

By: Representatives Reynolds, Smith (27th),
Jennings, Markham, Rogers, Masterson, Janus,
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To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1146

1 AN ACT TO COMPLY WITH THE FEDERAL HELP AMERICA VOTE ACT OF
2 2002; TO REQUIRE THE SECRETARY OF STATE TO ESTABLISH AN
3 ADMINISTRATIVE COMPLAINT PROCEDURE FOR HANDLING GRIEVANCES IN
4 ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002; TO REQUIRE THE
5 SECRETARY OF STATE AND THE COMMISSIONER OF PUBLIC SAFETY TO ENTER
6 INTO AN AGREEMENT TO MATCH CERTAIN INFORMATION REQUIRED UNDER SUCH
7 ACT; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN
8 AGREEMENT WITH THE COMMISSIONER OF SOCIAL SECURITY TO VERIFY
9 CERTAIN INFORMATION; TO GRANT THE SECRETARY OF STATE THE AUTHORITY
10 TO ACCEPT AND EXPEND FEDERAL FUNDS APPROPRIATED TO CARRY OUT
11 VOTING MACHINE BUYOUT PROGRAM AUTHORIZED BY SUCH ACT; TO REQUIRE
12 THE SECRETARY OF STATE TO PROVIDE CERTAIN INFORMATION REGARDING
13 VOTER REGISTRATION AND VOTING PROCEDURES; TO AMEND SECTIONS
14 23-15-11, 23-15-39, 23-15-47, 23-15-255, 23-15-573 AND 23-15-687,
15 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VOTER'S REGISTRATION
16 NUMBER SHALL BE HIS DRIVER LICENSE NUMBER, THE LAST FOUR DIGITS OF
17 HIS SOCIAL SECURITY NUMBER IF HE HAS NO DRIVER'S LICENSE OR A
18 UNIQUE NUMBER ASSIGNED BY THE SECRETARY OF STATE IF A DRIVER'S
19 LICENSE NUMBER OR THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY
20 NUMBER ARE NOT PROVIDED; TO REQUIRE CERTAIN INFORMATION TO BE
21 POSTED AT PRECINCT POLLING PLACES; TO REVISE THE PROVISIONS
22 REGARDING AFFIDAVIT BALLOTS TO PROVIDE CERTAIN ADDITIONAL REASONS
23 THAT A PERSON MAY VOTE BY AFFIDAVIT BALLOT AND TO REQUIRE THE
24 SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE AFFIDAVIT AND
25 ENVELOPE; TO PROVIDE THAT AN APPLICATION TO VOTE UNDER THE ARMED
26 SERVICES ABSENTEE VOTING LAW SHALL SERVE AS A REQUEST FOR AN
27 ABSENTEE BALLOT FOR THE NEXT TWO FEDERAL GENERAL ELECTIONS AND ALL
28 PRIMARY AND GENERAL ELECTIONS THAT FALL WITHIN THAT TIME FRAME; TO
29 PROVIDE THAT IF AN APPLICATION FOR ABSENTEE BALLOT OR A REQUEST TO
30 REGISTER TO VOTE BY A UNIFORMED SERVICES APPLICANT OR AN OVERSEAS
31 VOTER IS REJECTED, THE APPLICANT MUST BE PROVIDED WITH THE REASONS
32 FOR THE REJECTION; AND FOR RELATED PURPOSES.

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

34 **SECTION 1.** This act shall be known and may be cited as the
35 "Mississippi Help America Vote Act of 2002 Compliance Law."

36 **SECTION 2.** The Secretary of State shall establish, by rule
37 and regulation and before January 1, 2006, an administrative
38 complaint procedure for handling grievances in accordance with
39 Section 402 of the Help America Vote Act of 2002.

40 Due to the need to comply with Section 402 of the Help
41 America Vote Act of 2002, the rules and regulations adopted by the



42 Secretary of State by January 1, 2006 shall only be changed by
43 laws adopted by the Legislature of the State of Mississippi.

44 **SECTION 3.** Prior to casting any ballot at any election,
45 voters who are required to present identification under Section
46 303 of the Help America Vote Act of 2002 based on the use of any
47 lawful application to register to vote by mail, shall be required
48 to present to the officials in charge of the election a form of
49 identification which complies with Section 303(c) of the Help
50 America Vote Act of 2002.

