

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

To: Apportionment and Elections

HOUSE BILL NO. 1398

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 PROVIDE FOR RESTORATION OF THE  
5 RIGHT TO VOTE UPON COMPLETION OF SENTENCE; TO AMEND SECTIONS  
6 23-15-19, 23-15-39, 23-15-47, 23-15-151, 23-15-299 AND 23-15-309,  
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
8 PURPOSES.

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

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

12 23-15-11. Every inhabitant of this state, except idiots and  
13 insane persons, who is a citizen of the United States of America,  
14 eighteen (18) years old and upwards, who has resided in this state  
15 for thirty (30) days and for thirty (30) days in the county in  
16 which he offers to vote, and for thirty (30) days in the  
17 incorporated city or town in which he offers to vote, and who  
18 shall have been duly registered as an elector pursuant to Section  
19 23-15-33, and who has never been convicted of any crime listed in  
20 Section 241, Mississippi Constitution of 1890, and who has never  
21 been convicted in any court of this state, another state or in any  
22 federal court, of any felony, shall be a qualified elector in and  
23 for the county, municipality and voting precinct of his residence,  
24 and shall be entitled to vote at any election. The right to vote  
25 shall be restored to any person disqualified because of a criminal  
26 conviction upon completion of the sentence and full restitution  
27 for such criminal conviction. Any person who will be eighteen  
28 (18) years of age or older on or before the date of the general  
29 election and who is duly registered to vote not less than thirty  
30 (30) days prior to the primary election associated with such



31 general election, may vote in such primary election even though  
32 such person has not reached his or her eighteenth birthday at the  
33 time such person offers to vote at such primary election. No  
34 others than those above included shall be entitled, or shall be  
35 allowed, to vote at any election.

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

38 23-15-19. Any person who has been convicted of any crime  
39 described listed in Section 23-15-11, Mississippi Constitution of  
40 1890, shall not be registered, or if registered the name of such  
41 person shall be erased from the registration book on which it may  
42 be found by the registrar or by the election commissioners.

43 Whenever any person shall be convicted in the circuit court of his  
44 county of any of said crimes, the registrar shall thereupon erase  
45 his name from the registration book; and whenever any person shall  
46 be convicted of any of said crimes in any other court of any  
47 county, the presiding judge thereof shall, on demand, certify the  
48 fact in writing to the registrar, who shall thereupon erase the  
49 name of such person from the registration book and file said  
50 certificate as a record of his office.

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

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

58 "APPLICATION FOR REGISTRATION

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



- 63           1. What is your full name, including maiden name, if you  
64 have one? \_\_\_\_\_
- 65           2. Please give your social security number. \_\_\_\_\_
- 66           3. What is your date of birth? \_\_\_\_\_
- 67           4. Are you a citizen of the United States? \_\_\_\_\_
- 68           5. What is your present residence address and each place you  
69 have resided during the past year, stating when you lived at each  
70 place, and specifying the municipality or community, the street  
71 name and number and/or any other designation which accurately  
72 describes the geographic location of your present residence  
73 address?
- 74                 (a) Present address: \_\_\_\_\_  
75                         From \_\_\_\_\_ (month) to date.
- 76                 (b) Previous address: \_\_\_\_\_  
77                         From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).
- 78                 (c) Previous address: \_\_\_\_\_  
79                         From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).
- 80           (If you need additional space, use the back side of this  
81 form.)
- 82           6. What is your present mailing address? \_\_\_\_\_
- 83           7. Are you now a resident of this state and county? \_\_\_\_\_
- 84           8. Do you now reside within the city limits of a city or  
85 town located within this county? \_\_\_\_\_
- 86           9. Have you ever registered to vote before in any other  
87 county or state? If so, give the last place or last two (2)  
88 places if registered more than once. \_\_\_\_\_
- 89           10. Have you ever been convicted of the crime of murder,  
90 rape, bribery, theft, arson, obtaining money or goods under false  
91 pretenses, perjury, forgery, embezzlement or bigamy or convicted  
92 in any court of any felony? \_\_\_\_\_
- 93           11. The following questions may be answered by you at your  
94 option and are solely for the purpose of aiding in registering you  
95 in the proper precinct:



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

99 (b) Do you have a telephone at your present residence?  
100 \_\_\_\_\_ If so, give the telephone number of such telephone.  
101 \_\_\_\_\_ Please give your work telephone number. \_\_\_\_\_

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

105 STATE OF MISSISSIPPI  
106 COUNTY OF \_\_\_\_\_

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

118 Applicant sign here: \_\_\_\_\_

119 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_\_ day of  
120 \_\_\_\_\_, 2\_\_\_\_.

121 \_\_\_\_\_ (Registrar)

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

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

126 (3) If the reply to Question 8 above is affirmative, the  
127 county registrar shall forward notice of registration, a copy of  
128 the application for registration, and any changes to such

129 registration when they occur, either by certified mail to the  
130 clerk of the municipality indicated in the present residence  
131 address stated in answer to Question 5(a) above or by personal  
132 delivery to such clerk provided that a numbered receipt is signed  
133 by such clerk in return for the described documents. Upon receipt  
134 of the copy of the application for registration or changes to such  
135 registration, and if a review of same indicates that the applicant  
136 meets all the criteria necessary to qualify as a municipal  
137 elector, then the clerk of said municipality shall make a  
138 determination of the municipal voting precinct in which the person  
139 making the application shall be required to vote. The clerk shall  
140 send this municipal voting precinct information by United States  
141 first-class mail, postage prepaid, to such person at the address  
142 provided on the application. Any and all mailing costs incurred  
143 by the county registrar or the clerk of the municipality in  
144 effectuating this subsection shall be paid by the governing  
145 authority of such municipality. If a review of the copy of the  
146 application for registration or changes to such registration  
147 indicates that the applicant is not qualified to vote in said  
148 municipality, the clerk of said municipality shall challenge such  
149 application. The municipal election commissioners responsible for  
150 said municipality shall review any such challenge or  
151 disqualification after having notified the applicant by certified  
152 mail of such challenge or disqualification.

