

By: Representatives Reynolds, Smith (27th)

To: Apportionment and
Elections

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, 23-15-541, 23-15-573,
 15 23-15-627 AND 23-15-687, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
 16 THE VOTER'S REGISTRATION NUMBER SHALL BE HIS DRIVER LICENSE
 17 NUMBER, THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY NUMBER IF HE
 18 HAS NO DRIVER'S LICENSE OR A UNIQUE NUMBER ASSIGNED BY THE
 19 SECRETARY OF STATE IF A DRIVER'S LICENSE NUMBER OR THE LAST FOUR
 20 DIGITS OF HIS SOCIAL SECURITY NUMBER ARE NOT PROVIDED; TO REQUIRE
 21 CERTAIN INFORMATION TO BE POSTED AT PRECINCT POLLING PLACES; TO
 22 REVISE THE PROVISIONS REGARDING AFFIDAVIT BALLOTS TO PROVIDE
 23 CERTAIN ADDITIONAL REASONS THAT A PERSON MAY VOTE BY AFFIDAVIT
 24 BALLOT AND TO REQUIRE THE SECRETARY OF STATE TO PRESCRIBE THE FORM
 25 OF THE AFFIDAVIT AND ENVELOPE; TO PROVIDE THAT FIRST TIME VOTERS
 26 WHO REGISTERED BY MAIL PRESENT IDENTIFICATION REQUIRED UNDER 303
 27 OF THE HELP AMERICA VOTE ACT OF 2002 AT POLLING PLACES; TO PROVIDE
 28 THAT AN APPLICATION TO VOTE UNDER THE ARMED SERVICES ABSENTEE
 29 VOTING LAW SHALL SERVE AS A REQUEST FOR AN ABSENTEE BALLOT FOR THE
 30 NEXT TWO FEDERAL GENERAL ELECTIONS AND ALL PRIMARY AND GENERAL
 31 ELECTIONS THAT FALL WITHIN THAT TIME FRAME; TO PROVIDE THAT
 32 ABSENTEE BALLOTS HAVE IDENTIFICATION ATTACHED AS REQUIRED BY THE
 33 HELP AMERICA VOTE ACT; TO PROVIDE THAT IF AN APPLICATION FOR
 34 ABSENTEE BALLOT OR A REQUEST TO REGISTER TO VOTE BY A UNIFORMED
 35 SERVICES APPLICANT OR AN OVERSEAS VOTER IS REJECTED, THE APPLICANT
 36 MUST BE PROVIDED WITH THE REASONS FOR THE REJECTION; AND FOR
 37 RELATED PURPOSES.

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

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

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



45 Due to the need to comply with Section 402 of the Help
46 America Vote Act of 2002, the rules and regulations adopted by the
47 Secretary of State by January 1, 2006 shall only be changed by
48 laws adopted by the Legislature of the State of Mississippi.

49 **SECTION 3.** Prior to casting any ballot at any election,
50 voters who are required to present identification under Section
51 303 of the Help America Vote Act of 2002 based on the use of any
52 lawful application to register to vote by mail, shall be required
53 to present to the officials in charge of the election a form of
54 identification which complies with Section 303(c) of the Help
55 America Vote Act of 2002.

56 **SECTION 4.** The Secretary of State and the Commissioner of
57 Public Safety shall enter into an agreement to match information
58 required under Section 303(b)(3)(B)(ii) of the Help America Vote
59 Act of 2002, and an agreement to match information in the database
60 of the statewide voter registration system created under state law
61 with information in the database of the Department of Public
62 Safety to the extent required to enable the Secretary of State and
63 local election officials to verify the accuracy of information
64 provided on applications for voter registration. Implementation
65 of the agreement to match information required by this Section
66 303(b)(3)(B)(ii) of the Help America Vote Act of 2002 shall be
67 accomplished not later than January 1, 2004.

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

75 **SECTION 6.** The Secretary of State shall have the authority
76 to accept federal funds authorized under Section 102 of the Help
77 America Vote Act of 2002 and to meet all the requirements of the



78 Help America Vote Act of 2002 in order to expend the funds to
79 carry out the voting machine buyout program under such act.

