MISSISSIPPI LEGISLATURE

By: Representatives Martinson, Davis, Ellington, Fillingane, Formby, Howell, Ishee, Lott, Masterson, Montgomery (74th), Moore (60th), Robertson, Smith (35th), Smith (59th), Wells-Smith

REGULAR SESSION 2003

To: Apportionment and Elections

HOUSE BILL NO. 1398


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

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

23-15-11. Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, and who has never been convicted in any court of this state, another state or in any federal court, of any felony, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. The right to vote shall be restored to any person disqualified because of a criminal conviction upon completion of the sentence and full restitution for such criminal conviction. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days prior to the primary election associated with such
general election, may vote in such primary election even though such person has not reached his or her eighteenth birthday at the time such person offers to vote at such primary election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

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

23-15-19. Any person who has been convicted of any crime described listed in Section 23-15-11, Mississippi Constitution of 1890, shall not be registered, or if registered the name of such person shall be erased from the registration book on which it may be found by the registrar or by the election commissioners. Whenever any person shall be convicted in the circuit court of his county of any of said crimes, the registrar shall thereupon erase his name from the registration book; and whenever any person shall be convicted of any of said crimes in any other court of any county, the presiding judge thereof shall, on demand, certify the fact in writing to the registrar, who shall thereupon erase the name of such person from the registration book and file said certificate as a record of his office.

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

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

"APPLICATION FOR REGISTRATION
(You may receive assistance in filling out this form from any person of your choosing. It is not necessary that this form be filled out in the presence of the registrar, however, the oath must be executed in the presence of the registrar or his deputy.)
1. What is your full name, including maiden name, if you have one? _______________________________________________________ 

2. Please give your social security number. ________________

3. What is your date of birth? ____________________________

4. Are you a citizen of the United States? ________________

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

   (a) Present address: _______________________________
       From ____________ (month) to date.

   (b) Previous address: _______________________________
       From ____________ (month) to ____________ (month).

   (c) Previous address: _______________________________
       From ____________ (month) to ____________ (month).

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

6. What is your present mailing address? __________________

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

8. Do you now reside within the city limits of a city or town located within this county? ______

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

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

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

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

(b) Do you have a telephone at your present residence? ________ If so, give the telephone number of such telephone. ________ Please give your work telephone number. __________

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

STATE OF MISSISSIPPI
COUNTY OF ________

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

Applicant sign here: ______________________

SWORN TO AND SUBSCRIBED before me, this the ________ day of ________, 2___.

__________________________________ (Registrar)

By _____________________ (Deputy Registrar)"

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

(3) If the reply to Question 8 above is affirmative, the county registrar shall forward notice of registration, a copy of the application for registration, and any changes to such
registration when they occur, either by certified mail to the clerk of the municipality indicated in the present residence address stated in answer to Question 5(a) above or by personal delivery to such clerk provided that a numbered receipt is signed by such clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to such registration, and if a review of same indicates that the applicant meets all the criteria necessary to qualify as a municipal elector, then the clerk of said municipality shall make a determination of the municipal voting precinct in which the person making the application shall be required to vote. The clerk shall send this municipal voting precinct information by United States first-class mail, postage prepaid, to such person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of such municipality. If a review of the copy of the application for registration or changes to such registration indicates that the applicant is not qualified to vote in said municipality, the clerk of said municipality shall challenge such application. The municipal election commissioners responsible for said municipality shall review any such challenge or disqualification after having notified the applicant by certified mail of such challenge or disqualification.

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

(5) The registrar shall issue to the person making the application a copy of such application upon which has been written
the county voting precinct in which said person shall vote. The registrar shall assign a voter registration number to such person, which shall be that person's social security number if such a number is provided, and said voter registration number shall be clearly shown on the application.

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

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read to such person the application and oath and such person's answers thereto shall be recorded by the registrar or his deputy. The person shall be registered as an elector if he otherwise meets the requirements to be registered as such. The registrar shall record the responses of such person and such recorded responses shall be retained permanently by the registrar. The registrar shall forward a copy of all such recorded responses to the Secretary of State and shall indicate which were approved for registration.
(8) The receipt of a copy of the application for registration sent pursuant to Section 23-15-35(2) shall be sufficient to allow the applicant to be registered as an elector of this state, provided that such application is not challenged as provided for therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

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

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

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

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

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

"APPLICATION FOR VOTER REGISTRATION BY MAIL

STATE OF MISSISSIPPI

I, ________________, hereby apply for registration as a voter of ________________ County, Mississippi.

