

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 600

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 disqualifying
19 crime under Section 241, Mississippi Constitution of 1890, shall
20 be a qualified elector in and for the county, municipality and
21 voting precinct of his residence, and shall be entitled to vote at
22 any election. Any person who will be eighteen (18) years of age
23 or older on or before the date of the general election and who is
24 duly registered to vote not less than thirty (30) days prior to
25 the primary election associated with such general election, may
26 vote in such primary election even though such person has not
27 reached his or her eighteenth birthday at the time such person
28 offers to vote at such primary election. No others than those

29 above included shall be entitled, or shall be allowed, to vote at
30 any election.

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

33 23-15-19. Any person who has been convicted of any
34 disqualifying crime described in Section 23-15-11, shall not be
35 registered, or if registered the name of such person shall be
36 erased from the registration book on which it may be found by the
37 registrar or by the election commissioners. Whenever any person
38 shall be convicted in the circuit court of his county of any of
39 said crimes, the registrar shall thereupon erase his name from the
40 registration book; and whenever any person shall be convicted of
41 any of said crimes in any other court of any county, the presiding
42 judge thereof shall, on demand, certify the fact in writing to the
43 registrar, who shall thereupon erase the name of such person from
44 the registration book and file said certificate as a record of his
45 office.

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

48 23-15-39. (1) Applications for registration as electors of
49 this state, which are sworn to and subscribed before the registrar
50 or deputy registrar authorized by law and which are not made by
51 mail, shall be made upon a triplicate form in the following words
52 and figures:

53 "APPLICATION FOR REGISTRATION

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

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

60 2. Please give your social security number. _____

61 3. What is your date of birth? _____

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

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

69 (a) Present address: _____

70 From _____ (month) to date.

71 (b) Previous address: _____

72 From _____ (month) to _____ (month).

73 (c) Previous address: _____

74 From _____ (month) to _____ (month).

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

77 6. What is your present mailing address? _____

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

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

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

84 10. (a) Have you ever been convicted in any court of any
85 felony? _____

86 (b) If yes, what crime _____? Date of conviction
87 _____.

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

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

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

95 _____ If so, give the telephone number of such telephone.

96 _____ Please give your work telephone number. _____

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

100 STATE OF MISSISSIPPI

101 COUNTY OF _____

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

113 Applicant sign here: _____

114 SWORN TO AND SUBSCRIBED before me, this the _____ day of
115 _____, 2____.

116 _____ (Registrar)

117 By _____ (Deputy Registrar)"

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

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

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

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

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

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

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

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

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

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

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

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

213 23-15-47. (1) Any person who is qualified to register to
214 vote in the State of Mississippi may register to vote by mail-in
215 application in the manner prescribed in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 **STATE OF MISSISSIPPI**

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

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

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

333 2. Male ___ Female ___

334 3. Please give your social security number: _____

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

336 5. Present Home Address:

337 (a) _____ (Street and Number)

338 _____ (City, State, Zip)

339 (b) How long have you lived there?

340 From _____ (month/year) to present.

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

342 county? _____ If so, which? _____

343 (d) Telephone number, if available:

344 (i) Home telephone number _____

345 (ii) Daytime or work telephone number _____

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

348 _____ (Box or Street and Number)

349 _____ (City, State, Zip)

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

352 _____ (Box or Street and Number)

353 _____ (City, State, Zip)

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

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

359 9. Citizenship, Residence, Prior Convictions:

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

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

362 (c) (i) Have you ever been convicted in any court of a
363 felony? _____ (ii) If yes, what crime _____? What state
364 _____? Date of conviction _____.

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

369 11. Applicant Signature and Certification:

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

377 Applicant sign here: _____

378 Date: _____

379 12. Witness Signature and Certification:

380 I certify that I am a registered voter in _____
381 County, Mississippi, that I am not now a candidate for public
382 office, and that the above named applicant signed this application
383 for registration in my presence. I further certify that I have
384 read the above application, and that the facts stated therein are
385 true and correct to the best of my knowledge. I personally know
386 the person who appeared before me or I have seen the person's
387 identification. I understand that the penalty for knowingly

420 with Section 23-15-113. Nothing in this section shall preclude
421 having applications on microfilm or microfiche.

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

447 (7) If the reply to Question 8 above is affirmative, the
448 registrar or clerk shall send written notice of this new
449 registration by regular United States mail to the registrar or
450 clerk of the county stated in Question 8 as the voter's previous
451 place of registration. The information shall include the complete
452 name, address and age of the voter and shall include the social

453 security number of such voter if it has been previously supplied.
454 The election commission of the voter's previous place of
455 registration shall be responsible for having such voter's name
456 erased from the appropriate registration book and pollbook.

