

By: Fleming, Straughter, Whittington

To: Apportionment and
Elections

HOUSE BILL NO. 556

1 AN ACT TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REQUIREMENT THAT A WITNESS TO A MAIL-IN APPLICATION
3 FOR VOTER REGISTRATION MUST RESIDE IN THE SAME COUNTY AS THE
4 APPLICANT; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 23-15-47, Mississippi Code of 1972, is
7 amended as follows:

8 23-15-47. (1) Any person who is qualified to register to
9 vote in the State of Mississippi may register to vote by mail-in
10 application in the manner prescribed in this section.

11 (2) The following procedure shall be used in the
12 registration of electors by mail:

13 (a) Any qualified elector may register to vote by
14 mailing or delivering a completed mail-in application to his
15 county registrar at least thirty (30) days prior to any election.
16 The postmark date of a mailed application shall be the date of
17 registration. The application shall be witnessed by one (1)
18 qualified elector in the State of Mississippi. The name, address
19 and, if available, the daytime telephone number of the person
20 witnessing the application must be legibly written or printed on
21 the application. The witness shall not be a candidate for public
22 office as of the date of the execution of the application. Any

23 applicant or witness is subject to the penalties provided in
24 Section 23-15-17 for false registration. Any person who willfully
25 swears falsely to any material matter on a mail-in application is
26 guilty of perjury and, upon conviction thereof, shall be punished
27 as provided in Section 97-9-61.

28 (b) Upon receipt of a mail-in application, the county
29 registrar shall stamp such application with the date of receipt,
30 and shall verify the application by contacting the applicant by
31 telephone, by personal contact with the applicant, or by any other
32 method approved by the Secretary of State. Within twenty-five
33 (25) days of receipt of a mail-in application, the county
34 registrar shall complete action on the application, including any
35 attempts to notify the applicant of the status of his application.

36 (c) If the county registrar determines that the
37 applicant is qualified and his application is legible and
38 complete, he shall mail the applicant written notification that
39 the application has been approved, specifying the county voting
40 precinct, polling place and supervisor district in which such
41 person shall vote. This written notification of approval
42 containing the specified information shall be the voter's
43 registration card. Said registration cards shall be provided by
44 the county registrar. The registrar shall assign a voter
45 registration number to such person, which shall be that person's
46 social security number if such a number is provided, and said
47 voter registration number shall be clearly shown on the
48 application and on the written notification of approval. In
49 mailing such written notification, the county registrar shall note
50 the following on the envelope: "DO NOT FORWARD." If any
51 registration notification form is returned as undeliverable, the
52 voter's registration shall be void.

53 (d) A mail-in application shall be rejected for any of

54 the following reasons:

55 (i) An incomplete portion of the application which
56 makes it impossible for the registrar to determine the eligibility
57 of the applicant to register;

58 (ii) A portion of the application which is
59 illegible in the opinion of the county registrar and makes it
60 impossible to determine the eligibility of the applicant to
61 register;

62 (iii) The county registrar is unable to determine,
63 from the address and information stated on the application, the
64 precinct in which the voter should be assigned or the supervisor
65 district in which he is entitled to vote;

66 (iv) The applicant is not qualified to register to
67 vote pursuant to Section 23-15-11;

68 (v) The registrar determines that the applicant is
69 registered as a qualified elector of the county;

70 (vi) The county registrar is unable to verify the
71 application pursuant to subsection (2)(b) of this section.

72 (e) If the mail-in application of a person is subject
73 to rejection for any of the reasons set forth in paragraphs (d)(i)
74 through (iii) of this subsection, and it appears to the registrar
75 that the defect or omission is of such a minor nature and that any
76 necessary additional information may be supplied by the applicant
77 over the telephone or by further correspondence, the registrar may
78 write or call the applicant at the telephone number provided on
79 the application. If the registrar is able to contact the
80 applicant by mail or telephone, he shall attempt to ascertain the
81 necessary information and if this information is sufficient for

82 the registrar to complete the application, the applicant shall be
83 registered. If the necessary information cannot be obtained by
84 mail or telephone or is not sufficient, the registrar shall give
85 the applicant written notice of the rejection and provide the
86 reason for such rejection. The registrar shall further inform the
87 applicant that he has a right to attempt to register by appearing
88 in person or by filing another mail-in application.

