

By: Senator(s) Robertson, Johnson (19th)

To: Elections

SENATE BILL NO. 2821

1 AN ACT TO COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002; TO
2 REQUIRE THE SECRETARY OF STATE TO ESTABLISH AN ADMINISTRATIVE
3 COMPLAINT PROCEDURE FOR HANDLING GRIEVANCES IN ACCORDANCE WITH THE
4 HELP AMERICA VOTE ACT OF 2002; TO REQUIRE THE SECRETARY OF STATE
5 AND THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT
6 TO MATCH CERTAIN INFORMATION REQUIRED UNDER SUCH ACT; TO REQUIRE
7 THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH
8 THE COMMISSIONER OF SOCIAL SECURITY TO VERIFY CERTAIN INFORMATION;
9 TO GRANT THE SECRETARY OF STATE THE AUTHORITY TO ACCEPT AND EXPEND
10 FEDERAL FUNDS APPROPRIATED TO CARRY OUT VOTING MACHINE BUY OUT
11 PROGRAM AUTHORIZED BY SUCH ACT; TO REQUIRE THE SECRETARY OF STATE
12 TO PROVIDE CERTAIN INFORMATION REGARDING VOTER REGISTRATION AND
13 VOTING PROCEDURES; TO AMEND SECTIONS 23-15-11, 23-15-39, 23-15-47,
14 23-15-255, 23-15-573 AND 23-15-687, MISSISSIPPI CODE OF 1972, TO
15 PROVIDE THAT THE VOTER'S REGISTRATION NUMBER SHALL BE HIS DRIVER
16 LICENSE NUMBER, THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY NUMBER
17 IF HE HAS NO DRIVER'S LICENSE OR A UNIQUE NUMBER ASSIGNED BY THE
18 SECRETARY OF STATE IF A DRIVER'S LICENSE NUMBER OR THE LAST FOUR
19 DIGITS OF HIS SOCIAL SECURITY NUMBER ARE NOT PROVIDED; TO REQUIRE
20 CERTAIN INFORMATION TO BE POSTED AT PRECINCT POLLING PLACES; TO
21 REVISE THE PROVISIONS REGARDING AFFIDAVIT BALLOTS TO PROVIDE
22 CERTAIN ADDITIONAL REASONS THAT A PERSON MAY VOTE BY AFFIDAVIT
23 BALLOT AND TO REQUIRE THE SECRETARY OF STATE TO PRESCRIBE THE FORM
24 OF THE AFFIDAVIT AND ENVELOPE; TO PROVIDE THAT AN APPLICATION TO
25 VOTE UNDER THE ARMED SERVICES ABSENTEE VOTING LAW SHALL SERVE AS A
26 REQUEST FOR AN ABSENTEE BALLOT FOR THE NEXT TWO FEDERAL GENERAL
27 ELECTIONS AND ALL PRIMARY AND GENERAL ELECTIONS THAT FALL WITHIN
28 THAT TIME FRAME; TO PROVIDE THAT IF AN APPLICATION FOR ABSENTEE
29 BALLOT OR A REQUEST TO REGISTER TO VOTE BY A UNIFORMED SERVICES
30 APPLICANT OR AN OVERSEAS VOTER IS REJECTED, THE APPLICANT MUST BE
31 PROVIDED WITH THE REASONS FOR THE REJECTION; TO AMEND SECTION
32 23-15-541, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
33 FOR RELATED PURPOSES.

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

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

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

41 **SECTION 3.** Prior to casting any ballot at any election,
42 voters who are required to present identification under Section



43 303 of the Help America Vote Act of 2002 based on the use of any
44 lawful application to register to vote by mail, shall be required
45 to present to the officials in charge of the election a form of
46 identification which complies with Section 303(c) of the Help
47 America Vote Act of 2002.

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

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

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

72 **SECTION 7.** The Secretary of State shall be responsible for
73 providing information required by Section 702 of the Help America
74 Vote Act of 2002, regarding voter registration procedures and
75 absentee ballot procedures to be used by absent uniformed services



76 voters and overseas voters with respect to elections, including
77 procedures relating to the use of the federal write-in absentee
78 ballot, to all absent uniformed services voters and overseas
79 voters who wish to register to vote or vote in this state.

80 **SECTION 8.** The Secretary of State shall promulgate rules and
81 regulations necessary to effectuate the provisions of the Help
82 America Vote Act of 2002.

