and correct and that I have truly
376 answered all questions in the foregoing application for
377 registration, and that I will faithfully support the Constitution
378 of the United States and of the State of Mississippi, and will
379 bear true faith and allegiance to the same.

380 Applicant sign here: _____

381 Date: _____

382 12. Witness Signature and Certification:

383 I certify that I am a registered voter in _____
384 County, Mississippi, that I am not now a candidate for public
385 office, and that the above named applicant signed this application
386 for registration in my presence. I further certify that I have
387 read the above application, and that the facts stated therein are
388 true and correct to the best of my knowledge. I personally know



389 the person who appeared before me or I have seen the person's
390 identification. I understand that the penalty for knowingly
391 procuring a person's registration who is not entitled to be
392 registered, or is registered under a false name or in any other
393 voting precinct than that in which he resides, is a fine of not
394 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
395 not more than five (5) years, or both.

396 Witness sign here: _____

397 Full name and address of witness (Print):

398 Name: _____

399 Address: _____ (Street and Number)

400 _____ (City, State, Zip)

401 Telephone number, if available:

402 Home telephone number _____

403 Daytime or work telephone number _____"

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

409 (b) The Secretary of State shall distribute without
410 charge sufficient forms for application for voter registration by
411 mail to the Commissioner of Public Safety, who shall distribute
412 such forms to each driver's license examining and renewal station
413 in the state, and shall ensure that the forms are regularly
414 available to the public at such stations.

415 (c) Bulk quantities of forms for application for voter
416 registration by mail shall be furnished by the Secretary of State
417 to any person or organization. The Secretary of State shall
418 charge a person or organization the actual cost he incurs in
419 providing bulk quantities of forms for application for voter
420 registration to such person or organization.



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

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

450 (7) If the reply to Question 8 above is affirmative, the
451 registrar or clerk shall send written notice of this new
452 registration by regular United States mail to the registrar or
453 clerk of the county stated in Question 8 as the voter's previous



454 place of registration. The information shall include the complete
455 name, address and age of the voter and shall include the social
456 security number of such voter if it has been previously supplied.
457 The election commission of the voter's previous place of
458 registration shall be responsible for having such voter's name
459 erased from the appropriate registration book and pollbook.

460 **SECTION 5.** Section 23-15-151, Mississippi Code of 1972, is
461 amended as follows:

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

477 **SECTION 6.** Section 23-15-299, Mississippi Code of 1972, is
478 amended as follows:

479 23-15-299. (1) Assessments made pursuant to paragraphs (a),
480 (b) and (c) of Section 23-15-297 and assessments made pursuant to
481 paragraph (d) of Section 23-15-297 for legislative offices shall
482 be paid by each candidate to the Secretary of the State Executive
483 Committee with which the candidate is affiliated by 5:00 p.m. on
484 March 1 of the year in which the primary election for the office
485 is held or on the date of the qualifying deadline provided by
486 statute for the office, whichever is earlier.



487 (2) Assessments made pursuant to paragraphs (d) and (e) of
488 Section 23-15-297, other than assessments made for legislative
489 offices, shall be paid by each candidate to the circuit clerk of
490 such candidate's county of residence by 5:00 p.m. on March 1 of
491 the year in which the primary election for the office is held or
492 on the date of the qualifying deadline provided by statute for the
493 office, whichever is earlier; provided, however, that no such
494 assessments may be paid before January 1 of the year in which the
495 election for the office is held. The circuit clerk shall forward
496 the fee and all necessary information to the secretary of the
497 proper county executive committee within two (2) business days.

498 (3) Assessments made pursuant to paragraphs (f) and (g) of
499 Section 23-15-297 must be paid by each candidate to the Secretary
500 of the State Executive Committee with which the candidate is
501 affiliated by 5:00 p.m. sixty (60) days before the presidential
502 preference primary in years in which a presidential preference
503 primary is held. Assessments made pursuant to paragraphs (f) and
504 (g) of Section 23-15-297, in years when a presidential preference
505 primary is not being held, shall be paid by each candidate to the
506 Secretary of the State Executive Committee with which the
507 candidate is affiliated by 5:00 p.m. on March 1 of the year in
508 which the primary election for the office is held.

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

514 (b) The State Executive Committee shall transmit to the
515 Secretary of State a copy of the written statements accompanying
516 the fees paid pursuant to subsections (1) and (2) of this section.
517 All copies must be received by the Office of the Secretary of
518 State by not later than 6:00 p.m. on the date of the qualifying
519 deadline; provided, however, the failure of the Office of the



520 Secretary of State to receive such copies by 6:00 p.m. on the date
521 of the qualifying deadline shall not affect the qualification of a
522 person who pays the required fee and files the required statement
523 by 5:00 p.m. on the date of the qualifying deadline. The name of
524 any person who pays the required fee and files the required
525 statement after 5:00 p.m. on the date of the qualifying deadline
526 shall not be placed on the primary election ballot.

