HOUSE BILL NO. 11

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

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

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

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

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

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration. The application shall be witnessed by one (1) qualified elector in the State of Mississippi. The name, address and, if available, the daytime telephone number of the person witnessing the application must be legibly written or printed on the application. The witness shall not be a candidate for public office as of the date of the execution of the application. Any applicant or witness is subject to the penalties provided in Section 23-15-17 for false registration. Any person who willfully swears falsely to any material matter on a mail-in application is guilty of perjury and, upon conviction thereof, shall be punished as provided in Section 97-9-61.
(b) Upon receipt of a mail-in application, the county registrar shall stamp such application with the date of receipt, and shall verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

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

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

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

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

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

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

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

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

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

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

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

"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION"

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

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

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

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

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

"APPLICATION FOR VOTER REGISTRATION BY MAIL"

STATE OF MISSISSIPPI

I, ____________________, hereby apply for registration as a
voter of ____________ County, Mississippi.
1. Full Name, including maiden name if you have one:
   ______________________ (First, Middle and/or Maiden, Last)
2. Male ___ Female ___
3. Please give your Social Security Number: ______________
4. Date of Birth: _______________ 4a. Age: ____
5. Present Home Address:
   (a) ______________________________ (Street and Number)
   ________________________________ (City, State, Zip)
   (b) How long have you lived there?
       From _______________ (month/year) to present.
   (c) Do you now live in a city or town of this
       county? ______ If so, which? ___________
   (d) Telephone number, if available:
       (i) Home telephone number _________________
       (ii) Daytime or work telephone number ___________
6. Mailing Address: Give your current mailing address if different from your present home address:
   ___________________________(Box or Street and Number)
   ___________________________(City, State, Zip)
7. Previous Address: List your most recent address before your present address:
   ___________________________(Box or Street and Number)
   ___________________________(City, State, Zip)
   From _______ (month/year) to ____________ (month/year)
8. Last Registration: Have you ever registered to vote before in any other county in Mississippi or in any other state?
   _______ If yes, give the last place you were registered:
   ____________________________ (City, County, State)
9. Citizenship, Residence, Prior Convictions:
   (a) Are you a citizen of the United States? ______
   (b) Are you a resident of this state and county? ______
   (c) Have you ever been convicted of the crime of murder, rape, bribery, theft, arson, obtaining money or goods under false
pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so, 
what State__________, County_______? Date of conviction______.

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

________________________________________________________________.

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

Applicant sign here: _____________________
Date: _____________________________________

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

Witness sign here: _______________________

Full name and address of witness (Print):
(4) (a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.

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

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

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

(6) If the reply to question 5(c) above is affirmative, the county registrar shall forward notice of registration, a duplicate copy of the application for registration, and any changes to such registration when they occur, either by certified mail to the clerk of the municipality indicated in the present residence address stated in answer to Question 5(c) above or by personal
delivery to such clerk, provided that a numbered receipt is signed
by such clerk in return for the described documents. Upon receipt
of the copy of the application for registration or changes to such
registration, and if a review of same indicates that the applicant
meets all the criteria necessary to qualify as a municipal
elector, then the clerk of said municipality shall register the
applicant as a municipal elector and make a determination of the
municipal voting precinct in which the person making the
application shall be required to vote. The clerk shall send this
municipal voting precinct information by United States first-class
mail, postage prepaid, to such person at the address provided on
the application. Any and all mailing costs incurred by the county
registrar or the clerk of the municipality in effectuating this
subsection shall be paid by the governing authority of such
municipality. If a review of the copy of the application for
registration or changes to such registration indicates that the
applicant is not qualified to vote in said municipality, the clerk
of said municipality shall deny such application and notify
applicant.

(7) If the reply to Question 8 above is affirmative, the
registrar or clerk shall send written notice of this new
registration by regular United States mail to the registrar or
clerk of the county stated in Question 8 as the voter's previous
place of registration. The information shall include the complete
name, address and age of the voter and shall include the social
security number of such voter if it has been previously supplied.
The election commission of the voter's previous place of
registration shall be responsible for having such voter's name
erased from the appropriate registration book and pollbook.

SECTION 2. The Attorney General of the State of Mississippi
shall submit this act, immediately upon approval by the Governor,
or upon approval by the Legislature subsequent to a veto, to the
Attorney General of the United States or to the United States
ST: Voter registration; witness to mail-in application need not reside in same county as applicant.