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

85 23-15-11. Every inhabitant of this state, except idiots and
86 insane persons, who is a citizen of the United States of America,
87 eighteen (18) years old and upwards, who has resided in this state
88 for thirty (30) days and for thirty (30) days in the county in
89 which he offers to vote, and for thirty (30) days in the
90 incorporated city or town in which he offers to vote, and who
91 shall have been duly registered as an elector pursuant to Section
92 23-15-33, and who has never been convicted of any crime listed in
93 Section 241, Mississippi Constitution of 1890, shall be a
94 qualified elector in and for the county, municipality and voting
95 precinct of his residence, and shall be entitled to vote at any
96 election. * * *

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

99 23-15-39. (1) Applications for registration as electors of
100 this state, which are sworn to and subscribed before the registrar
101 or deputy registrar authorized by law and which are not made by
102 mail, shall be made upon a triplicate form in the following words
103 and figures:

104 "APPLICATION FOR REGISTRATION

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



- 109 1. What is your full name, including maiden name, if you
110 have one? _____
- 111 2. Provide your current and valid driver's license number:
112 _____ . If you do not have a current and valid driver's
113 license number, please give the last four (4) digits of your
114 social security number. _____
- 115 3. What is your date of birth? _____
- 116 4. Are you a citizen of the United States? _____
- 117 5. What is your present residence address and each place you
118 have resided during the past year, stating when you lived at each
119 place, and specifying the municipality or community, the street
120 name and number and/or any other designation which accurately
121 describes the geographic location of your present residence
122 address?
- 123 (a) Present address: _____
124 From _____ (month) to date.
- 125 (b) Previous address: _____
126 From _____ (month) to _____ (month).
- 127 (c) Previous address: _____
128 From _____ (month) to _____ (month).
- 129 (If you need additional space, use the back side of this
130 form.)
- 131 6. What is your present mailing address? _____
- 132 7. Are you now a resident of this state and county? _____
- 133 8. Do you now reside within the city limits of a city or
134 town located within this county? _____
- 135 9. Have you ever registered to vote before in any other
136 county or state? If so, give the last place or last two (2)
137 places if registered more than once. _____
- 138 10. Have you ever been convicted of the crime of murder,
139 rape, bribery, theft, arson, obtaining money or goods under false
140 pretenses, perjury, forgery, embezzlement or bigamy? _____



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

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

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

149 _____ Please give your work telephone number. _____

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

153 STATE OF MISSISSIPPI

154 COUNTY OF _____

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

166 Applicant sign here: _____

167 SWORN TO AND SUBSCRIBED before me, this the _____ day of
168 _____, 2____.

169 _____ (Registrar)

170 By _____ (Deputy Registrar) "

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

172 _____.



173 (2) The boards of supervisors shall make proper allowances
174 for office supplies reasonably necessitated by the registration of
175 county electors.

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

203 (4) If the reply to Question 9 above is affirmative, the
204 registrar or clerk shall on a monthly basis send notice of this
205 new registration to the registrar or clerk of the county stated in



206 Question 9 as the voter's previous place of registration. The
207 election commission of the voter's previous place of registration
208 shall be responsible for having such voter's name erased from the
209 appropriate registration book and pollbook.

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

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



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

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

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



270 written notification of such addition and of the municipal
271 precinct or ward in which such persons reside.

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

274 23-15-47. (1) Any person who is qualified to register to
275 vote in the State of Mississippi may register to vote by mail-in
276 application in the manner prescribed in this section.

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

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

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



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

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

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

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



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

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

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

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

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

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



367 23-15-13. Subject to the time limits and other provisions of
368 Section 23-15-13, the registrar or the election commissioners
369 shall note the new residence address on his records and, if
370 necessary, transfer the applicant to his new precinct, advise the
371 applicant of his new precinct, polling place and supervisor
372 district, and notify the municipal clerk of any such changes on a
373 monthly basis.

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

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

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

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

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

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

390 5. The penalty for conviction of false registration is a
391 felony punishable by a fine of not more than Five Thousand Dollars
392 (\$5,000.00) or imprisonment for not more than five (5) years, or
393 both."

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

395 **STATE OF MISSISSIPPI**

396 I, _____, hereby apply for registration as a
397 voter of _____ County, Mississippi.

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

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



400 2. Male ___ Female ___

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

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

406 5. Present Home Address:

407 (a) _____ (Street and Number)
408 _____ (City, State, Zip)

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

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

413 (d) Telephone number, if available:

414 (i) Home telephone number _____
415 (ii) Daytime or work telephone number _____

416 6. Mailing Address: Give your current mailing address if
417 different from your present home address:

418 _____ (Box or Street and Number)
419 _____ (City, State, Zip)

420 7. Previous Address: List your most recent address before
421 your present address:

422 _____ (Box or Street and Number)
423 _____ (City, State, Zip)

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

425 8. Last Registration: Have you ever registered to vote
426 before in any other county in Mississippi or in any other state?
427 _____ If yes, give the last place you were registered:
428 _____ (City, County, State)

429 9. Citizenship, Residence, Prior Convictions:

430 (a) Are you a citizen of the United States? _____
431 (b) Are you a resident of this state and county? _____



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

436 10. Will you need assistance on election day? _____. If
437 yes, for which of the following reasons: permanently physically
438 disabled _____; other (please describe) _____
439 _____.