89 (f) If a mail-in application is subject to rejection
90 for the reason stated in paragraph (d)(v) of this subsection and
91 the "present home address" portion of the application is different
92 from the residence address for the applicant found in the
93 registration book, the mail-in application shall be deemed a
94 written request to transfer registration pursuant to Section
95 23-15-13. Subject to the time limits and other provisions of
96 Section 23-15-13, the registrar or the election commissioners
97 shall note the new residence address on his records and, if
98 necessary, transfer the applicant to his new precinct, advise the
99 applicant of his new precinct, polling place and supervisor
100 district, and notify the municipal clerk of any such changes on a
101 monthly basis.

102 (3) The instructions and the application form for voter
103 registration by mail shall be in the following form and shall
104 contain the following information:

105 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

106 1. Anyone may assist you in completing the enclosed
107 application.

108 2. A registered voter of Mississippi who is not now a
109 candidate for public office must complete and sign the 'Witness

110 Signature and Certification' portion of the enclosed application.

111 3. All required information must be supplied in legible
112 form.

113 4. The completed application must be mailed or delivered to
114 the registrar of your county at least thirty (30) days before an
115 election in order for you to be registered for that election.
116 Applications which are mailed must be postmarked thirty (30) days
117 prior to any election.

118 5. The penalty for conviction of false registration is a
119 felony punishable by a fine of not more than Five Thousand Dollars
120 (\$5,000.00) or imprisonment for not more than five (5) years, or
121 both."

122 "APPLICATION FOR VOTER REGISTRATION BY MAIL

123 STATE OF MISSISSIPPI

124 I, _____, hereby apply for registration as a
125 voter of _____ County, Mississippi.

126 1. Full Name, including maiden name if you have one:

127 _____ (First, Middle and/or Maiden, Last)

128 2. Male ___ Female ___

129 3. Please give your Social Security Number: _____

130 4. Date of Birth: _____ 4a. Age: _____

131 5. Present Home Address:

132 (a) _____ (Street and Number)

133 _____ (City, State, Zip)

134 (b) How long have you lived there?

135 From _____ (month/year) to present.

136 (c) Do you now live in a city or town of this

137 county? _____ If so, which? _____

- 138 (d) Telephone number, if available:
139 (i) Home telephone number _____
140 (ii) Daytime or work telephone number _____

141 6. Mailing Address: Give your current mailing address if
142 different from your present home address:

143 _____(Box or Street and Number)

144 _____(City, State, Zip)

145 7. Previous Address: List your most recent address before
146 your present address:

147 _____(Box or Street and Number)

148 _____(City, State, Zip)

149 From _____ (month/year) to _____ (month/year)

150 8. Last Registration: Have you ever registered to vote
151 before in any other county in Mississippi or in any other state?

152 _____ If yes, give the last place you were registered:

153 _____ (City, County, State)

154 9. Citizenship, Residence, Prior Convictions:

155 (a) Are you a citizen of the United States? _____

156 (b) Are you a resident of this state and county? _____

157 (c) Have you ever been convicted of the crime of murder,
158 rape, bribery, theft, arson, obtaining money or goods under false
159 pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so,
160 what State_____, County_____? Date of conviction_____.

161 10. Will you need assistance on election day?_____. If
162 yes, for which of the following reasons: permanently physically
163 disabled_____; other (please
164 describe)_____

165 _____.

166 11. Applicant Signature and Certification:

167 I certify that I am at least eighteen (18) years old (or I
168 will be before the next general election), that the above
169 information given by me is true and correct and that I have truly
170 answered all questions in the foregoing application for
171 registration, and that I will faithfully support the Constitution
172 of the United States and of the State of Mississippi, and will
173 bear true faith and allegiance to the same.

