

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2129

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 23-15-151, 23-15-299 AND 23-15-309, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

10 23-15-11. Every inhabitant of this state, except idiots and  
11 insane persons, who is a citizen of the United States of America,  
12 eighteen (18) years old and upwards, who has resided in this state  
13 for thirty (30) days and for thirty (30) days in the county in  
14 which he offers to vote, and for thirty (30) days in the  
15 incorporated city or town in which he offers to vote, and who  
16 shall have been duly registered as an elector pursuant to Section  
17 23-15-33, and who has never been convicted of any crime listed in  
18 Section 241, Mississippi Constitution of 1890, and who has never  
19 been convicted in any court of this state, another state or in any  
20 federal court of any felony other than convictions of manslaughter  
21 and violations of the United States Internal Revenue Code or any  
22 violations of the tax laws of this or another state unless the  
23 offense also involved misuse or abuse of his office or money  
24 coming into his hands by virtue of his office, shall be a  
25 qualified elector in and for the county, municipality and voting  
26 precinct of his residence, and shall be entitled to vote at any  
27 election. Any person who will be eighteen (18) years of age or  
28 older on or before the date of the general election and who is  
29 duly registered to vote not less than thirty (30) days prior to

30 the primary election associated with such general election, may  
31 vote in such primary election even though such person has not  
32 reached his or her eighteenth birthday at the time such person  
33 offers to vote at such primary election. No others than those  
34 above included shall be entitled, or shall be allowed, to vote at  
35 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 in Section 23-15-11 shall not be registered, or if  
40 registered the name of such person shall be erased from the  
41 registration book on which it may be found by the registrar or by  
42 the election commissioners. Whenever any person shall be  
43 convicted in the circuit court of his county of any of said  
44 crimes, the registrar shall thereupon erase his name from the  
45 registration book; and whenever any person shall be convicted of  
46 any of said crimes in any other court of any county, the presiding  
47 judge thereof shall, on demand, certify the fact in writing to the  
48 registrar, who shall thereupon erase the name of such person from  
49 the registration book and file said certificate as a record of his  
50 office.

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 any crime  
56 described in Section 23-15-11. Said clerk shall enter the names  
57 of all persons who have been or shall be hereafter convicted of  
58 any crime described in Section 23-15-11 in a book prepared and  
59 kept for that purpose. The board of supervisors of each county  
60 shall, as early as practicable, furnish the circuit clerk of their  
61 county with a suitable book for the enrollment of said names  
62 showing the name, date of birth, address, court, crime and date of

63 conviction. Said roll, when so prepared, shall be compared with  
64 the registration book before each election commissioner of the  
65 county. A certified copy of any enrollment by one clerk to  
66 another will be sufficient authority for the enrollment of such  
67 name, or names, in another county.

68 **SECTION 4.** Section 23-15-299, Mississippi Code of 1972, is  
69 amended as follows:

70 23-15-299. (1) (a) Assessments made pursuant to paragraphs  
71 (a), (b) and (c) of Section 23-15-297 and assessments made  
72 pursuant to paragraph (d) of Section 23-15-297 for legislative  
73 offices shall be paid by each candidate to the Secretary of the  
74 State Executive Committee with which the candidate is affiliated  
75 by 5:00 p.m. on March 1 of the year in which the primary election  
76 for the office is held or on the date of the qualifying deadline  
77 provided by statute for the office, whichever is earlier.

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

88 (2) Assessments made pursuant to paragraphs (d) and (e) of  
89 Section 23-15-297, other than assessments made for legislative  
90 offices, shall be paid by each candidate to the circuit clerk of  
91 such candidate's county of residence by 5:00 p.m. on March 1 of  
92 the year in which the primary election for the office is held or  
93 on the date of the qualifying deadline provided by statute for the  
94 office, whichever is earlier; provided, however, that no such  
95 assessments may be paid before January 1 of the year in which the

96 election for the office is held. The circuit clerk shall forward  
97 the fee and all necessary information to the secretary of the  
98 proper county executive committee within two (2) business days.

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

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

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

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

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

145           (7) Upon receipt of the proper fee and all necessary  
146 information, the proper executive committee shall then determine  
147 whether each candidate is a qualified elector of the state, state  
148 district, county or county district which they seek to serve, and  
149 whether each candidate meets all other qualifications to hold the  
150 office he is seeking or presents absolute proof that he will,  
151 subject to no contingencies, meet all qualifications on or before  
152 the date of the general or special election at which he could be  
153 elected to office. The committee also shall determine whether any  
154 candidate has been convicted of any crime described in Section  
155 23-15-11. If the proper executive committee finds that a  
156 candidate either (a) is not a qualified elector, (b) does not meet  
157 all qualifications to hold the office he seeks and fails to  
158 provide absolute proof, subject to no contingencies, that he will  
159 meet the qualifications on or before the date of the general or  
160 special election at which he could be elected, or (c) has been

161 convicted of a crime as described in this subsection, and not  
162 pardoned, then the name of such candidate shall not be placed upon  
163 the ballot.

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

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

170 **SECTION 5.** Section 23-15-309, Mississippi Code of 1972, is  
171 amended as follows:

172 23-15-309. (1) Nominations for all municipal officers which  
173 are elective shall be made at a primary election, or elections, to  
174 be held in the manner prescribed by law. All persons desiring to  
175 be candidates for the nomination in the primary elections shall  
176 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
177 at least sixty (60) days prior to the first primary election, no  
178 later than 5:00 p.m. on such deadline day.

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

183 (3) The clerk shall promptly receipt the payment, stating  
184 the office for which the person making the payment is running and  
185 the political party with which such person is affiliated. The  
186 clerk shall keep an itemized account in detail showing the time  
187 and date of the receipt of such payment received by him, from whom  
188 such payment was received, the party with which such person is  
189 affiliated and for what office the person paying the fee is a  
190 candidate. The clerk shall promptly supply all necessary  
191 information and pay over all fees so received to the secretary of  
192 the proper municipal executive committee. Such funds may be used

193 and disbursed in the same manner as is allowed in Section  
194 23-15-299 in regard to other executive committees.

195 (4) Upon receipt of the above information, the proper  
196 municipal executive committee shall then determine whether each  
197 candidate is a qualified elector of the municipality, and of the  
198 ward if the office sought is a ward office, shall determine  
199 whether each candidate either meets all other qualifications to  
200 hold the office he is seeking or presents absolute proof that he  
201 will, subject to no contingencies, meet all qualifications on or  
202 before the date of the general or special election at which he  
203 could be elected to office. The committee also shall determine  
204 whether any candidate has been convicted of any felony in a court  
205 of this state, or has been convicted on or after December 8, 1992,  
206 of any offense in another state which is a felony under the laws  
207 of this state, or has been convicted of any crime described in  
208 Section 23-15-11. If the proper municipal executive committee  
209 finds that a candidate either (a) does not meet all qualifications  
210 to hold the office he seeks and fails to provide absolute proof,  
211 subject to no contingencies, that he will meet the qualifications  
212 on or before the date of the general or special election at which  
213 he could be elected, or (b) has been convicted of a crime as  
214 described in this subsection and not pardoned, then the name of  
215 such candidate shall not be placed upon the ballot.

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

220 **SECTION 6.** The Attorney General of the State of Mississippi  
221 shall submit this act, immediately upon approval by the Governor,  
222 or upon approval by the Legislature subsequent to a veto, to the  
223 Attorney General of the United States or to the United States  
224 District Court for the District of Columbia in accordance with the

225 provisions of the Voting Rights Act of 1965, as amended and  
226 extended.

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