

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2132

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.