

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2218

1 AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT PERSONS WHO HAVE BEEN CONVICTED IN A COURT OF THIS
3 STATE OR ANY OTHER STATE OR IN ANY FEDERAL COURT OF ANY FELONY
4 FROM BEING A QUALIFIED ELECTOR; TO AMEND SECTIONS 23-15-19,
5 23-15-39, 23-15-47, 23-15-151, 23-15-299 AND 23-15-309,
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
7 PURPOSES.

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

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

11 23-15-11. Every inhabitant of this state, except idiots and
12 insane persons, who is a citizen of the United States of America,
13 eighteen (18) years old and upwards, who has resided in this state
14 for thirty (30) days and for thirty (30) days in the county in
15 which he offers to vote, and for thirty (30) days in the
16 incorporated city or town in which he offers to vote, and who
17 shall have been duly registered as an elector pursuant to Section
18 23-15-33, and who has never been convicted of any crime listed in
19 Section 241, Mississippi Constitution of 1890, and who has never
20 been convicted in any court of this state, another state or in any
21 federal court of any felony other than convictions of manslaughter
22 and violations of the United States Internal Revenue Code or any
23 violations of the tax laws of this or another state unless the
24 offense also involved misuse or abuse of his office or money
25 coming into his hands by virtue of his office, shall be a
26 qualified elector in and for the county, municipality and voting
27 precinct of his residence, and shall be entitled to vote at any
28 election. Any person who will be eighteen (18) years of age or
29 older on or before the date of the general election and who is

30 duly registered to vote not less than thirty (30) days prior to
31 the primary election associated with such general election, may
32 vote in such primary election even though such person has not
33 reached his or her eighteenth birthday at the time such person
34 offers to vote at such primary election. No others than those
35 above included shall be entitled, or shall be allowed, to vote at
36 any election.

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

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

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

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

59 "APPLICATION FOR REGISTRATION

60 (You may receive assistance in filling out this form from any
61 person of your choosing. It is not necessary that this form be

62 filled out in the presence of the registrar, however, the oath
63 must be executed in the presence of the registrar or his deputy.)

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

66 2. Please give your social security number. _____

67 3. What is your date of birth? _____

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

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

75 (a) Present address: _____

76 From _____ (month) to date.

77 (b) Previous address: _____

78 From _____ (month) to _____ (month).

79 (c) Previous address: _____

80 From _____ (month) to _____ (month).

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

83 6. What is your present mailing address? _____

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

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

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

90 10. Have you ever been convicted of the crime of murder,
91 rape, bribery, theft, arson, obtaining money or goods under false
92 pretenses, perjury, forgery, embezzlement or bigamy or convicted
93 in any court of any felony other than convictions of manslaughter
94 and violations of the United States Internal Revenue Code or any

95 violations of the tax laws of this or another state unless the
96 offense also involved misuse or abuse of public office or money
97 coming into your hands by virtue of that office? _____

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

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

104 (b) Do you have a telephone at your present residence?
105 _____ If so, give the telephone number of such telephone.

106 _____ Please give your work telephone number. _____

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

110 STATE OF MISSISSIPPI

111 COUNTY OF _____

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

123 Applicant sign here: _____

124 SWORN TO AND SUBSCRIBED before me, this the _____ day of
125 _____, 2____.

126 _____ (Registrar)

127 By _____ (Deputy Registrar)"

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

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

158 (4) If the reply to Question 9 above is affirmative, the
159 registrar or clerk shall on a monthly basis send notice of this
160 new registration to the registrar or clerk of the county stated in

161 Question 9 as the voter's previous place of registration. The
162 election commission of the voter's previous place of registration
163 shall be responsible for having such voter's name erased from the
164 appropriate registration book and pollbook.

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

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

187 (7) If the person making the application is unable to read
188 or write, for reason of disability or otherwise, he shall not be
189 required to personally complete the application in writing and
190 execute the oath. In such cases, the registrar or deputy
191 registrar shall read to such person the application and oath and
192 such person's answers thereto shall be recorded by the registrar
193 or his deputy. The person shall be registered as an elector if he

194 otherwise meets the requirements to be registered as such. The
195 registrar shall record the responses of such person and such
196 recorded responses shall be retained permanently by the registrar.
197 The registrar shall forward a copy of all such recorded responses
198 to the Secretary of State and shall indicate which were approved
199 for registration.

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

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

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

223 23-15-47. (1) Any person who is qualified to register to
224 vote in the State of Mississippi may register to vote by mail-in
225 application in the manner prescribed in this section.