440 11. Applicant Signature and Certification:

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

448 Applicant sign here: _____

449 Date: _____

450 12. Witness Signature and Certification:

451 I certify that I am a registered voter in _____
452 County, Mississippi, that I am not now a candidate for public
453 office, and that the above named applicant signed this application
454 for registration in my presence. I further certify that I have
455 read the above application, and that the facts stated therein are
456 true and correct to the best of my knowledge. I personally know
457 the person who appeared before me or I have seen the person's
458 identification. I understand that the penalty for knowingly
459 procuring a person's registration who is not entitled to be
460 registered, or is registered under a false name or in any other
461 voting precinct than that in which he resides, is a fine of not
462 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
463 not more than five (5) years, or both.

464 Witness sign here: _____



465 Full name and address of witness (Print):
466 Name: _____
467 Address: _____ (Street and Number)
468 _____ (City, State, Zip)
469 Telephone number, if available:
470 Home telephone number _____
471 Daytime or work telephone number _____"
472 For Office Use Only: unique identification number (if required)
473 _____.

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

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

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

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

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



498 registration when they occur, either by certified mail to the
499 clerk of the municipality indicated in the present residence
500 address stated in answer to Question 5(c) above or by personal
501 delivery to such clerk, provided that a numbered receipt is signed
502 by such clerk in return for the described documents. Upon receipt
503 of the copy of the application for registration or changes to such
504 registration, and if a review of same indicates that the applicant
505 meets all the criteria necessary to qualify as a municipal
506 elector, then the clerk of said municipality shall register the
507 applicant as a municipal elector and make a determination of the
508 municipal voting precinct in which the person making the
509 application shall be required to vote. The clerk shall send this
510 municipal voting precinct information by United States first-class
511 mail, postage prepaid, to such person at the address provided on
512 the application. Any and all mailing costs incurred by the county
513 registrar or the clerk of the municipality in effectuating this
514 subsection shall be paid by the governing authority of such
515 municipality. If a review of the copy of the application for
516 registration or changes to such registration indicates that the
517 applicant is not qualified to vote in said municipality, the clerk
518 of said municipality shall deny such application and notify
519 applicant.

520 (7) If the reply to Question 8 above is affirmative, the
521 registrar or clerk shall send written notice of this new
522 registration by regular United States mail to the registrar or
523 clerk of the county stated in Question 8 as the voter's previous
524 place of registration. The information shall include the complete
525 name, address and age of the voter and shall include the current
526 and valid driver's license number of the voter, if provided, or
527 the social security number of the voter if provided. The election
528 commission of the voter's previous place of registration shall be
529 responsible for having such voter's name erased from the
530 appropriate registration book and pollbook.



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

533 23-15-255. (1) The supervisor of each respective
534 supervisors district shall provide at each election place a
535 sufficient number of voting compartments, shelves and tables for
536 the use of electors, which shall be so arranged that it will be
537 impossible for one (1) voter in one (1) compartment to see another
538 voter who is preparing his ballot. The number of voting
539 compartments and shelves or tables shall not be less than one (1)
540 to every two hundred (200) electors in the voting precinct. Each
541 compartment shall be supplied and have posted up in it a card of
542 instructions, and be furnished with other conveniences for marking
543 the ballots.

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

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

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

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

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

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

560 (f) The consequences under federal and state laws
561 regarding fraud and misrepresentation.

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



564 23-15-573. (1) Any person whose name does not appear upon
565 the pollbooks, or who was registered to vote by mail and is a
566 first time voter lacking a form of voter identification required
567 by Section 303 of the Help America Vote Act of 2002, shall be
568 offered the opportunity to vote as provided in this section. When
569 a person is offered the opportunity to vote as provided in this
570 section, he shall be provided with a handout that:

571 (a) Contains instructions explaining the procedure for
572 completing an affidavit ballot;

573 (b) Informs the person how to ascertain whether the
574 affidavit ballot completed by the person was counted and, if the
575 vote was not counted, the reasons the vote was not counted.

