

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

To: Elections

SENATE BILL NO. 2821
(As Passed the Senate)

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 REQUIRE PERSONS
32 PRESENTING THEMSELVES TO VOTE TO PRESENT CERTAIN IDENTIFICATION
33 PRIOR TO BEING ALLOWED TO VOTE; TO AMEND SECTIONS 23-15-541,
34 23-15-631, 23-15-639 AND 23-15-719, MISSISSIPPI CODE OF 1972, IN
35 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

74 **SECTION 7.** The Secretary of State shall be responsible for
75 providing information required by Section 702 of the Help America



76 Vote Act of 2002, regarding voter registration procedures and
77 absentee ballot procedures to be used by absent uniformed services
78 voters and overseas voters with respect to elections, including
79 procedures relating to the use of the federal write-in absentee
80 ballot, to all absent uniformed services voters and overseas
81 voters who wish to register to vote or vote in this state.

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

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

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

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

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

106 "APPLICATION FOR REGISTRATION

107 (You may receive assistance in filling out this form from any
108 person of your choosing. It is not necessary that this form be



109 filled out in the presence of the registrar, however, the oath
110 must be executed in the presence of the registrar or his deputy.)

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

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

117 3. What is your date of birth? _____

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

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

125 (a) Present address: _____

126 From _____ (month) to date.

127 (b) Previous address: _____

128 From _____ (month) to _____ (month).

129 (c) Previous address: _____

130 From _____ (month) to _____ (month).

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

133 6. What is your present mailing address? _____

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

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

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



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

174 _____.

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

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



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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

392 5. The penalty for conviction of false registration is a
393 felony punishable by a fine of not more than Five Thousand Dollars
394 (\$5,000.00) or imprisonment for not more than five (5) years, or
395 both."

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

397 **STATE OF MISSISSIPPI**

398 I, _____, hereby apply for registration as a
399 voter of _____ County, Mississippi.

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

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



402 2. Male ___ Female ___

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

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

408 5. Present Home Address:

409 (a) _____ (Street and Number)
410 _____ (City, State, Zip)

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

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

415 (d) Telephone number, if available:

416 (i) Home telephone number _____
417 (ii) Daytime or work telephone number _____

418 6. Mailing Address: Give your current mailing address if
419 different from your present home address:

420 _____ (Box or Street and Number)
421 _____ (City, State, Zip)

422 7. Previous Address: List your most recent address before
423 your present address:

424 _____ (Box or Street and Number)
425 _____ (City, State, Zip)

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

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

431 9. Citizenship, Residence, Prior Convictions:

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



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

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

442 11. Applicant Signature and Certification:

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

450 Applicant sign here: _____

451 Date: _____

452 12. Witness Signature and Certification:

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

466 Witness sign here: _____



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

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

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

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

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

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



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

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



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

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

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

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

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

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

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

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

562 (f) The consequences under federal and state laws
563 regarding fraud and misrepresentation.

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



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

573 (a) Contains instructions explaining the procedure for
574 completing an affidavit ballot;

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

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



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

603 * * *

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

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

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

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

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

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

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



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

635 SECTION 15. (1) Each elector shall present valid
636 identification to an election manager, or the circuit clerk or
637 deputy circuit clerk in the case of absentee voting, before he
638 shall be allowed to vote. Valid identification shall consist of
639 any one (1) of the following:

640 (a) A valid Mississippi driver's license;

641 (b) A valid identification card issued by a branch,
642 department, agency or entity of the State of Mississippi;

643 (c) A valid United States passport;

644 (d) A valid employee identification card containing a
645 photograph of the elector and issued by any branch, department,
646 agency or entity of the United States government, the State of
647 Mississippi, or any county, municipality, board, authority or
648 other entity of this state;

649 (e) A valid employee identification card containing a
650 photograph of the elector and issued by any employer of the
651 elector in the ordinary course of the employer's business;

652 (f) A valid student identification card containing a
653 photograph of the elector from any public or private college,
654 university, or postgraduate, technical or professional school
655 located within the State of Mississippi;