51 **SECTION 4.** The Secretary of State and the Commissioner of
52 Public Safety shall enter into an agreement to match information
53 required under Section 303(b)(3)(B)(ii) of the Help America Vote
54 Act of 2002, and an agreement to match information in the database
55 of the statewide voter registration system created under state law
56 with information in the database of the Department of Public
57 Safety to the extent required to enable the Secretary of State and
58 local election officials to verify the accuracy of information
59 provided on applications for voter registration. Implementation
60 of the agreement to match information required by this Section
61 303(b)(3)(B)(ii) of the Help America Vote Act of 2002 shall be
62 accomplished not later than January 1, 2004.

63 **SECTION 5.** The Commissioner of Public Safety shall enter
64 into an agreement with the Commissioner of Social Security under
65 Section 205(r)(8) of the Social Security Act (as amended by the
66 Help America Vote Act of 2002) in accordance with Section 303 of
67 the Help America Vote Act of 2002 to verify the accuracy of
68 applicable information provided by the Commissioner of Public
69 Safety with respect to applications for voter registration.

70 **SECTION 6.** The Secretary of State shall have the authority
71 to accept federal funds authorized under Section 102 of the Help
72 America Vote Act of 2002 and to meet all the requirements of the
73 Help America Vote Act of 2002 in order to expend the funds to
74 carry out the voting machine buyout program under such act.



75 **SECTION 7.** The Secretary of State shall be responsible for
76 providing information required by Section 702 of the Help America
77 Vote Act of 2002, regarding voter registration procedures and
78 absentee ballot procedures to be used by absent uniformed services
79 voters and overseas voters with respect to elections, including
80 procedures relating to the use of the federal write-in absentee
81 ballot, to all absent uniformed services voters and overseas
82 voters who wish to register to vote or vote in this state.

83 **SECTION 8.** The Secretary of State shall promulgate rules and
84 regulations necessary to effectuate the provisions of the Help
85 America Vote Act of 2002.

86 **SECTION 9.** Section 23-15-11, Mississippi Code of 1972, is
87 amended as follows:

88 23-15-11. Every inhabitant of this state, except idiots and
89 insane persons, who is a citizen of the United States of America,
90 eighteen (18) years old and upwards, who has resided in this state
91 for thirty (30) days and for thirty (30) days in the county in
92 which he offers to vote, and for thirty (30) days in the
93 incorporated city or town in which he offers to vote, and who
94 shall have been duly registered as an elector pursuant to Section
95 23-15-33, and who has never been convicted of any crime listed in
96 Section 241, Mississippi Constitution of 1890, shall be a
97 qualified elector in and for the county, municipality and voting
98 precinct of his residence, and shall be entitled to vote at any
99 election. * * *

100 **SECTION 10.** Section 23-15-39, Mississippi Code of 1972, is
101 amended as follows:

102 23-15-39. (1) Applications for registration as electors of
103 this state, which are sworn to and subscribed before the registrar
104 or deputy registrar authorized by law and which are not made by
105 mail, shall be made upon a triplicate form in the following words
106 and figures:

107 "APPLICATION FOR REGISTRATION



108 (You may receive assistance in filling out this form from any
109 person of your choosing. It is not necessary that this form be
110 filled out in the presence of the registrar, however, the oath
111 must be executed in the presence of the registrar or his deputy.)

112 1. What is your full name, including maiden name, if you
113 have one? _____

114 2. Provide your current and valid driver's license number:
115 _____. If you do not have a current and valid driver's
116 license number, please give the last four (4) digits of your
117 social security number. _____

118 3. What is your date of birth? _____

119 4. Are you a citizen of the United States? _____

120 5. What is your present residence address and each place you
121 have resided during the past year, stating when you lived at each
122 place, and specifying the municipality or community, the street
123 name and number and/or any other designation which accurately
124 describes the geographic location of your present residence
125 address?

126 (a) Present address: _____
127 From _____ (month) to date.

128 (b) Previous address: _____
129 From _____ (month) to _____ (month).

