

ANALYSIS OF VOTING LAWS PASSED  
1962 REGULAR SESSION OF MISSISSIPPI LEGISLATURE

At least nine new laws were passed by the 1962 regular session of the Mississippi Legislature designed to prevent Negro voting and participation in politics. However, at the present time only one of these laws seem to be cause for any great concern. This law (HB 822) requires that every person who registers shall have his name published once a week for two weeks in a county newspaper by the circuit clerk. Even this law, however, should not be much of a deterrent to Negro registration since the circuit clerk and not the person who is being registered is responsible for the publication and since the county pays for the publication and not the person who is being registered. The expressed purpose of this law is to give notice so that anyone may challenge the good moral character of a prospective registered voter before his registration is finally approved. As of the present time it is believed that the good moral character requirement has not been enforced. And it is probably unconstitutional in any case. Therefore, this new publication law seems to be something only to be aware of but not to be too greatly concerned with.

Another new law (HB 900) provides that all blanks in the application are "properly and responsibly filled out." It also requires that a person be of good moral character before he can register. This law merely seems to restate what was already the law.

Another law (HB 903) provides that the circuit clerk must state on the application why the applicant is not of good moral character if he is denied registration for that reason. It also provides that if the circuit clerk decides that the applicant failed the "literacy" test, he may not tell why he failed the test. However, this law also provides, in effect that an applicant can come back and try as many times as he wishes and as soon as he wishes. In other words, one should keep trying day after day until he or she passes.

Another law (HB 901) provides that the color of the voter shall be removed from the poll book.

Another law (HB 443) provides that from this day on the county executive committee from each county shall appoint the managers for all primary elections without regard to whether or not the managers are equally divided between the candidates. This bill was directly aimed at the planned participation by workers of Rev. Smith and Rev. Lindsey in the recent June 5, 1962 Democratic Congressional primary. It is to be noted, however, that this law was almost completely ineffective to prevent active participation by representatives of the above candidates in the election through use of the laws providing for poll watchers.

Another law (HB 899) merely provides that a person shall be of good moral character in order to register. The only new law (SB1780) provides that in order to vote in a primary election a person must have been registered at least one month. This law is probably a good one and not aimed at restricting Negro voting since under earlier laws it was almost impossible for the circuit clerk to have the poll books ready for the

Like the preceding law Senate Bill 1708 is probably a reasonable law. It provides that the assessment for primary elections shall be paid at least 60 days before the date of the election to the secretary of the particular (Democratic) executive committee with which the candidate is qualifying.

This is probably not an unreasonable law.

Another law (HB 905) also provides that persons must be of good moral character in order to register. It also states that "the registrar shall register on the registration books of the election district ... anyone appearing before him" if such person is qualified.

Another law (HB 904) provides for the procedure by which the good moral character of a person may be challenged. As long as the good morals test is not enforced, this act is not important. And as mentioned before it is believed that the good moral character test is clearly unconstitutional.

In conclusion it seems that the new laws passed by the Legislature will not hamper registration drives unless they are suddenly strongly enforced. In this case it is believed that they can all be declared unconstitutional in the Federal courts.

MISSISSIPPI LEGISLATURE

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REGULAR SESSION, 1962

Re: Registration and  
Elections

HOUSE BILL NO. 822  
(Approved by the Governor)

AN ACT TO REQUIRE PUBLICATION OF THE NAME AND ADDRESS OF ALL APPLICANTS FOR REGISTRATION TO VOTE; AND FOR RELATED PURPOSES.

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

SECTION 1. Within ten (10) days after the receipt by the registrar of any application to register to vote and before consideration is given to the sufficiency of the application, the registrar shall deliver for publication in a newspaper hereinafter described the name and address of such applicant as stated in said application and shall cause same to be published once each week for two (2) consecutive weeks in a newspaper having general circulation in the county where such applicant has applied to register, but if no such newspaper is published in an adjoining or other county but of general circulation in the county of the residence of the applicant.

SECTION 2. The said name and address shall be published in said newspaper under a heading entitled: "Applicants for registration to vote." When said publication shall have been completed, proper proof of publication shall be furnished to the registrar and same shall be preserved as a record of his office. The cost of the publication and proof thereof shall be paid by the county out of its general funds at the rate for legal notices.

SECTION 3. If, within fourteen (14) days, exclusive of the date of the last publication of the name or names aforesaid, after the date of the last publication, no qualified elector of the county other than the registrar, shall have challenged, in the manner prescribed by law, the good moral character of applicant and any other requirement which the applicant must meet in order to be qualified to register to vote, the registrar shall within a reasonable time under