656 (g) A valid Mississippi license to carry a pistol or
657 revolver;

658 (h) A valid pilot's license issued by the Federal
659 Aviation Administration or other authorized agency of the United
660 States;

661 (i) A valid United States military identification card;

662 (j) A certified copy of the elector's birth
663 certificate;



664 (k) A valid social security card;
665 (l) Certified naturalization documentation;
666 (m) Social security documentation;
667 (n) Bank statement;
668 (o) Official voter registration card;
669 (p) Medicaid identification card;
670 (q) Medicare identification card;
671 (r) Food stamp recipient EBT card; or
672 (s) Any other generally recognized form of photographic
673 identification.

674 (2) If an elector is unable to produce any of the items of
675 identification listed in subsection (1) of this section, he or she
676 shall sign a statement under oath in a form approved by the State
677 Board of Election Commissioners, swearing or affirming that he or
678 she is the person identified on the pollbooks. One (1) of the
679 election managers, or the circuit clerk or deputy circuit clerk in
680 the case of absentee voting, shall sign the statement as a witness
681 to the oath taken by the elector. The person shall be allowed to
682 vote without undue delay. Any elector who falsely swears or
683 affirms the statement prescribed in this subsection shall be
684 guilty of a felony and, upon conviction, shall be fined not more
685 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than
686 one (1) year, but not more than five (5) years, or both.

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

689 23-15-541. At all elections, the polls shall be opened at
690 seven o'clock in the morning and be kept open until seven o'clock
691 in the evening and no longer. Upon the opening of the polls, and
692 not before, the managers of the election shall designate two (2)
693 of their number, other than the manager theretofore designated to
694 receive the blank ballots, who shall thereupon be known
695 respectively as the initialing manager and the alternate
696 initialing manager. The alternate initialing manager, in the



697 absence of the initialing manager, shall perform all of the duties
698 and undertake all of the responsibilities of the initialing
699 manager. When any person entitled to vote shall appear to vote,
700 the managers shall first identify the voter by requiring the voter
701 to present valid identification as provided in Section 15, Senate
702 Bill No. 2821, 2003 Regular Session, and then the person
703 shall * * * sign his name in a receipt book or booklet provided
704 for that purpose and to be used at that election only and said
705 receipt book or booklet shall be used in lieu of the list of
706 voters who have voted formerly made by the managers or clerks;
707 whereupon and not before, the initialing manager or, in his
708 absence, the alternate initialing manager shall indorse his
709 initials on the back of an official blank ballot, prepared in
710 accordance with law, and at such place on the back of the ballot
711 that the initials may be seen after the ballot has been marked and
712 folded, and when so indorsed he shall deliver it to the voter,
713 which ballot the voter shall mark in the manner provided by law,
714 which when done the voter shall deliver the same to the initialing
715 manager or, in his absence, to the alternate initialing manager,
716 in the presence of the others, and the manager shall see that the
717 ballot so delivered bears on the back thereof the genuine initials
718 of the initialing manager, or alternate initialing manager, and if
719 so, but not otherwise, the ballot shall be put into the ballot
720 box; and when so done one (1) of the managers or a duly appointed
721 clerk shall make the proper entry on the pollbook. If the voter
722 is unable to write his name on the receipt book, a manager or
723 clerk shall note on the back of the ballot that it was receipted
724 for by his assistance.

725 **SECTION 17.** Section 23-15-631, Mississippi Code of 1972, is
726 amended as follows:

727 23-15-631. (1) The registrar shall enclose with each ballot
728 provided to an absent elector separate printed instructions
729 furnished by him containing the following:



730 (a) All absentee voters, excepting those with temporary
731 or permanent physical disabilities or those who are sixty-five
732 (65) years of age or older, who mark their ballots in the county
733 of the residence shall use the registrar of that county as the
734 witness. Said absentee voter shall come to the office of the
735 registrar and neither the registrar nor his deputy shall be
736 required to go out of the registrar's office to serve as an
737 attesting witness.

