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West

To: Apportionment and
Elections

HOUSE BILL NO. 1199

1 AN ACT TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE MAIL-IN VOTER REGISTRATION APPLICATIONS TO BE PLACED IN
3 ALL POLLING PLACES ON AN ELECTION DAY; TO PROVIDE THAT ANY PERSON
4 OBTAINING AND COMPLETING A MAIL-IN VOTER REGISTRATION APPLICATION
5 MUST MAIL THE APPLICATION TO HIS COUNTY REGISTRAR BEFORE HE WILL
6 BE REGISTERED TO VOTE; TO AMEND SECTION 23-15-245, MISSISSIPPI
7 CODE OF 1972, TO PROVIDE THAT PERSONS WANTING TO OBTAIN A MAIL-IN
8 VOTER REGISTRATION APPLICATION SHALL BE ALLOWED TO ENTER THE
9 POLLING PLACE; AND FOR RELATED PURPOSES.

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

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

13 23-15-47. (1) Any person who is qualified to register to
14 vote in the State of Mississippi may register to vote by mail-in
15 application in the manner prescribed in this section.

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

18 (a) Any qualified elector may register to vote by
19 mailing or delivering a completed mail-in application to his
20 county registrar at least thirty (30) days prior to any election.
21 The postmark date of a mailed application shall be the date of
22 registration. The application shall be witnessed by one (1)
23 qualified elector in the county of the applicant's residence. The
24 name, address and, if available, the daytime telephone number of
25 the person witnessing the application must be legibly written or
26 printed on the application. The witness shall not be a candidate
27 for public office as of the date of the execution of the
28 application. Any applicant or witness is subject to the penalties
29 provided in Section 23-15-17 for false registration. Any person

30 who willfully swears falsely to any material matter on a mail-in
31 application is guilty of perjury and, upon conviction thereof,
32 shall be punished as provided in Section 97-9-61.

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

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

58 (d) A mail-in application shall be rejected for any of
59 the following reasons:

60 (i) An incomplete portion of the application which
61 makes it impossible for the registrar to determine the eligibility
62 of the applicant to register;

63 (ii) A portion of the application which is
64 illegible in the opinion of the county registrar and makes it
65 impossible to determine the eligibility of the applicant to
66 register;

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

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

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

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

77 (e) If the mail-in application of a person is subject
78 to rejection for any of the reasons set forth in paragraphs (d)(i)
79 through (iii) of this subsection, and it appears to the registrar
80 that the defect or omission is of such a minor nature and that any
81 necessary additional information may be supplied by the applicant
82 over the telephone or by further correspondence, the registrar may
83 write or call the applicant at the telephone number provided on
84 the application. If the registrar is able to contact the
85 applicant by mail or telephone, he shall attempt to ascertain the
86 necessary information and if this information is sufficient for
87 the registrar to complete the application, the applicant shall be
88 registered. If the necessary information cannot be obtained by
89 mail or telephone or is not sufficient, the registrar shall give
90 the applicant written notice of the rejection and provide the
91 reason for such rejection. The registrar shall further inform the
92 applicant that he has a right to attempt to register by appearing
93 in person or by filing another mail-in application.

94 (f) If a mail-in application is subject to rejection
95 for the reason stated in paragraph (d)(v) of this subsection and
96 the "present home address" portion of the application is different
97 from the residence address for the applicant found in the
98 registration book, the mail-in application shall be deemed a
99 written request to transfer registration pursuant to Section

100 23-15-13. Subject to the time limits and other provisions of
101 Section 23-15-13, the registrar or the election commissioners
102 shall note the new residence address on his records and, if
103 necessary, transfer the applicant to his new precinct, advise the
104 applicant of his new precinct, polling place and supervisor
105 district, and notify the municipal clerk of any such changes on a
106 monthly basis.

107 (3) The instructions and the application form for voter
108 registration by mail shall be in the following form and shall
109 contain the following information:

110 "INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

111 1. Anyone may assist you in completing the enclosed
112 application.

113 2. A registered voter of your county who is not now a
114 candidate for public office must complete and sign the 'Witness
115 Signature and Certification' portion of the enclosed application.

116 3. All required information must be supplied in legible
117 form.

118 4. The completed application must be mailed or delivered to
119 the registrar of your county at least thirty (30) days before an
120 election in order for you to be registered for that election.
121 Applications which are mailed must be postmarked thirty (30) days
122 prior to any election.

123 5. The penalty for conviction of false registration is a
124 felony punishable by a fine of not more than Five Thousand Dollars
125 (\$5,000.00) or imprisonment for not more than five (5) years, or
126 both."

127 "APPLICATION FOR VOTER REGISTRATION BY MAIL

128 STATE OF MISSISSIPPI

129 I, _____, hereby apply for registration as a
130 voter of _____ County, Mississippi.

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

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

133 2. Male ___ Female ___

134 3. Please give your Social Security Number: _____

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

136 5. Present Home Address:

137 (a) _____ (Street and Number)

138 _____ (City, State, Zip)

139 (b) How long have you lived there?