527 (5) The secretary or circuit clerk to whom such payments are
528 made shall promptly receipt for same stating the office for which
529 such candidate making payment is running and the political party
530 with which he or she is affiliated, and he or she shall keep an
531 itemized account in detail showing the exact time and date of the
532 receipt of each payment received by him or her and, where
533 applicable, the date of the postmark on the envelope containing
534 the fee and from whom, and for what office the party paying same
535 is a candidate.

536 (6) The secretaries of the proper executive committee shall
537 hold said funds to be finally disposed of by order of their
538 respective executive committees. Such funds may be used or
539 disbursed by the executive committee receiving same to pay all
540 necessary traveling or other necessary expenses of the members of
541 the executive committee incurred in discharging their duties as
542 committeemen, and of their secretary and may pay the secretary
543 such salary as may be reasonable.

544 (7) Upon receipt of the proper fee and all necessary
545 information, the proper executive committee shall then determine
546 whether each candidate is a qualified elector of the state, state
547 district, county or county district which they seek to serve, and
548 whether each candidate meets all other qualifications to hold the
549 office he is seeking or presents absolute proof that he will,
550 subject to no contingencies, meet all qualifications on or before
551 the date of the general or special election at which he could be
552 elected to office. The committee also shall determine whether any



553 candidate has been convicted of any felony in a court of this
554 state, or has been convicted on or after December 8, 1992, of any
555 offense in another state which is a felony under the laws of this
556 state, or has been convicted of any felony in a federal court on
557 or after December 8, 1992, or has been convicted of any crime
558 described in Section 23-15-11. Excepted from the above are
559 convictions of manslaughter and violations of the United States
560 Internal Revenue Code or any violations of the tax laws of this
561 state unless the offense also involved misuse or abuse of his
562 office or money coming into his hands by virtue of his office. If
563 the proper executive committee finds that a candidate either (a)
564 is not a qualified elector, (b) does not meet all qualifications
565 to hold the office he seeks and fails to provide absolute proof,
566 subject to no contingencies, that he will meet the qualifications
567 on or before the date of the general or special election at which
568 he could be elected, * * * (c) has been convicted of a felony as
569 described in this subsection, and not pardoned, (d) or has been
570 convicted of any crime described in Section 23-15-11, then the
571 name of such candidate shall not be placed upon the ballot.

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

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

578 **SECTION 7.** Section 23-15-309, Mississippi Code of 1972, is
579 amended as follows:

580 23-15-309. (1) Nominations for all municipal officers which
581 are elective shall be made at a primary election, or elections, to
582 be held in the manner prescribed by law. All persons desiring to
583 be candidates for the nomination in the primary elections shall
584 first pay Ten Dollars (\$10.00) to the clerk of the municipality,



585 at least sixty (60) days prior to the first primary election, no
586 later than 5:00 p.m. on such deadline day.

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

591 (3) The clerk shall promptly receipt the payment, stating
592 the office for which the person making the payment is running and
593 the political party with which such person is affiliated. The
594 clerk shall keep an itemized account in detail showing the time
595 and date of the receipt of such payment received by him, from whom
596 such payment was received, the party with which such person is
597 affiliated and for what office the person paying the fee is a
598 candidate. The clerk shall promptly supply all necessary
599 information and pay over all fees so received to the secretary of
600 the proper municipal executive committee. Such funds may be used
601 and disbursed in the same manner as is allowed in Section
602 23-15-299 in regard to other executive committees.

603 (4) Upon receipt of the above information, the proper
604 municipal executive committee shall then determine whether each
605 candidate is a qualified elector of the municipality, and of the
606 ward if the office sought is a ward office, shall determine
607 whether each candidate either meets all other qualifications to
608 hold the office he is seeking or presents absolute proof that he
609 will, subject to no contingencies, meet all qualifications on or
610 before the date of the general or special election at which he
611 could be elected to office. The committee also shall determine
612 whether any candidate has been convicted of any crime described in
613 Section 23-15-11, any felony in a court of this state, or has been
614 convicted on or after December 8, 1992, of any offense in another
615 state which is a felony under the laws of this state, or has been
616 convicted of any felony in a federal court on or after December 8,
617 1992. Excepted from the above are convictions of manslaughter and



618 violations of the United States Internal Revenue Code or any
619 violations of the tax laws of this state unless such offense also
620 involved misuse or abuse of his office or money coming into his
621 hands by virtue of his office. If the proper municipal executive
622 committee finds that a candidate either (a) does not meet all
623 qualifications to hold the office he seeks and fails to provide
624 absolute proof, subject to no contingencies, that he will meet the
625 qualifications on or before the date of the general or special
626 election at which he could be elected, * * * (b) has been
627 convicted of a felony as described in this subsection and not
628 pardoned, or (c) or has been convicted of any crime described in
629 Section 23-15-11, then the name of such candidate shall not be
630 placed upon the ballot.

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

635 **SECTION 8.** The Attorney General of the State of Mississippi
636 shall submit this act, immediately upon approval by the Governor,
637 or upon approval by the Legislature subsequent to a veto, to the
638 Attorney General of the United States or to the United States
639 District Court for the District of Columbia in accordance with the
640 provisions of the Voting Rights Act of 1965, as amended and
641 extended.

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

