

By: Denny

To: Apportionment and  
Elections

## HOUSE BILL NO. 102

1 AN ACT TO CLARIFY THE MANNER IN WHICH THE NAMES OF VOTERS ARE  
2 REMOVED FROM THE REGISTRATION BOOKS AND POLLBOOKS; TO PROVIDE THAT  
3 INFORMATION RECEIVED BY AN ELECTION COMMISSION FROM ANOTHER  
4 JURISDICTION INDICATING THAT A VOTER IN THE ELECTION COMMISSION'S  
5 COUNTY HAS REGISTERED TO VOTE IN ANOTHER JURISDICTION SHALL BE  
6 CONSIDERED A REQUEST TO REMOVE THE VOTER'S NAME FROM THE  
7 REGISTRATION BOOKS AND POLLBOOKS OF THE ELECTION COMMISSION'S  
8 COUNTY AND THE ELECTION COMMISSION SHALL REMOVE SUCH VOTER'S NAME  
9 FROM THE REGISTRATION BOOKS AND POLLBOOKS; TO REQUIRE THE  
10 SECRETARY OF STATE TO PRESCRIBE CERTAIN REGISTRATION BOOK AND  
11 POLLBOOK MAINTENANCE FORMS TO BE USED BY ELECTION COMMISSIONS; TO  
12 REQUIRE ELECTION COMMISSIONS TO CONDUCT AN ONGOING GENERAL  
13 REGISTRATION BOOK AND POLLBOOK MAINTENANCE PROGRAM TO PROTECT THE  
14 INTEGRITY OF THE ELECTORAL PROCESS BY ENSURING THE MAINTENANCE OF  
15 ACCURATE AND CURRENT VOTER REGISTRATION RECORDS; TO AMEND SECTION  
16 23-15-11 AND 23-15-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
17 TO BE ELIGIBLE TO VOTE A PERSON DOES NOT HAVE TO BE A RESIDENT FOR  
18 30 DAYS IN THE SUPERVISOR'S DISTRICT IN WHICH HE OFFERS TO VOTE  
19 AND TO AUTHORIZE A VOTER'S REGISTRATION TO BE TRANSFERRED AT ANY  
20 TIME UP TO 30 DAYS BEFORE THE ELECTION IF HE MOVES TO ANOTHER WARD  
21 OR VOTING PRECINCT WITHIN THE SAME MUNICIPALITY OR COUNTY; TO  
22 AMEND SECTION 23-15-139, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
23 SECRETARY OF STATE TO UTILIZE THE STATEWIDE VOTER REGISTRATION  
24 RECORD TO IDENTIFY THE NAMES OF VOTERS WHO HAVE BEEN CONVICTED OF  
25 DISENFRANCHISING CRIMES AND TO REQUIRE ALL STATE AGENCIES AND  
26 POLITICAL SUBDIVISIONS OF THE STATE TO PROVIDE THE SECRETARY OF  
27 STATE SUCH INFORMATION AS HE CONSIDERS NECESSARY TO PERFORM HIS  
28 DUTIES IN REGARD TO THE STATEWIDE VOTER REGISTRATION RECORD; TO  
29 REPEAL SECTION 23-15-159, MISSISSIPPI CODE OF 1972, WHICH REQUIRES  
30 THAT THE NAMES OF PERSONS WHO HAVE NOT VOTED IN AT LEAST ONE  
31 ELECTION IN THE LAST FOUR SUCCESSIVE YEARS BE ERASED FROM THE  
32 REGISTRATION BOOKS AND POLLBOOKS; AND FOR RELATED PURPOSES.

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

34 SECTION 1. (1) Each county registrar shall ensure that any  
35 qualified applicant for voter registration is registered to vote.

36 Once a voter is registered, the name of that voter shall not be

37 removed from the registration books and pollbooks except:

38 (a) At the written request of the voter or a family  
39 member of the voter;

40 (b) At the written request of the person who is  
41 currently residing at the voter's listed address;

42 (c) By reason of the voter's conviction of a  
43 disenfranchising crime;

44 (d) By reason of adjudication of the voter as mentally  
45 incapacitated with respect to voting;

46 (e) By death of the voter; or

47 (f) By reason of a change of residence pursuant to a  
48 registration book and pollbook maintenance program or other  
49 registration book and pollbook maintenance activity conducted  
50 pursuant to law.

51 (2) Information received by an election commission from an  
52 election official in another jurisdiction indicating that a voter  
53 in the election commission's county has registered to vote in  
54 another jurisdiction shall be considered as a written request from  
55 the voter to have the voter's name removed from the registration  
56 books and pollbooks of the election commission's county and the  
57 county election commission shall remove the name of the voter from  
58 the registration books and pollbooks.