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

88 **SECTION 8.** The Secretary of State shall promulgate rules and
89 regulations necessary to effectuate the provisions of the Help
90 America Vote Act of 2002.

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

93 23-15-11. Every inhabitant of this state, except idiots and
94 insane persons, who is a citizen of the United States of America,
95 eighteen (18) years old and upwards, who has resided in this state
96 for thirty (30) days and for thirty (30) days in the county in
97 which he offers to vote, and for thirty (30) days in the
98 incorporated city or town in which he offers to vote, and who
99 shall have been duly registered as an elector pursuant to Section
100 23-15-33, and who has never been convicted of any crime listed in
101 Section 241, Mississippi Constitution of 1890, shall be a
102 qualified elector in and for the county, municipality and voting
103 precinct of his residence, and shall be entitled to vote at any
104 election. * * *

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

107 23-15-39. (1) Applications for registration as electors of
108 this state, which are sworn to and subscribed before the registrar
109 or deputy registrar authorized by law and which are not made by



110 mail, shall be made upon a triplicate form in the following words
111 and figures:

112 "APPLICATION FOR REGISTRATION

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

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

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

123 3. What is your date of birth? _____

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

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

131 (a) Present address: _____

132 From _____ (month) to date.

133 (b) Previous address: _____

134 From _____ (month) to _____ (month).

135 (c) Previous address: _____

136 From _____ (month) to _____ (month).

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

139 6. What is your present mailing address? _____

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

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



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

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

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

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

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

157 _____ Please give your work telephone number. _____

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

161 STATE OF MISSISSIPPI

162 COUNTY OF _____

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

174 Applicant sign here: _____



175 SWORN TO AND SUBSCRIBED before me, this the _____ day of
176 _____, 2____.

177 _____ (Registrar)

178 By _____ (Deputy Registrar) "

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

180 _____.

181 (2) The boards of supervisors shall make proper allowances
182 for office supplies reasonably necessitated by the registration of
183 county electors.

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



208 municipality shall review any such challenge or disqualification
209 after having notified the applicant by certified mail of such
210 challenge or disqualification.

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

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

231 (6) Any person desiring an application for registration may
232 secure an application from the registrar of the county of which he
233 is a resident and may take the application with him and secure
234 assistance in completing the application from any person of the
235 applicant's choice. It shall be the duty of all registrars to
236 furnish applications for registration to all persons requesting
237 them, and it shall likewise be his duty to furnish aid and
238 assistance in the completing of the application when requested by
239 an applicant. The application for registration shall be sworn to
240 and subscribed before the registrar or deputy registrar at the



241 municipal clerk's office, the county registrar's office or any
242 other location where the applicant is allowed to register to vote.
243 No fee or cost shall be charged the applicant by the registrar for
244 accepting the application or administering the oath or for any
245 other duty imposed by law regarding the registration of electors.

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

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

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



274 The municipal clerk shall add those county electors who have
275 resided in the annexed area for at least thirty (30) days after
276 annexation to the municipal registration books as registered
277 voters of the municipality and shall forward to such persons
278 written notification of such addition and of the municipal
279 precinct or ward in which such persons reside.

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

282 23-15-47. (1) Any person who is qualified to register to
283 vote in the State of Mississippi may register to vote by mail-in
284 application in the manner prescribed in this section.

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

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

302 (b) Upon receipt of a mail-in application, the county
303 registrar shall stamp such application with the date of receipt,
304 and shall verify the application by contacting the applicant by
305 telephone, by personal contact with the applicant, or by any other
306 method approved by the Secretary of State. Within twenty-five



307 (25) days of receipt of a mail-in application, the county
308 registrar shall complete action on the application, including any
309 attempts to notify the applicant of the status of his application.

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

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

335 (i) Except as provided for in paragraph (g) of
336 this section, an incomplete portion of the application which makes
337 it impossible for the registrar to determine the eligibility of
338 the applicant to register;



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

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

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

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

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

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

370 (f) If a mail-in application is subject to rejection
371 for the reason stated in paragraph (d)(v) of this subsection and



372 the "present home address" portion of the application is different
373 from the residence address for the applicant found in the
374 registration book, the mail-in application shall be deemed a
375 written request to transfer registration pursuant to Section
376 23-15-13. Subject to the time limits and other provisions of
377 Section 23-15-13, the registrar or the election commissioners
378 shall note the new residence address on his records and, if
379 necessary, transfer the applicant to his new precinct, advise the
380 applicant of his new precinct, polling place and supervisor
381 district, and notify the municipal clerk of any such changes on a
382 monthly basis.