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

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

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

251 (c) If the county registrar determines that the
252 applicant is qualified and his application is legible and
253 complete, he shall mail the applicant written notification that
254 the application has been approved, specifying the county voting
255 precinct, polling place and supervisor district in which such
256 person shall vote. This written notification of approval
257 containing the specified information shall be the voter's
258 registration card. Said registration cards shall be provided by

259 the county registrar. The registrar shall assign a voter
260 registration number to such person, which shall be that person's
261 social security number if such a number is provided, and said
262 voter registration number shall be clearly shown on the
263 application and on the written notification of approval. In
264 mailing such written notification, the county registrar shall note
265 the following on the envelope: "DO NOT FORWARD." If any
266 registration notification form is returned as undeliverable, the
267 voter's registration shall be void.

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

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

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

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

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

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

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

287 (e) If the mail-in application of a person is subject
288 to rejection for any of the reasons set forth in paragraphs (d)(i)
289 through (iii) of this subsection, and it appears to the registrar
290 that the defect or omission is of such a minor nature and that any
291 necessary additional information may be supplied by the applicant

292 over the telephone or by further correspondence, the registrar may
293 write or call the applicant at the telephone number provided on
294 the application. If the registrar is able to contact the
295 applicant by mail or telephone, he shall attempt to ascertain the
296 necessary information and if this information is sufficient for
297 the registrar to complete the application, the applicant shall be
298 registered. If the necessary information cannot be obtained by
299 mail or telephone or is not sufficient, the registrar shall give
300 the applicant written notice of the rejection and provide the
301 reason for such rejection. The registrar shall further inform the
302 applicant that he has a right to attempt to register by appearing
303 in person or by filing another mail-in application.

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

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

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

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

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

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

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

333 5. The penalty for conviction of false registration is a
334 felony punishable by a fine of not more than Five Thousand Dollars
335 (\$5,000.00) or imprisonment for not more than five (5) years, or
336 both."

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

338 **STATE OF MISSISSIPPI**

339 I, _____, hereby apply for registration as a
340 voter of _____ County, Mississippi.

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

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

343 2. Male ___ Female ___

344 3. Please give your social security number: _____

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

346 5. Present Home Address:

347 (a) _____ (Street and Number)

348 _____ (City, State, Zip)

349 (b) How long have you lived there?

350 From _____ (month/year) to present.

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

352 county? _____ If so, which? _____

353 (d) Telephone number, if available:

354 (i) Home telephone number _____

355 (ii) Daytime or work telephone number _____

356 6. Mailing Address: Give your current mailing address if
357 different from your present home address:

358 _____ (Box or Street and Number)

359 _____ (City, State, Zip)

360 7. Previous Address: List your most recent address before
361 your present address:

362 _____ (Box or Street and Number)

363 _____ (City, State, Zip)

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

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

367 _____ If yes, give the last place you were registered:

368 _____ (City, County, State)

369 9. Citizenship, Residence, Prior Convictions:

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

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

372 (c) Have you ever been convicted of the crime of murder,
373 rape, bribery, theft, arson, obtaining money or goods under false
374 pretenses, perjury, forgery, embezzlement, or bigamy, convicted in
375 any court of any felony? ___ If so, what State _____, County
376 _____? Date of conviction _____.

377 10. Will you need assistance on election day? _____. If
378 yes, for which of the following reasons: permanently physically
379 disabled _____; other (please describe) _____
380 _____.

381 11. Applicant Signature and Certification:

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

389 Applicant sign here: _____

390 Date: _____

391 12. Witness Signature and Certification:

392 I certify that I am a registered voter in _____

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

405 Witness sign here: _____

406 Full name and address of witness (Print):

407 Name: _____

408 Address: _____ (Street and Number)

409 _____ (City, State, Zip)

410 Telephone number, if available:

411 Home telephone number _____

412 Daytime or work telephone number _____"

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

418 (b) The Secretary of State shall distribute without
419 charge sufficient forms for application for voter registration by
420 mail to the Commissioner of Public Safety, who shall distribute
421 such forms to each driver's license examining and renewal station

422 in the state, and shall ensure that the forms are regularly
423 available to the public at such stations.

424 (c) Bulk quantities of forms for application for voter
425 registration by mail shall be furnished by the Secretary of State
426 to any person or organization. The Secretary of State shall
427 charge a person or organization the actual cost he incurs in
428 providing bulk quantities of forms for application for voter
429 registration to such person or organization.

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

434 (6) If the reply to question 5(c) above is affirmative, the
435 county registrar shall forward notice of registration, a duplicate
436 copy of the application for registration, and any changes to such
437 registration when they occur, either by certified mail to the
438 clerk of the municipality indicated in the present residence
439 address stated in answer to Question 5(c) above or by personal
440 delivery to such clerk, provided that a numbered receipt is signed
441 by such clerk in return for the described documents. Upon receipt
442 of the copy of the application for registration or changes to such
443 registration, and if a review of same indicates that the applicant
444 meets all the criteria necessary to qualify as a municipal
445 elector, then the clerk of said municipality shall register the
446 applicant as a municipal elector and make a determination of the
447 municipal voting precinct in which the person making the
448 application shall be required to vote. The clerk shall send this
449 municipal voting precinct information by United States first-class
450 mail, postage prepaid, to such person at the address provided on
451 the application. Any and all mailing costs incurred by the county
452 registrar or the clerk of the municipality in effectuating this
453 subsection shall be paid by the governing authority of such
454 municipality. If a review of the copy of the application for

455 registration or changes to such registration indicates that the
456 applicant is not qualified to vote in said municipality, the clerk
457 of said municipality shall deny such application and notify
458 applicant.