130 (c) Previous address: _____
131 From _____ (month) to _____ (month).

132 (If you need additional space, use the back side of this
133 form.)

134 6. What is your present mailing address? _____

135 7. Are you now a resident of this state and county? _____

136 8. Do you now reside within the city limits of a city or
137 town located within this county? _____

138 9. Have you ever registered to vote before in any other
139 county or state? If so, give the last place or last two (2)
140 places if registered more than once. _____



141 10. Have you ever been convicted of the crime of murder,
142 rape, bribery, theft, arson, obtaining money or goods under false
143 pretenses, perjury, forgery, embezzlement or bigamy? _____

144 11. The following questions may be answered by you at your
145 option and are solely for the purpose of aiding in registering you
146 in the proper precinct:

147 (a) Are there any registered voters living at your
148 present residence? _____ If so, give the name of each such
149 person. _____

150 (b) Do you have a telephone at your present residence?
151 _____ If so, give the telephone number of such telephone.

152 _____ Please give your work telephone number. _____

153 After you have answered 1 through 11 above, sign or make your
154 mark on the following oath in the presence of the registrar or
155 deputy registrar.

156 STATE OF MISSISSIPPI

157 COUNTY OF _____

158 I do solemnly swear (or affirm) that I am at least eighteen
159 (18) years old (or I will be before the next general election in
160 this county), and that I am now in good faith a resident of this
161 state and of _____ Election Precinct in this county, and that I
162 am not disqualified from voting by reason of having been convicted
163 of any crime listed in Question 10 of the application; that I have
164 truly answered all questions propounded to me in the foregoing
165 application for registration, and that I will faithfully support
166 the Constitutions of the United States and of the State of
167 Mississippi, and will bear true faith and allegiance to the same.
168 So help me God.

169 Applicant sign here: _____

170 SWORN TO AND SUBSCRIBED before me, this the _____ day of
171 _____, 2____.

172 _____ (Registrar)

173 By _____ (Deputy Registrar) "



174 For Office Use Only: unique identification number (if required)

175 _____.

176 (2) The boards of supervisors shall make proper allowances
177 for office supplies reasonably necessitated by the registration of
178 county electors.

179 (3) If the reply to Question 8 above is affirmative, the
180 county registrar shall forward notice of registration, a copy of
181 the application for registration, and any changes to such
182 registration when they occur, either by certified mail to the
183 clerk of the municipality indicated in the present residence
184 address stated in answer to Question 5(a) above or by personal
185 delivery to such clerk provided that a numbered receipt is signed
186 by such clerk in return for the described documents. Upon receipt
187 of the copy of the application for registration or changes to such
188 registration, and if a review * * * indicates that the applicant
189 meets all the criteria necessary to qualify as a municipal
190 elector, then the clerk of the municipality shall make a
191 determination of the municipal voting precinct in which the person
192 making the application shall be required to vote. The clerk shall
193 send this municipal voting precinct information by United States
194 first-class mail, postage prepaid, to such person at the address
195 provided on the application. Any and all mailing costs incurred
196 by the county registrar or the clerk of the municipality in
197 effectuating this subsection shall be paid by the governing
198 authority of such municipality. If a review of the copy of the
199 application for registration or changes to such registration
200 indicates that the applicant is not qualified to vote in the
201 municipality, the clerk of the municipality shall challenge such
202 application. The municipal election commissioners of the
203 municipality shall review any such challenge or disqualification
204 after having notified the applicant by certified mail of such
205 challenge or disqualification.



206 (4) If the reply to Question 9 above is affirmative, the
207 registrar or clerk shall on a monthly basis send notice of this
208 new registration to the registrar or clerk of the county stated in
209 Question 9 as the voter's previous place of registration. The
210 election commission of the voter's previous place of registration
211 shall be responsible for having such voter's name erased from the
212 appropriate registration book and pollbook.

213 (5) The registrar shall issue to the person making the
214 application a copy of such application upon which has been written
215 the county voting precinct in which such person shall vote. The
216 registrar shall assign a voter registration number to such person,
217 which shall be that person's current and valid driver's license
218 number, or, if the person does not have a current and valid
219 driver's license, the last four (4) digits of the person's social
220 security number if such a number is provided. If the person does
221 not provide a current and valid driver's license number or the
222 last four (4) digits of his social security number, a unique
223 registration number shall be assigned to the person by the
224 Secretary of State. The assigned voter registration number shall
225 be clearly shown on the application.