1. Full Name, including maiden name if you have one:
   ________________ (First, Middle and/or Maiden, Last)

2. Male ___ Female ___

3. Please give your social security number: ________________

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

5. Present Home Address:
   (a) ________________________________ (Street and Number)
   ________________________________ (City, State, Zip)
   (b) How long have you lived there?
   From ________________ (month/year) to present.
   (c) Do you now live in a city or town of this county? _______
   If so, which? ________________
   (d) Telephone number, if available:
   (i) Home telephone number ________________
   (ii) Daytime or work telephone number ________________

6. Mailing Address: Give your current mailing address if different from your present home address:
   ________________________________ (Box or Street and Number)
   ________________________________ (City, State, Zip)

7. Previous Address: List your most recent address before your present address:
   ________________________________ (Box or Street and Number)
   ________________________________ (City, State, Zip)
From ___________ (month/year) to ___________ (month/year)

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

9. Citizenship, Residence, Prior Convictions:
   (a) Are you a citizen of the United States? ______
   (b) Are you a resident of this state and county? ______
   (c) Have you ever been convicted of the crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, or convicted in any court of any felony? ___ If so, what State ______, County ______? Date of conviction ______.

10. Will you need assistance on election day? ______. If yes, for which of the following reasons: permanently physically disabled ____; other (please describe) ________________________ ___________________________________________________________________.

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

    Applicant sign here: ________________________
    Date: ____________________________________

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

Witness sign here: _______________________

Full name and address of witness (Print):

Name: ___________________________________
Address: _______________________________(Street and Number)
_____________________________ (City, State, Zip)

Telephone number, if available:

Home telephone number _________________
Daytime or work telephone number ____________

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

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

(c) Bulk quantities of forms for application for voter
registration by mail shall be furnished by the Secretary of State
to any person or organization. The Secretary of State shall
charge a person or organization the actual cost he incurs in
providing bulk quantities of forms for application for voter
registration to such person or organization.
(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm or microfiche.

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

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

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

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

amended as follows:

23-15-299. (1) Assessments made pursuant to paragraphs (a),
(b) and (c) of Section 23-15-297 and assessments made pursuant to
paragraph (d) of Section 23-15-297 for legislative offices shall
be paid by each candidate to the Secretary of the State Executive
Committee with which the candidate is affiliated by 5:00 p.m. on
March 1 of the year in which the primary election for the office
is held or on the date of the qualifying deadline provided by
statute for the office, whichever is earlier.
(2) Assessments made pursuant to paragraphs (d) and (e) of Section 23-15-297, other than assessments made for legislative offices, shall be paid by each candidate to the circuit clerk of such candidate's county of residence by 5:00 p.m. on March 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; provided, however, that no such assessments may be paid before January 1 of the year in which the election for the office is held. The circuit clerk shall forward the fee and all necessary information to the secretary of the proper county executive committee within two (2) business days.

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

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

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

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

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

(7) Upon receipt of the proper fee and all necessary
information, the proper executive committee shall then determine
whether each candidate is a qualified elector of the state, state
district, county or county district which they seek to serve, and
whether each candidate meets all other qualifications to hold the
office he is seeking or presents absolute proof that he will,
subject to no contingencies, meet all qualifications on or before
the date of the general or special election at which he could be
elected to office. The committee also shall determine whether any
candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992, or has been convicted of any crime described in Section 23-15-11. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless the offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the proper executive committee finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he seeks and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, * * * (c) has been convicted of a felony as described in this subsection, and not pardoned, (d) or has been convicted of any crime described in Section 23-15-11, then the name of such candidate shall not be placed upon the ballot. Where there is but one (1) candidate for each office contested at the primary election, the proper executive committee when the time has expired within which the names of candidates shall be furnished shall declare such candidates the nominees. (8) No candidate may qualify by filing the information required by this section by using the Internet.

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

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

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

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

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

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

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

SECTION 9. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, upon ratification of House Concurrent Resolution No. ____, 2003 Regular Session, by the electorate.