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

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

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

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

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

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

403 4. The completed application must be mailed or delivered to
404 the registrar of your county at least thirty (30) days before an



405 election in order for you to be registered for that election.
406 Applications which are mailed must be postmarked thirty (30) days
407 prior to any election.

408 5. The penalty for conviction of false registration is a
409 felony punishable by a fine of not more than Five Thousand Dollars
410 (\$5,000.00) or imprisonment for not more than five (5) years, or
411 both."

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

413 **STATE OF MISSISSIPPI**

414 I, _____, hereby apply for registration as a
415 voter of _____ County, Mississippi.

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

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

418 2. Male ___ Female ___

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

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

424 4b. Will you be 18 years of age on or before election day?

425 5. Present Home Address:

426 (a) _____ (Street and Number)

427 _____ (City, State, Zip)

428 (b) How long have you lived there?

429 From _____ (month/year) to present.

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

432 (d) Telephone number, if available:

433 (i) Home telephone number _____

434 (ii) Daytime or work telephone number _____

435 6. Mailing Address: Give your current mailing address if
436 different from your present home address:

437 _____ (Box or Street and Number)



438 _____ (City, State, Zip)

439 7. Previous Address: List your most recent address before
440 your present address:

441 _____ (Box or Street and Number)

442 _____ (City, State, Zip)

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

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

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

447 _____ (City, County, State)

448 9. Citizenship, Residence, Prior Convictions:

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

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

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

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

457 10. Will you need assistance on election day? _____. If
458 yes, for which of the following reasons: permanently physically
459 disabled _____; other (please describe) _____
460 _____.

461 11. Applicant Signature and Certification:

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

469 Applicant sign here: _____

470 Date: _____



471 12. Witness Signature and Certification:

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

485 Witness sign here: _____

486 Full name and address of witness (Print):

487 Name: _____

488 Address: _____ (Street and Number)

489 _____ (City, State, Zip)

490 Telephone number, if available:

491 Home telephone number _____

492 Daytime or work telephone number _____"

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

494 _____.

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

500 (b) The Secretary of State shall distribute without
501 charge sufficient forms for application for voter registration by
502 mail to the Commissioner of Public Safety, who shall distribute
503 such forms to each driver's license examining and renewal station



504 in the state, and shall ensure that the forms are regularly
505 available to the public at such stations.

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

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

516 (6) If the reply to question 5(c) above is affirmative, the
517 county registrar shall forward notice of registration, a duplicate
518 copy of the application for registration, and any changes to such
519 registration when they occur, either by certified mail to the
520 clerk of the municipality indicated in the present residence
521 address stated in answer to Question 5(c) above or by personal
522 delivery to such clerk, provided that a numbered receipt is signed
523 by such clerk in return for the described documents. Upon receipt
524 of the copy of the application for registration or changes to such
525 registration, and if a review of same indicates that the applicant
526 meets all the criteria necessary to qualify as a municipal
527 elector, then the clerk of said municipality shall register the
528 applicant as a municipal elector and make a determination of the
529 municipal voting precinct in which the person making the
530 application shall be required to vote. The clerk shall send this
531 municipal voting precinct information by United States first-class
532 mail, postage prepaid, to such person at the address provided on
533 the application. Any and all mailing costs incurred by the county
534 registrar or the clerk of the municipality in effectuating this
535 subsection shall be paid by the governing authority of such
536 municipality. If a review of the copy of the application for



537 registration or changes to such registration indicates that the
538 applicant is not qualified to vote in said municipality, the clerk
539 of said municipality shall deny such application and notify
540 applicant.