226 (6) Any person desiring an application for registration may
227 secure an application from the registrar of the county of which he
228 is a resident and may take the application with him and secure
229 assistance in completing the application from any person of the
230 applicant's choice. It shall be the duty of all registrars to
231 furnish applications for registration to all persons requesting
232 them, and it shall likewise be his duty to furnish aid and
233 assistance in the completing of the application when requested by
234 an applicant. The application for registration shall be sworn to
235 and subscribed before the registrar or deputy registrar at the
236 municipal clerk's office, the county registrar's office or any
237 other location where the applicant is allowed to register to vote.
238 No fee or cost shall be charged the applicant by the registrar for



239 accepting the application or administering the oath or for any
240 other duty imposed by law regarding the registration of electors.

241 (7) If the person making the application is unable to read
242 or write, for reason of disability or otherwise, he shall not be
243 required to personally complete the application in writing and
244 execute the oath. In such cases, the registrar or deputy
245 registrar shall read to such person the application and oath and
246 such person's answers thereto shall be recorded by the registrar
247 or his deputy. The person shall be registered as an elector if he
248 otherwise meets the requirements to be registered as such. The
249 registrar shall record the responses of such person and such
250 recorded responses shall be retained permanently by the registrar.
251 The registrar shall forward a copy of all such recorded responses
252 to the Secretary of State and shall indicate which were approved
253 for registration.

254 (8) The receipt of a copy of the application for
255 registration sent pursuant to Section 23-15-35(2) shall be
256 sufficient to allow the applicant to be registered as an elector
257 of this state, provided that such application is not challenged as
258 provided for therein.

259 (9) In any case in which a municipality expands its
260 corporate boundaries by annexation, the municipal clerk shall,
261 within ten (10) days after the effective date of such annexation,
262 forward to the county registrar a map which accurately depicts the
263 annexed area. The county registrar shall, within ten (10) days
264 after the receipt of the map, forward to the municipal clerk a
265 copy of the most recent county precinct or subprecinct pollbook
266 for the county precincts in which the annexed area is included, or
267 equivalent computer data or information as will permit the
268 identification of county electors who reside in the annexed area.
269 The municipal clerk shall add those county electors who have
270 resided in the annexed area for at least thirty (30) days after
271 annexation to the municipal registration books as registered



272 voters of the municipality and shall forward to such persons
273 written notification of such addition and of the municipal
274 precinct or ward in which such persons reside.

275 **SECTION 11.** Section 23-15-47, Mississippi Code of 1972, is
276 amended as follows:

277 23-15-47. (1) Any person who is qualified to register to
278 vote in the State of Mississippi may register to vote by mail-in
279 application in the manner prescribed in this section.

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

282 (a) Any qualified elector may register to vote by
283 mailing or delivering a completed mail-in application to his
284 county registrar at least thirty (30) days prior to any election.
285 The postmark date of a mailed application shall be the date of
286 registration. The application shall be witnessed by one (1)
287 qualified elector in the county of the applicant's residence. The
288 name, address and, if available, the daytime telephone number of
289 the person witnessing the application must be legibly written or
290 printed on the application. The witness shall not be a candidate
291 for public office as of the date of the execution of the
292 application. Any applicant or witness is subject to the penalties
293 provided in Section 23-15-17 for false registration. Any person
294 who willfully swears falsely to any material matter on a mail-in
295 application is guilty of perjury and, upon conviction thereof,
296 shall be punished as provided in Section 97-9-61.

297 (b) Upon receipt of a mail-in application, the county
298 registrar shall stamp such application with the date of receipt,
299 and shall verify the application by contacting the applicant by
300 telephone, by personal contact with the applicant, or by any other
301 method approved by the Secretary of State. Within twenty-five
302 (25) days of receipt of a mail-in application, the county
303 registrar shall complete action on the application, including any
304 attempts to notify the applicant of the status of his application.



