

By: Representative Mims

To: Apportionment and
Elections; Judiciary B

HOUSE BILL NO. 479

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; however,
72 no such assessments may be paid before January 1 of the year in
73 which the primary election for the office is held.

74 (b) If the 2010 federal decennial census has not been
75 received from the United States Secretary of Commerce by the
76 Governor of the State of Mississippi by January 1, 2011, then the
77 qualifying deadline for legislative offices shall be changed for
78 the year 2011 only, as follows: Assessments made pursuant to
79 paragraph (d) of Section 23-15-297 for legislative offices shall
80 be paid by each candidate to the Secretary of the State Executive
81 Committee with which the candidate is affiliated by 5:00 p.m. on
82 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
83 2012; however, no such assessments may be paid before January 1 of
84 the year in which the election for the office is held.

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

94 necessary information to the secretary of the proper county
95 executive committee within two (2) business days.

96 (3) Assessments made pursuant to paragraphs (f) and (g) of
97 Section 23-15-297 must be paid by each candidate to the Secretary
98 of the State Executive Committee with which the candidate is
99 affiliated by 5:00 p.m. sixty (60) days before the presidential
100 preference primary in years in which a presidential preference
101 primary is held; however, no such assessments may be paid before
102 January 1 of the year in which the primary election for the office
103 is held. Assessments made pursuant to paragraphs (f) and (g) of
104 Section 23-15-297, in years when a presidential preference primary
105 is not being held, shall be paid by each candidate to the
106 Secretary of the State Executive Committee with which the
107 candidate is affiliated by 5:00 p.m. on March 1 of the year in
108 which the primary election for the office is held; however, no
109 such assessments may be paid before January 1 of the year in which
110 the primary election for the office is held.

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

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

127 statement after 5:00 p.m. on the date of the qualifying deadline
128 shall not be placed on the primary election ballot.

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

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

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

160 qualifications to hold the office he seeks and fails to provide
161 absolute proof, subject to no contingencies, that he will meet the
162 qualifications on or before the date of the general or special
163 election at which he could be elected, * * * (c) has been
164 convicted of any disqualifying crime described in Section 44 of
165 the Mississippi Constitution of 1890, and not pardoned, or (d) has
166 been convicted of any disqualifying crime described in Section
167 23-15-11, then the name of the candidate shall not be placed upon
168 the ballot.

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

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

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

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

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

188 (3) The clerk shall promptly receipt the payment, stating
189 the office for which the person making the payment is running and
190 the political party with which such person is affiliated. The
191 clerk shall keep an itemized account in detail showing the time
192 and date of the receipt of such payment received by him, from whom

193 such payment was received, the party with which such person is
194 affiliated and for what office the person paying the fee is a
195 candidate. The clerk shall promptly supply all necessary
196 information and pay over all fees so received to the secretary of
197 the proper municipal executive committee. Such funds may be used
198 and disbursed in the same manner as is allowed in Section
199 23-15-299 in regard to other executive committees.

200 (4) Upon receipt of the above information, the proper
201 municipal executive committee shall then determine whether each
202 candidate is a qualified elector of the municipality, and of the
203 ward if the office sought is a ward office, shall determine
204 whether each candidate either meets all other qualifications to
205 hold the office he is seeking or presents absolute proof that he
206 will, subject to no contingencies, meet all qualifications on or
207 before the date of the general or special election at which he
208 could be elected to office. The committee also shall determine
209 whether any candidate has been convicted of any disqualifying
210 crime described in Section 23-15-11, or has been convicted of any
211 disqualifying crime under Section 44, Mississippi Constitution of
212 1890. If the proper municipal executive committee finds that a
213 candidate either (a) does not meet all qualifications to hold the
214 office he seeks and fails to provide absolute proof, subject to no
215 contingencies, that he will meet the qualifications on or before
216 the date of the general or special election at which he could be
217 elected, * * * (b) has been convicted of any disqualifying crime
218 described in this subsection and not pardoned, or (c) has been
219 convicted of any disqualifying crime described in Section
220 23-15-11, then the name of such candidate shall not be placed upon
221 the ballot.

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

226 **SECTION 6.** The Attorney General of the State of Mississippi
227 shall submit this act, immediately upon approval by the Governor,
228 or upon approval by the Legislature subsequent to a veto, to the
229 Attorney General of the United States or to the United States
230 District Court for the District of Columbia in accordance with the
231 provisions of the Voting Rights Act of 1965, as amended and
232 extended.

233 **SECTION 7.** This act shall take effect and be in force from
234 and after the date it and House Concurrent Resolution No. _____,
235 2007 Regular Session, are effectuated under Section 5 of the
236 Voting Rights Act of 1965, as amended and extended.