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

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

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

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



- 569 (a) A sample version of the ballot that will be used at
570 the election;
- 571 (b) Information regarding the date of the election and
572 the hours during which the polling places will be open;
- 573 (c) Instruction on how to vote, including how to cast a
574 vote and how to cast an affidavit ballot;
- 575 (d) Instructions for persons who have registered to
576 vote by mail and first time voters;
- 577 (e) General information on voting rights including
578 information on the right of an individual to cast an affidavit
579 ballot and instruction on how to contact the appropriate officials
580 if these rights are alleged to have been violated; and
- 581 (f) The consequences under federal and state laws
582 regarding fraud and misrepresentation.

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

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

592 (a) Contains instructions explaining the procedure for
593 completing an affidavit ballot;

594 (b) Informs the person how to ascertain whether the
595 affidavit ballot completed by the person was counted and, if the
596 vote was not counted, the reasons the vote was not counted.

597 (2) If any person offering to vote in any election whose
598 name does not appear upon the pollbook, or who was registered to
599 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, shall make affidavit before one (1) of the managers



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

622 * * *

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

632 Due to the need to comply with Section 402 of the Help
633 America Vote Act of 2002, the uniform affidavit and ballot
634 envelope adopted by the Secretary of State by January 1, 2006,



635 shall be changed only by laws adopted by the Legislature of the
636 State of Mississippi.

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

639 23-15-687. (1) The registrar shall keep all applications
640 for absentee ballots and shall, within twenty-four (24) hours, if
641 possible, send to such absent voter on whose behalf the
642 application is made the proper affidavit and the proper ballot or
643 ballots applicable to the elections.

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

646 (a) The next two (2) federal general elections,
647 including all primary elections associated with such general
648 elections; and

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

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

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

660 **SECTION 15.** Section 23-15-627, Mississippi Code of 1972, is
661 amended as follows:

662 23-15-627. The registrar shall be responsible for furnishing
663 an absentee ballot application form to any elector authorized to
664 receive an absentee ballot. Absentee ballot applications shall be
665 furnished to a person only upon the oral or written request of the
666 elector who seeks to vote by absentee ballot; however, the parent,
667 child, spouse, sibling, legal guardian, those empowered with a



668 power of attorney for that elector's affairs or agent of the
669 elector may orally request an absentee ballot application on
670 behalf of the elector. An absentee ballot application must have
671 the seal of the circuit or municipal clerk affixed to it and be
672 initialed by the registrar or his deputy in order to be utilized
673 to obtain an absentee ballot. A reproduction of an absentee
674 ballot application shall not be valid unless it is a reproduction
675 provided by the office of the registrar of the jurisdiction in
676 which the election is being held and which contains the seal and
677 initials required by this section. Such application shall be
678 substantially in the following form:

679 Any person who was registered to vote by mail, and is a first
680 time voter lacking a form of voter identification required by
681 Section 303 of the Help America Vote Act of 2002, shall be offered
682 the opportunity to vote by affidavit ballot as provided for in
683 Section 23-15-573.

684 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

685 I, _____, duly qualified and registered in the ____ Precinct
686 of the County of _____, and State of Mississippi, coming within
687 the purview of the definition 'ABSENT ELECTOR' will be absent from
688 the county of my residence on election day, or unable to vote in
689 person because (check appropriate reason):

690 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
691 resident of Mississippi or have moved therefrom within thirty (30)
692 days of the coming presidential election.

693 () I am an enlisted or commissioned member, male or female,
694 of any component of the United States Armed Forces and am a
695 citizen of Mississippi, or spouse or dependent of such member.

696 () I am a member of the Merchant Marine or the American Red
697 Cross and am a citizen of Mississippi or spouse or dependent of
698 such member.



699 () I am a disabled war veteran who is a patient in any
700 hospital and am a citizen of Mississippi or spouse or dependent of
701 such veteran.

702 () I am a civilian attached to and serving outside of the
703 United States with any branch of the Armed Forces or with the
704 Merchant Marine or American Red Cross, and am a citizen of
705 Mississippi or spouse or dependent of such civilian.

706 () I am a citizen of Mississippi temporarily residing
707 outside the territorial limits of the United States and the
708 District of Columbia.

709 () I am a student, teacher or administrator at a college,
710 university, junior or community college, high, junior high,
711 elementary or grade school, whose studies or employment at such
712 institution necessitates my absence from the county of my voting
713 residence or spouse or dependent of such student, teacher or
714 administrator who maintains a common domicile outside the county
715 of my voting residence with such student, teacher or
716 administrator.