59 SECTION 2. The Secretary of State shall prescribe certain  
60 registration book and pollbook maintenance forms to be used by the  
61 election commission, which shall include:

62 (a) An address confirmation which shall be a  
63 nonforwardable mailing that shall contain the voter's name and  
64 address of legal residence as shown on the voter registration  
65 record and shall contain a request that the election commission be  
66 informed if either the name or the address of legal residence of  
67 the voter is incorrect.

68           (b) An address confirmation final notice, which shall  
69 be sent by forwardable mail and shall contain a postage prepaid,  
70 preaddressed return form and shall contain language which states  
71 the equivalent of the following:

72           (i) If the voter has not changed his or her  
73 address of legal residence or has changed his other address of  
74 legal residence but resides within the same county, or has changed  
75 his or her legal name, the voter should return the return form  
76 within thirty (30) days after the date of the notice.

77           (ii) If the return form is not returned and the  
78 voter does not vote or does not appear to vote by the second  
79 federal general election thereafter, the voter's name will be  
80 removed from the voter registration books.

81           (iii) If the voter has changed his or her address  
82 of legal residence to a location outside of the county the voter  
83 should return the form, which will serve as a request to be  
84 removed from the registration books, and the voter will be  
85 provided with information on how to register in the new  
86 jurisdiction in order to be eligible to vote.

87           (iv) That if the card is not returned, the voter  
88 may be required to vote by affidavit ballot in any subsequent  
89 election up to and including the second federal general election  
90 after the confirmation mailing is sent.

91       SECTION 3. (1) County election commissions shall conduct an  
92 ongoing general registration book and pollbook maintenance program  
93 to protect the integrity of the electoral process by ensuring the  
94 maintenance of accurate and current voter registration records.  
95 The program shall be uniform, nondiscriminatory and in compliance

96 with the Voting Rights Act of 1965.

97 (2) County election commissions shall incorporate one or  
98 both of the following procedures in their registration list  
99 maintenance program:

100 (a) A procedure by which change-of-address information  
101 supplied by the United States Postal Service through its licensees  
102 is used to identify registered voters whose addresses might have  
103 changed; or

104 (b) A procedure by which change-of-address information  
105 is identified from returned nonforwardable,  
106 return-if-undeliverable mail sent to all registered voters in the  
107 county.

108 (3) A registration book and pollbook maintenance program  
109 shall be conducted by each election commission at least once each  
110 month. A voter's name may not be removed from the registration  
111 books or pollbooks later than ninety (90) days before the date of  
112 a federal election; however, nothing in this section shall  
113 prohibit the removal of the name of a voter from the voter  
114 registration books and pollbooks at any time and without prior  
115 notification upon the written request of the voter, by reason of  
116 conviction of the voter of a disenfranchising crime, by reason of  
117 adjudication of the voter as mentally incapacitated with respect  
118 to voting or by reason of the death of the voter.

119 (4) (a) If the county election commission receives  
120 change-of-address information from one of the procedures  
121 authorized in subsection (2) of this section, from jury notices  
122 returned to the courts, or on the basis of any other factual  
123 determination by the county election commission that indicates the

124 voter has moved from one location to another within the  
125 registrar's county, the election commission shall change the  
126 registration records to show the new address and shall send the  
127 voter a notice of the change by forwardable mail on which the  
128 registrant may verify or correct the address information.

129           (b) If the county election commission receives  
130 change-of-address information from one of the procedures  
131 authorized in subsection (2) of this section or from jury notices  
132 returned to the courts or on the basis of any other factual  
133 determination by the county election commission that indicates the  
134 voter has moved outside the registrar's county or receives  
135 change-of-address information that contains no forwarding address,  
136 the county election commission shall send an address confirmation  
137 final notice to the last known address of the voter and designate  
138 the voter as inactive but maintain the voter's name on the  
139 registration books and pollbooks. The registrar shall redesignate  
140 the voter as active if, within the next two (2) federal general  
141 elections after the address confirmation final notice is sent, the  
142 voter:

143                   (i) Returns the postage prepaid, preaddressed  
144 return form and indicates that his or her residence is in the  
145 registrar's county;

146                   (ii) Votes by affidavit ballot in the registrar's  
147 county as authorized by subsection (5) of this section at an  
148 election that is conducted in the registrar's county; or

149                   (iii) Changes his or her voter registration to  
150 another location in the registrar's county.

151           (c) If the voter is not redesignated as active within

152 the time period running through the day after the second of the  
153 next two (2) federal elections after the address confirmation  
154 final notice is sent, the county election commission shall remove  
155 the voter from the registration books and pollbooks.

