

By: Representatives Denny, Barnett, Beckett,
Chism, Ellington, Mayhall, Moore, Stevens,
Turner

To: Apportionment and
Elections

HOUSE BILL NO. 1318

1 AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE CONDITIONS UNDER WHICH A PERSON BECOMES A
3 DISQUALIFIED ELECTOR; TO AMEND SECTIONS 23-15-19, AND 23-15-151,
4 MISSISSIPPI CODE OF 1972, TO REQUIRE THE REGISTRAR AND CIRCUIT
5 CLERK TO KEEP A RECORD OF THE CONVICTED PERSONS WHOSE RIGHT TO
6 VOTE HAS BEEN RESTORED AFTER MEETING THE REQUIREMENTS OF THE STATE
7 CONSTITUTION; TO BRING FORWARD SECTIONS 23-15-299 AND 23-15-309,
8 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR
9 RELATED PURPOSES.

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

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

13 23-15-11. Every inhabitant of this state, except idiots and
14 insane persons, who is a citizen of the United States of America,
15 eighteen (18) years old and upwards, who has resided in this state
16 for thirty (30) days and for thirty (30) days in the county in
17 which he offers to vote, and for thirty (30) days in the
18 incorporated city or town in which he offers to vote, and who
19 shall have been duly registered as an elector pursuant to Section
20 23-15-33, and who has never been convicted of a felony, except as
21 provided by Section 241, Mississippi Constitution of 1890, shall
22 be a qualified elector in and for the county, municipality and
23 voting precinct of his residence, and shall be entitled to vote at
24 any election. Any person who will be eighteen (18) years of age
25 or older on or before the date of the general election and who is
26 duly registered to vote not less than thirty (30) days prior to
27 the primary election associated with such general election, may
28 vote in such primary election even though such person has not
29 reached his or her eighteenth birthday at the time such person
30 offers to vote at such primary election. No others than those

31 above included shall be entitled, or shall be allowed, to vote at
32 any election.

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

35 23-15-19. (1) Any person who has been convicted of a felony
36 as provided in Section 241, Mississippi Constitution of 1890,
37 shall not be registered, or if registered the name of such person
38 shall be erased from the registration book on which it may be
39 found by the registrar or by the election commissioners. Whenever
40 any person shall be convicted in the circuit court of his county
41 of any felony, the registrar shall thereupon erase his name from
42 the registration book; and whenever any person shall be convicted
43 of any of a felony in any other court of any county, the presiding
44 judge thereof shall, on demand, certify the fact in writing to the
45 registrar, who shall thereupon erase the name of such person from
46 the registration book and file said certificate as a record of his
47 office.

48 (2) The registrar shall place upon the registration book the
49 name of any person whose right to vote has been restored as
50 provided by Section 241, Mississippi Constitution of 1890.

51 **SECTION 3.** Section 23-15-151, Mississippi Code of 1972, is
52 amended as follows:

53 23-15-151. The circuit clerk of each county is authorized
54 and directed to prepare and keep in his office a full and complete
55 list, in alphabetical order, of persons convicted of a felony as
56 provided in Section 241, Mississippi Constitution of 1890 and keep
57 a record of those convicted persons whose right to vote has been
58 restored as provided by Section 241, Mississippi Constitution of
59 1890. Said clerk shall enter the names of all persons who have
60 been or shall be hereafter convicted of a felony as provided in
61 Section 241, Mississippi Constitution of 1890, in a book prepared
62 and kept for that purpose and also record those convicted persons
63 whose right to vote has been restored as provided by Section 241,

64 Mississippi Constitution of 1890. The board of supervisors of
65 each county shall, as early as practicable, furnish the circuit
66 clerk of their county with a suitable book for the enrollment of
67 said names showing the name, date of birth, address, court, crime
68 and date of conviction, and date of restored right to vote. Said
69 roll, when so prepared, shall be compared with the registration
70 book before each election commissioner of the county. A certified
71 copy of any enrollment by one clerk to another will be sufficient
72 authority for the enrollment of such name, or names, in another
73 county.

74 **SECTION 4.** Section 23-15-299, Mississippi Code of 1972, is
75 brought forward as follows:

76 23-15-299. (1) (a) Assessments made pursuant to paragraphs
77 (a), (b) and (c) of Section 23-15-297 and assessments made
78 pursuant to paragraph (d) of Section 23-15-297 for legislative
79 offices shall be paid by each candidate to the Secretary of the
80 State Executive Committee with which the candidate is affiliated
81 by 5:00 p.m. on March 1 of the year in which the primary election
82 for the office is held or on the date of the qualifying deadline
83 provided by statute for the office, whichever is earlier.

84 (b) If the 2010 federal decennial census has not been
85 received from the United States Secretary of Commerce by the
86 Governor of the State of Mississippi by January 1, 2011, then the
87 qualifying deadline for legislative offices shall be changed for
88 the year 2011 only, as follows: Assessments made pursuant to
89 paragraph (d) of Section 23-15-297 for legislative offices shall
90 be paid by each candidate to the Secretary of the State Executive
91 Committee with which the candidate is affiliated by 5:00 p.m. on
92 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
93 2012.