305 (c) If the county registrar determines that the
306 applicant is qualified and his application is legible and
307 complete, he shall mail the applicant written notification that
308 the application has been approved, specifying the county voting
309 precinct, polling place and supervisor district in which such
310 person shall vote. This written notification of approval
311 containing the specified information shall be the voter's
312 registration card. Said registration cards shall be provided by
313 the county registrar. The registrar shall assign a voter
314 registration number to such person, which shall be that person's
315 current and valid driver's license number, or, if the person does
316 not have a current and valid driver's license, the last four (4)
317 digits of the person's social security number if such a number is
318 provided. If the person does not provide a current and valid
319 driver's license number or the last four (4) digits of his social
320 security number, a unique voter registration number shall be
321 assigned to such person by the Secretary of State. The voter
322 registration number shall be clearly shown on the application and
323 on the written notification of approval. In mailing such written
324 notification, the county registrar shall note the following on the
325 envelope: "DO NOT FORWARD." If any registration notification
326 form is returned as undeliverable, the voter's registration shall
327 be void.

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

330 (i) Except as provided for in paragraph (g) of
331 this section, an incomplete portion of the application which makes
332 it impossible for the registrar to determine the eligibility of
333 the applicant to register;

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



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

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

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

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

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

365 (f) If a mail-in application is subject to rejection
366 for the reason stated in paragraph (d)(v) of this subsection and
367 the "present home address" portion of the application is different
368 from the residence address for the applicant found in the
369 registration book, the mail-in application shall be deemed a
370 written request to transfer registration pursuant to Section



371 23-15-13. Subject to the time limits and other provisions of
372 Section 23-15-13, the registrar or the election commissioners
373 shall note the new residence address on his records and, if
374 necessary, transfer the applicant to his new precinct, advise the
375 applicant of his new precinct, polling place and supervisor
376 district, and notify the municipal clerk of any such changes on a
377 monthly basis.

378 (g) If a mail-in application is subject to rejection
379 because the applicant failed to respond to question (9) of the
380 application or the response to question (9) was illegible on the
381 application, the registrar shall notify the applicant of the
382 failure and provide the applicant with an opportunity to complete
383 the form in a timely manner to allow for the completion of the
384 registration form before the next election for Federal office as
385 provided for in Section 303(b)(4)(B) of the Help America Vote Act
386 of 2002.

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

390 **"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION**

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

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

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

398 4. The completed application must be mailed or delivered to
399 the registrar of your county at least thirty (30) days before an
400 election in order for you to be registered for that election.

401 Applications which are mailed must be postmarked thirty (30) days
402 prior to any election.



403 5. The penalty for conviction of false registration is a
404 felony punishable by a fine of not more than Five Thousand Dollars
405 (\$5,000.00) or imprisonment for not more than five (5) years, or
406 both."

407 **"APPLICATION FOR VOTER REGISTRATION BY MAIL**

408 **STATE OF MISSISSIPPI**

409 I, _____, hereby apply for registration as a
410 voter of _____ County, Mississippi.

411 1. Full Name, including maiden name if you have one:
412 _____ (First, Middle and/or Maiden, Last)

413 2. Male ___ Female ___

414 3. Provide your current and valid Mississippi driver's
415 license number: _____ . If you do not have a current and
416 valid driver's license number, please give the last four (4)
417 digits of your social security number: _____

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

419 4b. Will you be 18 years of age on or before election day? _____

420 5. Present Home Address:

421 (a) _____ (Street and Number)
422 _____ (City, State, Zip)

423 (b) How long have you lived there?
424 From _____ (month/year) to present.

425 (c) Do you now live in a city or town of this
426 county? _____ If so, which? _____

427 (d) Telephone number, if available:
428 (i) Home telephone number _____
429 (ii) Daytime or work telephone number _____

430 6. Mailing Address: Give your current mailing address if
431 different from your present home address:

432 _____ (Box or Street and Number)
433 _____ (City, State, Zip)

434 7. Previous Address: List your most recent address before
435 your present address:



436 _____ (Box or Street and Number)
437 _____ (City, State, Zip)
438 From _____ (month/year) to _____ (month/year)

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

441 _____ If yes, give the last place you were registered:
442 _____ (City, County, State)

443 9. Citizenship, Residence, Prior Convictions:

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

445 If you answered "no" in response to either 4(b) or 9(a), do
446 not complete this form.

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

448 (c) Have you ever been convicted of the crime of murder,
449 rape, bribery, theft, arson, obtaining money or goods under false
450 pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so,
451 what State _____, County _____? Date of conviction _____.