174 Applicant sign here: _____

175 Date: _____

176 12. Witness Signature and Certification:

177 I certify that I am a registered voter in the State of
178 Mississippi, that I am not now a candidate for public office, and
179 that the above named applicant signed this application for
180 registration in my presence. I further certify that I have read
181 the above application, and that the facts stated therein are true
182 and correct to the best of my knowledge. I personally know the
183 person who appeared before me or I have seen the person's
184 identification. I understand that the penalty for knowingly
185 procuring a person's registration who is not entitled to be
186 registered, or is registered under a false name or in any other
187 voting precinct than that in which he resides, is a fine of not
188 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
189 not more than five (5) years, or both.

190 Witness sign here: _____

191 Full name and address of witness (Print):

192 Name: _____

193 Address: _____ (Street and Number)

194 _____ (City, State, Zip)

195 Telephone number, if available:

196 Home telephone number _____

197 Daytime or work telephone number _____"

198 (4) (a) The Secretary of State shall prepare and furnish
199 without charge the necessary forms for application for voter
200 registration by mail to each county registrar, municipal clerk,
201 all public schools, each private school that requests such
202 applications, and all public libraries.

203 (b) The Secretary of State shall distribute without
204 charge sufficient forms for application for voter registration by
205 mail to the Commissioner of Public Safety, who shall distribute
206 such forms to each driver's license examining and renewal station
207 in the state, and shall ensure that the forms are regularly
208 available to the public at such stations.

209 (c) Bulk quantities of forms for application for voter
210 registration by mail shall be furnished by the Secretary of State
211 to any person or organization. The Secretary of State shall
212 charge a person or organization the actual cost he incurs in
213 providing bulk quantities of forms for application for voter
214 registration to such person or organization.

215 (5) The originals of completed mail-in applications shall
216 remain on file in the office of the county registrar in accordance
217 with Section 23-15-113. Nothing in this section shall preclude
218 having applications on microfilm or microfiche.

219 (6) If the reply to question 5(c) above is affirmative, the
220 county registrar shall forward notice of registration, a duplicate
221 copy of the application for registration, and any changes to such

222 registration when they occur, either by certified mail to the
223 clerk of the municipality indicated in the present residence
224 address stated in answer to Question 5(c) above or by personal
225 delivery to such clerk, provided that a numbered receipt is signed
226 by such clerk in return for the described documents. Upon receipt
227 of the copy of the application for registration or changes to such
228 registration, and if a review of same indicates that the applicant
229 meets all the criteria necessary to qualify as a municipal
230 elector, then the clerk of said municipality shall register the
231 applicant as a municipal elector and make a determination of the
232 municipal voting precinct in which the person making the
233 application shall be required to vote. The clerk shall send this
234 municipal voting precinct information by United States first-class
235 mail, postage prepaid, to such person at the address provided on
236 the application. Any and all mailing costs incurred by the county
237 registrar or the clerk of the municipality in effectuating this
238 subsection shall be paid by the governing authority of such
239 municipality. If a review of the copy of the application for
240 registration or changes to such registration indicates that the
241 applicant is not qualified to vote in said municipality, the clerk
242 of said municipality shall deny such application and notify
243 applicant.

244 (7) If the reply to Question 8 above is affirmative, the
245 registrar or clerk shall send written notice of this new
246 registration by regular United States mail to the registrar or
247 clerk of the county stated in Question 8 as the voter's previous
248 place of registration. The information shall include the complete
249 name, address and age of the voter and shall include the social

250 security number of such voter if it has been previously supplied.

251 The election commission of the voter's previous place of
252 registration shall be responsible for having such voter's name
253 erased from the appropriate registration book and pollbook.

254 SECTION 2. The Attorney General of the State of Mississippi
255 shall submit this act, immediately upon approval by the Governor,
256 or upon approval by the Legislature subsequent to a veto, to the
257 Attorney General of the United States or to the United States
258 District Court for the District of Columbia in accordance with the
259 provisions of the Voting Rights Act of 1965, as amended and
260 extended.

261 SECTION 3. This act shall take effect and be in force from
262 and after the date it is effectuated under Section 5 of the Voting
263 Rights Act of 1965, as amended and extended.