140 From _____ (month/year) to present.

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

142 county? _____ If so, which? _____

143 (d) Telephone number, if available:

144 (i) Home telephone number _____

145 (ii) Daytime or work telephone number _____

146 6. Mailing Address: Give your current mailing address if

147 different from your present home address:

148 _____ (Box or Street and Number)

149 _____ (City, State, Zip)

150 7. Previous Address: List your most recent address before

151 your present address:

152 _____ (Box or Street and Number)

153 _____ (City, State, Zip)

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

155 8. Last Registration: Have you ever registered to vote

156 before in any other county in Mississippi or in any other state?

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

158 _____ (City, County, State)

159 9. Citizenship, Residence, Prior Convictions:

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

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

162 (c) Have you ever been convicted of the crime of murder,

163 rape, bribery, theft, arson, obtaining money or goods under false

164 pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so,

165 what State _____, County _____? Date of conviction _____.

166 10. Will you need assistance on election day?_____. If
167 yes, for which of the following reasons: permanently physically
168 disabled_____; other (please
169 describe)_____

170 _____.
171 11. Applicant Signature and Certification:

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

179 Applicant sign here: _____

180 Date: _____

181 12. Witness Signature and Certification:

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

195 Witness sign here: _____

196 Full name and address of witness (Print):

197 Name: _____

198 Address: _____ (Street and Number)

199 _____ (City, State, Zip)

200 Telephone number, if available:

201 Home telephone number _____

202 Daytime or work telephone number _____"

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

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

214 (c) Bulk quantities of forms for application for voter
215 registration by mail shall be furnished by the Secretary of State
216 to any person or organization. The Secretary of State shall
217 charge a person or organization the actual cost he incurs in
218 providing bulk quantities of forms for application for voter
219 registration to such person or organization.

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

224 (6) If the reply to question 5(c) above is affirmative, the
225 county registrar shall forward notice of registration, a duplicate
226 copy of the application for registration, and any changes to such
227 registration when they occur, either by certified mail to the
228 clerk of the municipality indicated in the present residence
229 address stated in answer to Question 5(c) above or by personal
230 delivery to such clerk, provided that a numbered receipt is signed
231 by such clerk in return for the described documents. Upon receipt

232 of the copy of the application for registration or changes to such
233 registration, and if a review of same indicates that the applicant
234 meets all the criteria necessary to qualify as a municipal
235 elector, then the clerk of said municipality shall register the
236 applicant as a municipal elector and make a determination of the
237 municipal voting precinct in which the person making the
238 application shall be required to vote. The clerk shall send this
239 municipal voting precinct information by United States first-class
240 mail, postage prepaid, to such person at the address provided on
241 the application. Any and all mailing costs incurred by the county
242 registrar or the clerk of the municipality in effectuating this
243 subsection shall be paid by the governing authority of such
244 municipality. If a review of the copy of the application for
245 registration or changes to such registration indicates that the
246 applicant is not qualified to vote in said municipality, the clerk
247 of said municipality shall deny such application and notify
248 applicant.

249 (7) If the reply to Question 8 above is affirmative, the
250 registrar or clerk shall send written notice of this new
251 registration by regular United States mail to the registrar or
252 clerk of the county stated in Question 8 as the voter's previous
253 place of registration. The information shall include the complete
254 name, address and age of the voter and shall include the social
255 security number of such voter if it has been previously supplied.

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

259 (8) Mail-in voter registration applications shall be placed
260 in all polling places on an election day and shall be distributed
261 to any person requesting a mail-in voter registration application.
262 Persons obtaining a mail-in voter registration application must
263 mail the application to his county registrar as provided in
264 subsection (2)(a) of this section before he will be registered to

265 vote.

266 SECTION 2. Section 23-15-245, Mississippi Code of 1972, is
267 amended as follows:

268 23-15-245. (1) It shall be the duty of the manager
269 designated as bailiff to be present at the voting place, and to
270 take such steps as will accomplish the purpose of his appointment,
271 and he shall have full power to do so, and he may summon to his
272 aid all persons present at the voting place. A space thirty (30)
273 feet in every direction from the polls, or the room in which the
274 election is held, shall be kept open and clear of all persons
275 except the election officers and two (2) challengers of good
276 conduct and behavior, selected by each party to detect and
277 challenge illegal voters; and the electors shall approach the
278 polls from one direction, line, door or passage, and depart in
279 another as nearly opposite as convenient.

280 (2) Any person wanting to obtain a mail-in voter
281 registration application shall be allowed to enter the polling
282 place to obtain a mail-in voter registration application, and
283 after he has obtained an application, he shall depart as quickly
284 as possible from the polling place. The mail-in voter
285 registration applications shall be distributed by the manager.
286 Mail-in voter registration applications shall be placed in all
287 polling places on an election day and shall be distributed as
288 authorized in Section 23-15-47(8).

289 SECTION 3. The Attorney General of the State of Mississippi
290 shall submit this act, immediately upon approval by the Governor,
291 or upon approval by the Legislature subsequent to a veto, to the
292 Attorney General of the United States or to the United States
293 District Court for the District of Columbia in accordance with the
294 provisions of the Voting Rights Act of 1965, as amended and
295 extended.

296 SECTION 4. This act shall take effect and be in force from
297 and after the date it is effectuated under Section 5 of the Voting

298 Rights Act of 1965, as amended and extended.