452 10. Will you need assistance on election day? _____. If
453 yes, for which of the following reasons: permanently physically
454 disabled _____; other (please describe) _____
455 _____.

456 11. Applicant Signature and Certification:

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

464 Applicant sign here: _____

465 Date: _____

466 12. Witness Signature and Certification:

467 I certify that I am a registered voter in _____
468 County, Mississippi, that I am not now a candidate for public



469 office, and that the above named applicant signed this application
470 for registration in my presence. I further certify that I have
471 read the above application, and that the facts stated therein are
472 true and correct to the best of my knowledge. I personally know
473 the person who appeared before me or I have seen the person's
474 identification. I understand that the penalty for knowingly
475 procuring a person's registration who is not entitled to be
476 registered, or is registered under a false name or in any other
477 voting precinct than that in which he resides, is a fine of not
478 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
479 not more than five (5) years, or both.

480 Witness sign here: _____

481 Full name and address of witness (Print):

482 Name: _____

483 Address: _____ (Street and Number)

484 _____ (City, State, Zip)

485 Telephone number, if available:

486 Home telephone number _____

487 Daytime or work telephone number _____"

488 For Office Use Only: unique identification number (if required)

489 _____.

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

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



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

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

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



534 of said municipality shall deny such application and notify
535 applicant.

536 (7) If the reply to Question 8 above is affirmative, the
537 registrar or clerk shall send written notice of this new
538 registration by regular United States mail to the registrar or
539 clerk of the county stated in Question 8 as the voter's previous
540 place of registration. The information shall include the complete
541 name, address and age of the voter and shall include the current
542 and valid driver's license number of the voter, if provided, or
543 the social security number of the voter if provided. The election
544 commission of the voter's previous place of registration shall be
545 responsible for having such voter's name erased from the
546 appropriate registration book and pollbook.

547 **SECTION 12.** Section 23-15-255, Mississippi Code of 1972, is
548 amended as follows:

549 23-15-255. (1) The supervisor of each respective
550 supervisors district shall provide at each election place a
551 sufficient number of voting compartments, shelves and tables for
552 the use of electors, which shall be so arranged that it will be
553 impossible for one (1) voter in one (1) compartment to see another
554 voter who is preparing his ballot. The number of voting
555 compartments and shelves or tables shall not be less than one (1)
556 to every two hundred (200) electors in the voting precinct. Each
557 compartment shall be supplied and have posted up in it a card of
558 instructions, and be furnished with other conveniences for marking
559 the ballots.

560 (2) The managers of each precinct shall publicly post
561 certain voting information at the precinct polling place on the
562 day of any election. The voting information required to be posted
563 by this subsection is as follows:

564 (a) A sample version of the ballot that will be used at
565 the election;



566 (b) Information regarding the date of the election and
567 the hours during which the polling places will be open;

568 (c) Instruction on how to vote, including how to cast a
569 vote and how to cast an affidavit ballot;

570 (d) Instructions for persons who have registered to
571 vote by mail and first time voters;

572 (e) General information on voting rights including
573 information on the right of an individual to cast an affidavit
574 ballot and instruction on how to contact the appropriate officials
575 if these rights are alleged to have been violated; and

576 (f) The consequences under federal and state laws
577 regarding fraud and misrepresentation.

578 **SECTION 13.** Section 23-15-573, Mississippi Code of 1972, is
579 amended as follows:

580 23-15-573. (1) Any person whose name does not appear upon
581 the pollbooks, or who was registered to vote by mail and is a
582 first time voter lacking a form of voter identification required
583 by Section 303 of the Help America Vote Act of 2002, shall be
584 offered the opportunity to vote as provided in this section. When
585 a person is offered the opportunity to vote as provided in this
586 section, he shall be provided with a handout that:

587 (a) Contains instructions explaining the procedure for
588 completing an affidavit ballot;

589 (b) Informs the person how to ascertain whether the
590 affidavit ballot completed by the person was counted and, if the
591 vote was not counted, the reasons the vote was not counted.