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

160 (5) The registrar shall issue to the person making the  
161 application a copy of such application upon which has been written



162 the county voting precinct in which said person shall vote. The  
163 registrar shall assign a voter registration number to such person,  
164 which shall be that person's social security number if such a  
165 number is provided, and said voter registration number shall be  
166 clearly shown on the application.

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

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



195           (8) The receipt of a copy of the application for  
196 registration sent pursuant to Section 23-15-35(2) shall be  
197 sufficient to allow the applicant to be registered as an elector  
198 of this state, provided that such application is not challenged as  
199 provided for therein.

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

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

218           23-15-47. (1) Any person who is qualified to register to  
219 vote in the State of Mississippi may register to vote by mail-in  
220 application in the manner prescribed in this section.

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

223           (a) Any qualified elector may register to vote by  
224 mailing or delivering a completed mail-in application to his  
225 county registrar at least thirty (30) days prior to any election.  
226 The postmark date of a mailed application shall be the date of  
227 registration. The application shall be witnessed by one (1)



228 qualified elector in the county of the applicant's residence. The  
229 name, address and, if available, the daytime telephone number of  
230 the person witnessing the application must be legibly written or  
231 printed on the application. The witness shall not be a candidate  
232 for public office as of the date of the execution of the  
233 application. Any applicant or witness is subject to the penalties  
234 provided in Section 23-15-17 for false registration. Any person  
235 who willfully swears falsely to any material matter on a mail-in  
236 application is guilty of perjury and, upon conviction thereof,  
237 shall be punished as provided in Section 97-9-61.

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

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





261 registration notification form is returned as undeliverable, the  
262 voter's registration shall be void.

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

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

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

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

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

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

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

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



294 mail or telephone or is not sufficient, the registrar shall give  
295 the applicant written notice of the rejection and provide the  
296 reason for such rejection. The registrar shall further inform the  
297 applicant that he has a right to attempt to register by appearing  
298 in person or by filing another mail-in application.

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

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

315 **"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION**

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

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

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

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



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

328 5. The penalty for conviction of false registration is a  
329 felony punishable by a fine of not more than Five Thousand Dollars  
330 (\$5,000.00) or imprisonment for not more than five (5) years, or  
331 both."

332 **"APPLICATION FOR VOTER REGISTRATION BY MAIL**

333 **STATE OF MISSISSIPPI**

334 I, \_\_\_\_\_, hereby apply for registration as a  
335 voter of \_\_\_\_\_ County, Mississippi.

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

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

338 2. Male \_\_\_ Female \_\_\_

339 3. Please give your social security number: \_\_\_\_\_

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

341 5. Present Home Address:

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

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

344 (b) How long have you lived there?

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

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

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

348 (d) Telephone number, if available:

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

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

351 6. Mailing Address: Give your current mailing address if  
352 different from your present home address:

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

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

355 7. Previous Address: List your most recent address before  
356 your present address:

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

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



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

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

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

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

364 9. Citizenship, Residence, Prior Convictions:

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

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

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

372 10. Will you need assistance on election day? \_\_\_\_\_. If  
373 yes, for which of the following reasons: permanently physically  
374 disabled \_\_\_\_\_; other (please describe) \_\_\_\_\_

375 \_\_\_\_\_.

376 11. Applicant Signature and Certification:

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

384 Applicant sign here: \_\_\_\_\_

385 Date: \_\_\_\_\_

386 12. Witness Signature and Certification:

387 I certify that I am a registered voter in \_\_\_\_\_  
388 County, Mississippi, that I am not now a candidate for public  
389 office, and that the above named applicant signed this application  
390 for registration in my presence. I further certify that I have  
391 read the above application, and that the facts stated therein are



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

400 Witness sign here: \_\_\_\_\_

401 Full name and address of witness (Print):

402 Name: \_\_\_\_\_

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

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

405 Telephone number, if available:

406 Home telephone number \_\_\_\_\_

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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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





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

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

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

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



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

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

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

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

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



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

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

595 (3) The clerk shall promptly receipt the payment, stating  
596 the office for which the person making the payment is running and  
597 the political party with which such person is affiliated. The  
598 clerk shall keep an itemized account in detail showing the time  
599 and date of the receipt of such payment received by him, from whom  
600 such payment was received, the party with which such person is  
601 affiliated and for what office the person paying the fee is a  
602 candidate. The clerk shall promptly supply all necessary  
603 information and pay over all fees so received to the secretary of  
604 the proper municipal executive committee. Such funds may be used  
605 and disbursed in the same manner as is allowed in Section  
606 23-15-299 in regard to other executive committees.

607 (4) Upon receipt of the above information, the proper  
608 municipal executive committee shall then determine whether each  
609 candidate is a qualified elector of the municipality, and of the  
610 ward if the office sought is a ward office, shall determine  
611 whether each candidate either meets all other qualifications to  
612 hold the office he is seeking or presents absolute proof that he  
613 will, subject to no contingencies, meet all qualifications on or  
614 before the date of the general or special election at which he  
615 could be elected to office. The committee also shall determine  
616 whether any candidate has been convicted of any crime described in  
617 Section 23-15-11, any felony in a court of this state, or has been  
618 convicted on or after December 8, 1992, of any offense in another  
619 state which is a felony under the laws of this state, or has been  
620 convicted of any felony in a federal court on or after December 8,  
621 1992. Excepted from the above are convictions of manslaughter and



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

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

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

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