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

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

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

476 23-15-299. (1) (a) Assessments made pursuant to paragraphs
477 (a), (b) and (c) of Section 23-15-297 and assessments made
478 pursuant to paragraph (d) of Section 23-15-297 for legislative
479 offices shall be paid by each candidate to the Secretary of the
480 State Executive Committee with which the candidate is affiliated
481 by 5:00 p.m. on March 1 of the year in which the primary election
482 for the office is held or on the date of the qualifying deadline
483 provided by statute for the office, whichever is earlier.

484 (b) If the 2010 federal decennial census has not been
485 received from the United States Secretary of Commerce by the

486 Governor of the State of Mississippi by January 1, 2011, then the
487 qualifying deadline for legislative offices shall be changed for
488 the year 2011 only, as follows: Assessments made pursuant to
489 paragraph (d) of Section 23-15-297 for legislative offices shall
490 be paid by each candidate to the Secretary of the State Executive
491 Committee with which the candidate is affiliated by 5:00 p.m. on
492 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
493 2012.

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

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

516 (4) (a) The fees paid pursuant to subsections (1), (2) and
517 (3) of this section shall be accompanied by a written statement
518 containing the name and address of the candidate, the party with

519 which he or she is affiliated and the office for which he or she
520 is a candidate.

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

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

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

551 (7) Upon receipt of the proper fee and all necessary
552 information, the proper executive committee shall then determine
553 whether each candidate is a qualified elector of the state, state
554 district, county or county district which they seek to serve, and
555 whether each candidate meets all other qualifications to hold the
556 office he is seeking or presents absolute proof that he will,
557 subject to no contingencies, meet all qualifications on or before
558 the date of the general or special election at which he could be
559 elected to office. The committee also shall determine whether any
560 candidate has been convicted of any disqualifying crime described
561 in Section 23-15-11, or has been convicted of any disqualifying
562 crime described in Section 44 of the Mississippi Constitution of
563 1890. If the proper executive committee finds that a candidate
564 either (a) is not a qualified elector, (b) does not meet all
565 qualifications to hold the office he seeks and fails to provide
566 absolute proof, subject to no contingencies, that he will meet the
567 qualifications on or before the date of the general or special
568 election at which he could be elected, * * * (c) has been
569 convicted of any disqualifying crime described in Section 44 of
570 the Mississippi Constitution of 1890, and not pardoned, or (d) has
571 been convicted of any disqualifying crime described in Section
572 23-15-11, then the name of the candidate shall not be placed upon
573 the ballot.

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

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

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

582 23-15-309. (1) Nominations for all municipal officers which
583 are elective shall be made at a primary election, or elections, to

584 be held in the manner prescribed by law. All persons desiring to
585 be candidates for the nomination in the primary elections shall
586 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
587 at least sixty (60) days prior to the first primary election, no
588 later than 5:00 p.m. on such deadline day.

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

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

605 (4) Upon receipt of the above information, the proper
606 municipal executive committee shall then determine whether each
607 candidate is a qualified elector of the municipality, and of the
608 ward if the office sought is a ward office, shall determine
609 whether each candidate either meets all other qualifications to
610 hold the office he is seeking or presents absolute proof that he
611 will, subject to no contingencies, meet all qualifications on or
612 before the date of the general or special election at which he
613 could be elected to office. The committee also shall determine
614 whether any candidate has been convicted of any disqualifying
615 crime described in Section 23-15-11, or has been convicted of any
616 disqualifying crime under Section 44, Mississippi Constitution of

617 1890. If the proper municipal executive committee finds that a
618 candidate either (a) does not meet all qualifications to hold the
619 office he seeks and fails to provide absolute proof, subject to no
620 contingencies, that he will meet the qualifications on or before
621 the date of the general or special election at which he could be
622 elected, * * * (b) has been convicted of any disqualifying crime
623 described in this subsection and not pardoned, or (c) has been
624 convicted of any disqualifying crime described in Section
625 23-15-11, then the name of such candidate shall not be placed upon
626 the ballot.

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

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

638 **SECTION 9.** This act shall take effect and be in force from
639 and after the date it and House Concurrent Resolution No. ____,
640 2004 Regular Session, are effectuated under Section 5 of the
641 Voting Rights Act of 1965, as amended and extended.