592 (2) If any person offering to vote in any election whose
593 name does not appear upon the pollbook, or who was registered to
594 vote by mail and is a first time voter lacking a form of voter
595 identification required by Section 303 of the Help America Vote
596 Act of 2002, shall make affidavit before one (1) of the managers
597 of election in writing that he is entitled to vote, * * * that he
598 has been illegally denied registration, or that he was registered



599 to vote by mail and is a first time voter lacking a form of voter
600 identification required by Section 303 of the Help America Vote
601 Act of 2002, as the case may be, his vote may be prepared by him
602 and handed to the proper election officer who shall enclose it in
603 an envelope with the written affidavit of the voter, seal the
604 envelope and mark plainly upon it the name of the person offering
605 to vote. The affidavit must include the complete name, all
606 required addresses and telephone numbers, a statement that the
607 affiant believes he is registered to vote in the jurisdiction in
608 which he desires to vote and is eligible to vote in the election
609 and the signature of the affiant, and must include the signature
610 of one (1) of the election managers. A separate register shall be
611 maintained for affidavit ballots, and the affiant shall sign the
612 register upon completing an affidavit under this section. In
613 canvassing the returns of the election, the executive committee in
614 primary elections, or the election commissioners, in a general
615 election, shall examine the records and allow the ballot to be
616 counted, or not counted, as it appears to be legal.

617 * * *

618 (3) The Secretary of State shall design a uniform affidavit
619 and ballot envelope by January 1, 2006, which shall be used in all
620 elections in this state. The Secretary of State shall print and
621 have distributed a sufficient number of the affidavit and ballot
622 envelopes to the registrar for use in all elections. The
623 registrar shall distribute the affidavit and ballot envelopes to
624 county executive committees for use in primary elections and to
625 county election commissioners for use in general and special
626 elections.

627 Due to the need to comply with Section 402 of the Help
628 America Vote Act of 2002, the uniform affidavit and ballot
629 envelope adopted by the Secretary of State by January 1, 2006,
630 shall be changed only by laws adopted by the Legislature of the
631 State of Mississippi.



632 **SECTION 14.** Section 23-15-687, Mississippi Code of 1972, is
633 amended as follows:

634 23-15-687. (1) The registrar shall keep all applications
635 for absentee ballots and shall, within twenty-four (24) hours, if
636 possible, send to such absent voter on whose behalf the
637 application is made the proper affidavit and the proper ballot or
638 ballots applicable to the elections.

639 (2) One (1) application shall serve as a request for an
640 absentee ballot for * * *:

641 (a) The next two (2) federal general elections,
642 including all primary elections associated with such general
643 elections; and

644 (b) All state and county primary and general elections
645 that occur after the receipt of the application through the date
646 of the second federal election that occurs after the application.

647 (3) The registrar shall preserve all applications for
648 absentee voter ballots for one (1) year as a record to be
649 furnished to any court or constituted authority for inspection or
650 evidence if properly called for.

651 (4) If the registrar rejects an application for absentee
652 voter ballot or denies a request to register to vote from a
653 uniformed services applicant or an overseas voter, the registrar
654 shall provide the person with the reasons for the rejection.

655 **SECTION 15.** The Attorney General of the State of Mississippi
656 shall submit this act, immediately upon approval by the Governor,
657 or upon approval by the Legislature subsequent to a veto, to the
658 Attorney General of the United States or to the United States
659 District Court for the District of Columbia in accordance with the
660 provisions of the Voting Rights Act of 1965, as amended and
661 extended.

662 **SECTION 16.** Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act
663 shall take effect and be in force from and after the date they are
664 effectuated under Section 5 of the Voting Rights Act of 1965, as



665 amended and extended. The remainder of this act shall take effect
666 and be in force from and after January 1, 2004, or the date they
667 are effectuated under Section 5 of the Voting Rights Act of 1965,
668 as amended and extended, whichever is the later date.