156 (5) A voter who has been designated as inactive may vote at  
157 the precinct in which he or she resides by affidavit ballot at any  
158 election that occurs within the next two (2) federal general  
159 elections after the address confirmation final notice is sent, and  
160 may change his or her name or address of legal residence at the  
161 polls by completing the affidavit ballot.

162 (6) Voters designated as inactive shall not be used to  
163 calculate the number of signatures needed on any petition.

164 SECTION 4. Section 23-15-11, Mississippi Code of 1972, is  
165 amended as follows:

166 23-15-11. Every inhabitant of this state, except idiots and  
167 insane persons, who is a citizen of the United States of America,  
168 eighteen (18) years old and upwards, who has resided in this state  
169 for thirty (30) days and for thirty (30) days in the county in  
170 which he offers to vote, and for thirty (30) days \* \* \* in the  
171 incorporated city or town in which he offers to vote, and who  
172 shall have been duly registered as an elector \* \* \*, and who has  
173 never been convicted of any crime listed in Section 241,  
174 Mississippi Constitution of 1890, shall be a qualified elector in  
175 and for the county, municipality and voting precinct of his  
176 residence, and shall be entitled to vote at any election. Any  
177 person who will be eighteen (18) years of age or older on or  
178 before the date of the general election and who is duly registered  
179 to vote not less than thirty (30) days prior to the primary

180 election associated with such general election, may vote in such  
181 primary election even though such person has not reached his or  
182 her eighteenth birthday at the time such person offers to vote at  
183 such primary election. No others than those above included shall  
184 be entitled, or shall be allowed, to vote at any election.

185 SECTION 5. Section 23-15-13, Mississippi Code of 1972, is  
186 amended as follows:

187 23-15-13. An elector who moves from one ward or voting  
188 precinct to another ward within the same municipality or voting  
189 precinct within the same county shall not be disqualified to vote,  
190 but he or she shall be entitled to have his or her registration  
191 transferred to his or her new ward or voting precinct upon making  
192 written request therefor at any time up to thirty (30) days prior  
193 to the election at which he or she offers to vote, and if the  
194 removal occurs within thirty (30) days of such election he or she  
195 shall be entitled to vote in his or her new ward or voting  
196 precinct by affidavit ballot as provided in Section 23-15-573.

197 SECTION 6. Section 23-15-139, Mississippi Code of 1972, is  
198 amended as follows:

199 23-15-139. (1) From and after July 1, 1998, the Office of  
200 the Secretary of State shall maintain a statewide voter  
201 registration record listing all qualified electors in the State of  
202 Mississippi. The statewide voter registration record shall be  
203 compiled by the Secretary of State from the records of voter  
204 registration submitted by each county registrar of this state and  
205 shall consist of a copy of the computer record maintained by each  
206 registrar pursuant to Section 23-15-114. Voters registered under  
207 the National Voter Registration Act shall be included in such

208 list.

209 (2) The Secretary of State shall utilize the statewide voter  
210 registration record for the purpose of identifying voters who may  
211 have moved from or within a county to another jurisdiction,  
212 identifying the names of voters who may be deceased, identifying  
213 the names of voters who may be registered in more than one (1)  
214 county, identifying voters who may have registered more than once  
215 in the same county and identifying the names of voters who have  
216 been convicted of disenfranchising crimes. Any such information  
217 secured by the Secretary of State in accordance with this act  
218 indicating the possible need for revising a county's voter  
219 registration records shall be forwarded to the county and  
220 municipal election commissions and the county and municipal  
221 registrars on a periodic basis, upon receipt of which the  
222 appropriate election commission shall revise the voter  
223 registration records, in accordance with applicable state and  
224 federal law.

225 (3) All state agencies and political subdivisions of the  
226 state shall provide the Secretary of State with such information  
227 as he considers necessary to carry out his duties under this  
228 section.

229 SECTION 7. The names of all electors whose registration has  
230 been cancelled pursuant to the provisions of Section 23-15-159  
231 prior to the effective date of this act shall be returned to the  
232 registration books and pollbooks and shall be treated in the same  
233 manner as electors who have changed their place of residence.

234 SECTION 8. Section 23-15-159, Mississippi Code of 1972,  
235 which requires that the names of persons who have not voted in at



236 least one (1) election in the last four (4) successive years be  
237 erased from the registration books and pollbooks, is repealed.

238 SECTION 9. The Attorney General of the State of Mississippi  
239 shall submit this act, immediately upon approval by the Governor,  
240 or upon approval by the Legislature subsequent to a veto, to the  
241 Attorney General of the United States or to the United States  
242 District Court for the District of Columbia in accordance with the  
243 provisions of the Voting Rights Act of 1965, as amended and  
244 extended.

245 SECTION 10. This act shall take effect and be in force from  
246 and after the date it is effectuated under Section 5 of the Voting  
247 Rights Act of 1965, as amended and extended.