717 () I will be outside the county on election day.

718 () I have a temporary or permanent physical disability.

719 () I am sixty-five (65) years of age or older.

720 () I am the parent, spouse or dependent of a person with a
721 temporary or permanent physical disability who is hospitalized
722 outside his county of residence or more than fifty (50) miles away
723 from his residence, and I will be with such person on election
724 day.

725 () I am a member of the congressional delegation, or spouse
726 or dependent of a member of the congressional delegation.

727 () I am required to be at work on election day during the
728 times which the polls will be open.

729 I hereby make application for an official ballot, or ballots,
730 to be voted by me at the election to be held in _____, on _____.



731 Mail 'Absent Elector's Ballot' to me at the following
732 address _____ (if eligible to vote by mail).

733 () Are you a first time voter?

734 If your response to this question is "yes" and this
735 application is submitted by mail, a copy of a current and valid
736 photo identification or a copy of a current utility bill, bank
737 statement, government check, paycheck, or government document that
738 shows your name and address must be attached to this absentee
739 ballot application.

740 I realize that I can be fined up to Five Thousand Dollars
741 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
742 for making a false statement in this application and for selling
743 my vote and violating the Mississippi Absentee Voter Law. (This
744 sentence is to be in bold print.)

745 If you are temporarily or permanently disabled, you are not
746 required to have this application notarized or signed by an
747 official authorized to administer oaths for absentee balloting.
748 You are required to sign this application in the proper place and
749 have a person eighteen (18) years of age or older witness your
750 signature and sign this application in the proper place.

751 **DO NOT SIGN WITHOUT READING.** (This sentence is to be in bold
752 print.)

753 IN WITNESS WHEREOF I have hereunto set my hand and seal this
754 the ____ day of _____, 2____.

755 _____

756 (Signature of absent elector)

757 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
758 2____.

759 _____

760 (Official authorized to administer oaths
761 for absentee balloting.)

762 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
763 DISABLED:



764 I HEREBY CERTIFY that this application for an absent
765 elector's ballot was signed by the above-named disabled elector in
766 my presence and that I am at least eighteen (18) years of age,
767 this the _____ day of _____, 2____.

768 _____
769 (Signature of witness)

770 CERTIFICATE OF DELIVERY

771 I hereby certify that _____ (print name of voter)
772 has requested that I, _____ (print name of person
773 delivering application), deliver to the voter this absentee ballot
774 application.

775 _____
776 (Signature of person delivering application)

777 _____
778 (Address of person delivering application)"

779 **SECTION 16.** Section 23-15-541, Mississippi Code of 1972, is
780 amended as follows:

781 **[Until Laws, 1993, Chapter 528, is effectuated under Section**
782 **5 of the Voting Rights Act of 1965, this section reads as**
783 **follows:]**

784 23-15-541. At all elections, the polls shall be opened at
785 seven o'clock in the morning and be kept open until seven o'clock
786 in the evening and no longer. Upon the opening of the polls, and
787 not before, the managers of the election shall designate two (2)
788 of their number, other than the manager theretofore designated to
789 receive the blank ballots, who shall thereupon be known
790 respectively as the initialing manager and the alternate
791 initialing manager. The alternate initialing manager, in the
792 absence of the initialing manager, shall perform all of the duties
793 and undertake all of the responsibilities of the initialing
794 manager. When any person entitled to vote shall appear to vote,
795 he shall first sign his name in a receipt book or booklet provided
796 for that purpose and to be used at that election only and said