576 (2) If any person offering to vote in any election whose
577 name does not appear upon the pollbook, or who was registered to
578 vote by mail and is a first time voter lacking a form of voter
579 identification required by Section 303 of the Help America Vote
580 Act of 2002, shall make affidavit before one (1) of the managers
581 of election in writing that he is entitled to vote, * * * that he
582 has been illegally denied registration, or that he was registered
583 to vote by mail and is a first time voter lacking a form of voter
584 identification required by Section 303 of the Help America Vote
585 Act of 2002, as the case may be, his vote may be prepared by him
586 and handed to the proper election officer who shall enclose it in
587 an envelope with the written affidavit of the voter, seal the
588 envelope and mark plainly upon it the name of the person offering
589 to vote. The affidavit must include the complete name, all
590 required addresses and telephone numbers, a statement that the
591 affiant believes he is registered to vote in the jurisdiction in
592 which he desires to vote and is eligible to vote in the election
593 and the signature of the affiant, and must include the signature
594 of one (1) of the election managers. A separate register shall be
595 maintained for affidavit ballots, and the affiant shall sign the
596 register upon completing an affidavit under this section. In



597 canvassing the returns of the election, the executive committee in
598 primary elections, or the election commissioners, in a general
599 election, shall examine the records and allow the ballot to be
600 counted, or not counted, as it appears to be legal.

601 * * *

602 (3) The Secretary of State shall design a uniform affidavit
603 and ballot envelope which shall be used in all elections in this
604 state. The Secretary of State shall print and have distributed a
605 sufficient number of the affidavit and ballot envelopes to the
606 registrar for use in all elections. The registrar shall
607 distribute the affidavit and ballot envelopes to county executive
608 committees for use in primary elections and to county election
609 commissioners for use in general and special elections.

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

612 23-15-687. (1) The registrar shall keep all applications
613 for absentee ballots and shall, within twenty-four (24) hours, if
614 possible, send to such absent voter on whose behalf the
615 application is made the proper affidavit and the proper ballot or
616 ballots applicable to the elections.

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

619 (a) The next two (2) federal general elections,
620 including all primary elections associated with such general
621 elections; and

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

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



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

633 **SECTION 15.** Section 23-15-541, Mississippi Code of 1972, is
634 amended as follows:

635 23-15-541. At all elections, the polls shall be opened at
636 seven o'clock in the morning and be kept open until seven o'clock
637 in the evening and no longer. Upon the opening of the polls, and
638 not before, the managers of the election shall designate two (2)
639 of their number, other than the manager theretofore designated to
640 receive the blank ballots, who shall thereupon be known
641 respectively as the initialing manager and the alternate
642 initialing manager. The alternate initialing manager, in the
643 absence of the initialing manager, shall perform all of the duties
644 and undertake all of the responsibilities of the initialing
645 manager. When any person entitled to vote shall appear to vote,
646 such person shall present proper identification if he is required
647 to do so under Section 3, Senate Bill No. 2821, 2003 Regular
648 Session; and such person shall * * * sign his name in a receipt
649 book or booklet provided for that purpose and to be used at that
650 election only and said receipt book or booklet shall be used in
651 lieu of the list of voters who have voted formerly made by the
652 managers or clerks; whereupon and not before, the initialing
653 manager or, in his absence, the alternate initialing manager shall
654 indorse his initials on the back of an official blank ballot,
655 prepared in accordance with law, and at such place on the back of
656 the ballot that the initials may be seen after the ballot has been
657 marked and folded, and when so indorsed he shall deliver it to the
658 voter, which ballot the voter shall mark in the manner provided by
659 law, which when done the voter shall deliver the same to the
660 initialing manager or, in his absence, to the alternate initialing
661 manager, in the presence of the others, and the manager shall see



662 that the ballot so delivered bears on the back thereof the genuine
663 initials of the initialing manager, or alternate initialing
664 manager, and if so, but not otherwise, the ballot shall be put
665 into the ballot box; and when so done one (1) of the managers or a
666 duly appointed clerk shall make the proper entry on the pollbook.
667 If the voter is unable to write his name on the receipt book, a
668 manager or clerk shall note on the back of the ballot that it was
669 receipted for by his assistance.

670 **SECTION 16.** The Attorney General of the State of Mississippi
671 shall submit this act, immediately upon approval by the Governor,
672 or upon approval by the Legislature subsequent to a veto, to the
673 Attorney General of the United States or to the United States
674 District Court for the District of Columbia in accordance with the
675 provisions of the Voting Rights Act of 1965, as amended and
676 extended.

677 **SECTION 17.** Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act
678 shall take effect and be in force from and after the date they are
679 effectuated under Section 5 of the Voting Rights Act of 1965, as
680 amended and extended. The remainder of this act shall take effect
681 and be in force from and after January 1, 2004, or the date they
682 are effectuated under Section 5 of the Voting Rights Act of 1965,
683 as amended and extended, whichever is the later date.