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

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

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

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

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

496 (b) If the 2010 federal decennial census has not been
497 received from the United States Secretary of Commerce by the
498 Governor of the State of Mississippi by January 1, 2011, then the
499 qualifying deadline for legislative offices shall be changed for
500 the year 2011 only, as follows: Assessments made pursuant to
501 paragraph (d) of Section 23-15-297 for legislative offices shall
502 be paid by each candidate to the Secretary of the State Executive
503 Committee with which the candidate is affiliated by 5:00 p.m. on
504 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
505 2012.

506 (2) Assessments made pursuant to paragraphs (d) and (e) of
507 Section 23-15-297, other than assessments made for legislative
508 offices, shall be paid by each candidate to the circuit clerk of
509 such candidate's county of residence by 5:00 p.m. on March 1 of
510 the year in which the primary election for the office is held or
511 on the date of the qualifying deadline provided by statute for the
512 office, whichever is earlier; provided, however, that no such
513 assessments may be paid before January 1 of the year in which the
514 election for the office is held. The circuit clerk shall forward
515 the fee and all necessary information to the secretary of the
516 proper county executive committee within two (2) business days.

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

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

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

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

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

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

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

563 (7) Upon receipt of the proper fee and all necessary
564 information, the proper executive committee shall then determine
565 whether each candidate is a qualified elector of the state, state
566 district, county or county district which they seek to serve, and
567 whether each candidate meets all other qualifications to hold the
568 office he is seeking or presents absolute proof that he will,
569 subject to no contingencies, meet all qualifications on or before
570 the date of the general or special election at which he could be
571 elected to office. The committee also shall determine whether any
572 candidate has been convicted of any crime described in Section
573 23-15-11. If the proper executive committee finds that a
574 candidate either (a) is not a qualified elector, (b) does not meet
575 all qualifications to hold the office he seeks and fails to
576 provide absolute proof, subject to no contingencies, that he will
577 meet the qualifications on or before the date of the general or
578 special election at which he could be elected, or (c) has been
579 convicted of a crime as described in this subsection, and not
580 pardoned, then the name of such candidate shall not be placed upon
581 the ballot.

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

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

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

590 23-15-309. (1) Nominations for all municipal officers which
591 are elective shall be made at a primary election, or elections, to
592 be held in the manner prescribed by law. All persons desiring to
593 be candidates for the nomination in the primary elections shall
594 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
595 at least sixty (60) days prior to the first primary election, no
596 later than 5:00 p.m. on such deadline day.

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

601 (3) The clerk shall promptly receipt the payment, stating
602 the office for which the person making the payment is running and
603 the political party with which such person is affiliated. The
604 clerk shall keep an itemized account in detail showing the time
605 and date of the receipt of such payment received by him, from whom
606 such payment was received, the party with which such person is
607 affiliated and for what office the person paying the fee is a
608 candidate. The clerk shall promptly supply all necessary
609 information and pay over all fees so received to the secretary of
610 the proper municipal executive committee. Such funds may be used
611 and disbursed in the same manner as is allowed in Section
612 23-15-299 in regard to other executive committees.

613 (4) Upon receipt of the above information, the proper
614 municipal executive committee shall then determine whether each
615 candidate is a qualified elector of the municipality, and of the
616 ward if the office sought is a ward office, shall determine
617 whether each candidate either meets all other qualifications to
618 hold the office he is seeking or presents absolute proof that he

619 will, subject to no contingencies, meet all qualifications on or
620 before the date of the general or special election at which he
621 could be elected to office. The committee also shall determine
622 whether any candidate has been convicted of any felony in a court
623 of this state, or has been convicted on or after December 8, 1992,
624 of any offense in another state which is a felony under the laws
625 of this state, or has been convicted of any crime described in
626 Section 23-15-11. If the proper municipal executive committee
627 finds that a candidate either (a) does not meet all qualifications
628 to hold the office he seeks and fails to provide absolute proof,
629 subject to no contingencies, that he will meet the qualifications
630 on or before the date of the general or special election at which
631 he could be elected, or (b) has been convicted of a crime as
632 described in this subsection and not pardoned, then the name of
633 such candidate shall not be placed upon the ballot.

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

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

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