797 receipt book or booklet shall be used in lieu of the list of
798 voters who have voted formerly made by the managers or clerks;
799 whereupon and not before, the initialing manager or, in his
800 absence, the alternate initialing manager shall indorse his
801 initials on the back of an official blank ballot, prepared in
802 accordance with law, and at such place on the back of the ballot
803 that the initials may be seen after the ballot has been marked and
804 folded, and when so indorsed he shall deliver it to the voter,
805 which ballot the voter shall mark in the manner provided by law,
806 which when done the voter shall deliver the same to the initialing
807 manager or, in his absence, to the alternate initialing manager,
808 in the presence of the others, and the manager shall see that the
809 ballot so delivered bears on the back thereof the genuine initials
810 of the initialing manager, or alternate initialing manager, and if
811 so, but not otherwise, the ballot shall be put into the ballot
812 box; and when so done one (1) of the managers or a duly appointed
813 clerk shall make the proper entry on the pollbook. When any
814 person entitled to vote shall appear to vote and the person
815 registered to vote by mail and is a first time voter, a form of
816 identification required by Section 303 of the Help America Vote
817 Act of 2002 shall be presented to the manager before such person
818 is allowed to sign his name. If the voter is unable to write his
819 name on the receipt book, a manager or clerk shall note on the
820 back of the ballot that it was receipted for by his assistance.

821 **[From and after such time as Laws, 1993, Chapter 528, is**
822 **effectuated under Section 5 of the Voting Rights Act of 1965, this**
823 **section reads as follows:]**

824 23-15-541. At all elections, the polls shall be opened at
825 seven o'clock in the morning and be kept open until seven o'clock
826 in the evening and no longer. Upon the opening of the polls, and
827 not before, the managers of the election shall designate two (2)
828 of their number, other than the manager theretofore designated to
829 receive the blank ballots, who shall thereupon be known



830 respectively as the initialing manager and the alternate
831 initialing manager. The alternate initialing manager, in the
832 absence of the initialing manager, shall perform all of the duties
833 and undertake all of the responsibilities of the initialing
834 manager. When any person entitled to vote shall appear to vote,
835 the managers shall identify the voter, in the presence and view of
836 the bystanders, by requiring the voter to submit a valid
837 Mississippi driver's license, identification card issued by the
838 Department of Public Safety, voter registration card, Medicaid or
839 Medicare card, health insurance card, tax receipt or other
840 identification card or by comparison with the descriptive
841 information on the pollbook or have a person from the precinct
842 vouch for such person's identification; and then such person shall
843 sign his name in a receipt book or booklet provided for that
844 purpose and to be used at that election only and said receipt book
845 or booklet shall be used in lieu of the list of voters who have
846 voted formerly made by the managers or clerks; whereupon and not
847 before, the initialing manager or, in his absence, the alternate
848 initialing manager shall indorse his initials on the back of an
849 official blank ballot, prepared in accordance with law, and at
850 such place on the back of the ballot that the initials may be seen
851 after the ballot has been marked and folded, and when so indorsed
852 he shall deliver it to the voter, which ballot the voter shall
853 mark in the manner provided by law, which when done the voter
854 shall deliver the same to the initialing manager or, in his
855 absence, to the alternate initialing manager, in the presence of
856 the others, and the manager shall see that the ballot so delivered
857 bears on the back thereof the genuine initials of the initialing
858 manager, or alternate initialing manager, and if so, but not
859 otherwise, the ballot shall be put into the ballot box; and when
860 so done one (1) of the managers or a duly appointed clerk shall
861 make the proper entry on the pollbook. When any person entitled
862 to vote shall appear to vote and the person registered to vote by



863 mail and is a first time voter, a form of identification required
864 by Section 303 of the Help America Vote Act of 2002 shall be
865 presented to the manager before such person is allowed to sign his
866 name. If the voter is unable to write his name on the receipt
867 book, a manager or clerk shall note on the back of the ballot that
868 it was receipted for by his assistance.

869 **SECTION 17.** The Attorney General of the State of Mississippi
870 shall submit this act, immediately upon approval by the Governor,
871 or upon approval by the Legislature subsequent to a veto, to the
872 Attorney General of the United States or to the United States
873 District Court for the District of Columbia in accordance with the
874 provisions of the Voting Rights Act of 1965, as amended and
875 extended.

876 **SECTION 18.** Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act
877 shall take effect and be in force from and after the date they are
878 effectuated under Section 5 of the Voting Rights Act of 1965, as
879 amended and extended. The remainder of this act shall take effect
880 and be in force from and after January 1, 2004, or the date they
881 are effectuated under Section 5 of the Voting Rights Act of 1965,
882 as amended and extended, whichever is the later date.

