

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 70

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

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

32 23-15-19. Any person who has been convicted of any
33 disqualifying crime described in Section 23-15-11, shall not be
34 registered, or if registered the name of such person shall be
35 erased from the registration book on which it may be found by the
36 registrar or by the election commissioners. Whenever any person
37 shall be convicted in the circuit court of his county of any of
38 said crimes, the registrar shall thereupon erase his name from the
39 registration book; and whenever any person shall be convicted of
40 any of said crimes in any other court of any county, the presiding
41 judge thereof shall, on demand, certify the fact in writing to the
42 registrar, who shall thereupon erase the name of such person from
43 the registration book and file said certificate as a record of his
44 office.

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

47 23-15-151. The circuit clerk of each county is authorized
48 and directed to prepare and keep in his office a full and complete
49 list, in alphabetical order, of persons convicted of any crime
50 described in Section 23-15-11. The clerk shall enter the names of
51 all persons who have been or shall be hereafter convicted of any
52 crime described in Section 23-15-11 in a book prepared and kept
53 for that purpose. The board of supervisors of each county shall,
54 as early as practicable, furnish the circuit clerk of their county
55 with a suitable book for the enrollment of said names showing the
56 name, date of birth, address, court, crime and date of conviction.
57 Said roll, when so prepared, shall be compared with the
58 registration book before each election commissioner of the county.
59 A certified copy of any enrollment by one clerk to another will be
60 sufficient authority for the enrollment of such name, or names, in
61 another county.

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

64 23-15-299. (1) (a) Assessments made pursuant to paragraphs
65 (a), (b) and (c) of Section 23-15-297 and assessments made
66 pursuant to paragraph (d) of Section 23-15-297 for legislative
67 offices shall be paid by each candidate to the Secretary of the
68 State Executive Committee with which the candidate is affiliated
69 by 5:00 p.m. on March 1 of the year in which the primary election
70 for the office is held or on the date of the qualifying deadline
71 provided by statute for the office, whichever is earlier.

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

82 (2) Assessments made pursuant to paragraphs (d) and (e) of
83 Section 23-15-297, other than assessments made for legislative
84 offices, shall be paid by each candidate to the circuit clerk of
85 such candidate's county of residence by 5:00 p.m. on March 1 of
86 the year in which the primary election for the office is held or
87 on the date of the qualifying deadline provided by statute for the
88 office, whichever is earlier; provided, however, that no such
89 assessments may be paid before January 1 of the year in which the
90 election for the office is held. The circuit clerk shall forward
91 the fee and all necessary information to the secretary of the
92 proper county executive committee within two (2) business days.

93 (3) Assessments made pursuant to paragraphs (f) and (g) of
94 Section 23-15-297 must be paid by each candidate to the Secretary

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

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

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

122 (5) The secretary or circuit clerk to whom such payments are
123 made shall promptly receipt for same stating the office for which
124 such candidate making payment is running and the political party
125 with which he or she is affiliated, and he or she shall keep an
126 itemized account in detail showing the exact time and date of the
127 receipt of each payment received by him or her and, where

128 applicable, the date of the postmark on the envelope containing
129 the fee and from whom, and for what office the party paying same
130 is a candidate.

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

139 (7) Upon receipt of the proper fee and all necessary
140 information, the proper executive committee shall then determine
141 whether each candidate is a qualified elector of the state, state
142 district, county or county district which they seek to serve, and
143 whether each candidate meets all other qualifications to hold the
144 office he is seeking or presents absolute proof that he will,
145 subject to no contingencies, meet all qualifications on or before
146 the date of the general or special election at which he could be
147 elected to office. The committee also shall determine whether any
148 candidate has been convicted of any disqualifying crime described
149 in Section 23-15-11, or has been convicted of any disqualifying
150 crime described in Section 44 of the Mississippi Constitution of
151 1890. If the proper executive committee finds that a candidate
152 either (a) is not a qualified elector, (b) does not meet all
153 qualifications to hold the office he seeks and fails to provide
154 absolute proof, subject to no contingencies, that he will meet the
155 qualifications on or before the date of the general or special
156 election at which he could be elected, * * * (c) has been
157 convicted of any disqualifying crime described in Section 44 of
158 the Mississippi Constitution of 1890, and not pardoned, or (d) has
159 been convicted of any disqualifying crime described in Section

160 23-15-11, then the name of the candidate shall not be placed upon
161 the ballot.

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

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

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

170 23-15-309. (1) Nominations for all municipal officers which
171 are elective shall be made at a primary election, or elections, to
172 be held in the manner prescribed by law. All persons desiring to
173 be candidates for the nomination in the primary elections shall
174 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
175 at least sixty (60) days prior to the first primary election, no
176 later than 5:00 p.m. on such deadline day.

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

181 (3) The clerk shall promptly receipt the payment, stating
182 the office for which the person making the payment is running and
183 the political party with which such person is affiliated. The
184 clerk shall keep an itemized account in detail showing the time
185 and date of the receipt of such payment received by him, from whom
186 such payment was received, the party with which such person is
187 affiliated and for what office the person paying the fee is a
188 candidate. The clerk shall promptly supply all necessary
189 information and pay over all fees so received to the secretary of
190 the proper municipal executive committee. Such funds may be used
191 and disbursed in the same manner as is allowed in Section
192 23-15-299 in regard to other executive committees.

193 (4) Upon receipt of the above information, the proper
194 municipal executive committee shall then determine whether each
195 candidate is a qualified elector of the municipality, and of the
196 ward if the office sought is a ward office, shall determine
197 whether each candidate either meets all other qualifications to
198 hold the office he is seeking or presents absolute proof that he
199 will, subject to no contingencies, meet all qualifications on or
200 before the date of the general or special election at which he
201 could be elected to office. The committee also shall determine
202 whether any candidate has been convicted of any disqualifying
203 crime described in Section 23-15-11, or has been convicted of any
204 disqualifying crime under Section 44, Mississippi Constitution of
205 1890. If the proper municipal executive committee finds that a
206 candidate either (a) does not meet all qualifications to hold the
207 office he seeks and fails to provide absolute proof, subject to no
208 contingencies, that he will meet the qualifications on or before
209 the date of the general or special election at which he could be
210 elected, * * * (b) has been convicted of any disqualifying crime
211 described in this subsection and not pardoned, or (c) has been
212 convicted of any disqualifying crime described in Section
213 23-15-11, then the name of such candidate shall not be placed upon
214 the ballot.

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

219 **SECTION 6.** The Attorney General of the State of Mississippi
220 shall submit this act, immediately upon approval by the Governor,
221 or upon approval by the Legislature subsequent to a veto, to the
222 Attorney General of the United States or to the United States
223 District Court for the District of Columbia in accordance with the
224 provisions of the Voting Rights Act of 1965, as amended and
225 extended.

226 **SECTION 7.** This act shall take effect and be in force from
227 and after the date it and House Concurrent Resolution No. ____,
228 2006 Regular Session, are effectuated under Section 5 of the
229 Voting Rights Act of 1965, as amended and extended.