94 (2) Assessments made pursuant to paragraphs (d) and (e) of
95 Section 23-15-297, other than assessments made for legislative
96 offices, shall be paid by each candidate to the circuit clerk of

97 such candidate's county of residence by 5:00 p.m. on March 1 of
98 the year in which the primary election for the office is held or
99 on the date of the qualifying deadline provided by statute for the
100 office, whichever is earlier; provided, however, that no such
101 assessments may be paid before January 1 of the year in which the
102 election for the office is held. The circuit clerk shall forward
103 the fee and all necessary information to the secretary of the
104 proper county executive committee within two (2) business days.

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

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

121 (b) The State Executive Committee shall transmit to the
122 Secretary of State a copy of the written statements accompanying
123 the fees paid pursuant to subsections (1) and (2) of this section.
124 All copies must be received by the Office of the Secretary of
125 State by not later than 6:00 p.m. on the date of the qualifying
126 deadline; provided, however, the failure of the Office of the
127 Secretary of State to receive such copies by 6:00 p.m. on the date
128 of the qualifying deadline shall not affect the qualification of a
129 person who pays the required fee and files the required statement

130 by 5:00 p.m. on the date of the qualifying deadline. The name of
131 any person who pays the required fee and files the required
132 statement after 5:00 p.m. on the date of the qualifying deadline
133 shall not be placed on the primary election ballot.

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

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

151 (7) Upon receipt of the proper fee and all necessary
152 information, the proper executive committee shall then determine
153 whether each candidate is a qualified elector of the state, state
154 district, county or county district which they seek to serve, and
155 whether each candidate meets all other qualifications to hold the
156 office he is seeking or presents absolute proof that he will,
157 subject to no contingencies, meet all qualifications on or before
158 the date of the general or special election at which he could be
159 elected to office. The committee also shall determine whether any
160 candidate has been convicted of any felony in a court of this
161 state, or has been convicted on or after December 8, 1992, of any
162 offense in another state which is a felony under the laws of this

163 state, or has been convicted of any felony in a federal court on
164 or after December 8, 1992. Excepted from the above are
165 convictions of manslaughter and violations of the United States
166 Internal Revenue Code or any violations of the tax laws of this
167 state unless the offense also involved misuse or abuse of his
168 office or money coming into his hands by virtue of his office. If
169 the proper executive committee finds that a candidate either (a)
170 is not a qualified elector, (b) does not meet all qualifications
171 to hold the office he seeks and fails to provide absolute proof,
172 subject to no contingencies, that he will meet the qualifications
173 on or before the date of the general or special election at which
174 he could be elected, or (c) has been convicted of a felony as
175 described in this subsection, and not pardoned, then the name of
176 such candidate shall not be placed upon the ballot.

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

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

183 **SECTION 5.** Section 23-15-309, Mississippi Code of 1972, is
184 brought forward as follows:

185 23-15-309. (1) Nominations for all municipal officers which
186 are elective shall be made at a primary election, or elections, to
187 be held in the manner prescribed by law. All persons desiring to
188 be candidates for the nomination in the primary elections shall
189 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
190 at least sixty (60) days prior to the first primary election, no
191 later than 5:00 p.m. on such deadline day.

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

196 (3) The clerk shall promptly receipt the payment, stating
197 the office for which the person making the payment is running and
198 the political party with which such person is affiliated. The
199 clerk shall keep an itemized account in detail showing the time
200 and date of the receipt of such payment received by him, from whom
201 such payment was received, the party with which such person is
202 affiliated and for what office the person paying the fee is a
203 candidate. The clerk shall promptly supply all necessary
204 information and pay over all fees so received to the secretary of
205 the proper municipal executive committee. Such funds may be used
206 and disbursed in the same manner as is allowed in Section
207 23-15-299 in regard to other executive committees.

208 (4) Upon receipt of the above information, the proper
209 municipal executive committee shall then determine whether each
210 candidate is a qualified elector of the municipality, and of the
211 ward if the office sought is a ward office, shall determine
212 whether each candidate either meets all other qualifications to
213 hold the office he is seeking or presents absolute proof that he
214 will, subject to no contingencies, meet all qualifications on or
215 before the date of the general or special election at which he
216 could be elected to office. The committee also shall determine
217 whether any candidate has been convicted of any felony in a court
218 of this state, or has been convicted on or after December 8, 1992,
219 of any offense in another state which is a felony under the laws
220 of this state, or has been convicted of any felony in a federal
221 court on or after December 8, 1992. Excepted from the above are
222 convictions of manslaughter and violations of the United States
223 Internal Revenue Code or any violations of the tax laws of this
224 state unless such offense also involved misuse or abuse of his
225 office or money coming into his hands by virtue of his office. If
226 the proper municipal executive committee finds that a candidate
227 either (a) does not meet all qualifications to hold the office he
228 seeks and fails to provide absolute proof, subject to no

229 contingencies, that he will meet the qualifications on or before
230 the date of the general or special election at which he could be
231 elected, or (b) has been convicted of a felony as described in
232 this subsection and not pardoned, then the name of such candidate
233 shall not be placed upon the ballot.

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

238 **SECTION 6.** The Attorney General of the State of Mississippi
239 shall submit this act, immediately upon approval by the Governor,
240 or upon approval by the Legislature subsequent to a veto, to the
241 Attorney General of the United States or to the United States
242 District Court for the District of Columbia in accordance with the
243 provisions of the Voting Rights Act of 1965, as amended and
244 extended.

245 **SECTION 7.** This act shall take effect and be in force from
246 and after the date it is effectuated under Section 5 of the Voting
247 Rights Act of 1965, as amended and extended.