738 (b) Upon receipt of the enclosed ballot, you will not
739 mark same except in view or sight of the attesting witness. In
740 the sight or view of the attesting witness, mark the ballot
741 according to instructions.

742 (c) After marking the ballot, fill out and sign the
743 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
744 signature shall be across the flap of the envelope so as to insure
745 the integrity of the ballot. All absent electors shall have the
746 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
747 the flap on back of the envelope. Place necessary postage on the
748 envelope and deposit it in the post office or some government
749 receptacle provided for deposit of mail so that the absent
750 elector's ballot, excepting presidential absentee ballots, will
751 reach the registrar in which your precinct is located not later
752 than 5:00 p.m. on the day preceding the date of the election, or
753 by personally delivering such ballot to the registrar's office not
754 later than 12:00 noon on the Saturday immediately preceding
755 elections held on Tuesday, the Thursday immediately preceding
756 elections held on Saturday, and the second day immediately
757 preceding elections held on other days.

758 Any notary public, United States postmaster, assistant United
759 States postmaster, United States postal supervisor, clerk in
760 charge of a contract postal station, or any officer having
761 authority to administer an oath or take an acknowledgment may be
762 an attesting witness; provided, however, that in the case of an



763 absent elector who is temporarily or permanently physically
764 disabled, the attesting witness may be any person eighteen (18)
765 years of age or older and such person is not required to have the
766 authority to administer an oath. If a postmaster, assistant
767 postmaster, postal supervisor, or clerk in charge of a contract
768 postal station acts as an attesting witness, his signature on the
769 elector's certificate must be authenticated by the cancellation
770 stamp of their respective post offices. If one or the other
771 officers herein named acts as attesting witness, his signature on
772 the elector's certificate, together with his title and address,
773 but no seal, shall be required. Any affidavits made by an absent
774 elector who is in the Armed Forces may be executed before a
775 commissioned officer, warrant officer, or noncommissioned officer
776 not lower in grade than sergeant rating or any person authorized
777 to administer oaths.

778 (d) When the application accompanies the ballot it
779 shall not be returned in the same envelope as the ballot but shall
780 be returned in a separate preaddressed envelope provided by the
781 registrar.

782 (e) A person who is a candidate for public office may
783 not be an attesting witness for any absentee ballot upon which the
784 person's name appears.

785 (f) Any voter casting an absentee ballot who declares
786 that he requires assistance to vote by reason of blindness,
787 temporary or permanent physical disability or inability to read or
788 write, shall be entitled to receive assistance in the marking of
789 his absentee ballot and in completing the affidavit on the
790 absentee ballot envelope. The voter may be given assistance by
791 anyone of the voter's choice other than a candidate whose name
792 appears on the absentee ballot being marked, or the voter's
793 employer, or agent of that employer. In order to ensure the
794 integrity of the ballot, any person who provides assistance to an
795 absentee voter shall be required to sign and complete the



796 "Certificate of Person Providing Voter Assistance" on the absentee
797 ballot envelope.

798 (2) The Secretary of State shall prepare instructions on how
799 absent voters may comply with the Help America Vote Act of 2002
800 which shall be provided to the registrar and enclosed with each
801 absent ballot.

802 (3) The foregoing instructions required to be provided by
803 the registrar to the elector shall also constitute the substantive
804 law pertaining to the handling of absentee ballots by the elector
805 and registrar.

806 **SECTION 18.** Section 23-15-639, Mississippi Code of 1972, is
807 amended as follows:

808 23-15-639. (1) At the close of the regular balloting and at
809 the close of the polls, the election managers of each voting
810 precinct shall first take the envelopes containing the absentee
811 ballots of such electors from the box, and the name, address and
812 precinct inscribed on each such envelope shall be announced by the
813 election managers. The signature on the application shall then be
814 compared with the signature on the back of the envelope. If it
815 corresponds and the affidavit, if one is required, is sufficient
816 and the election managers find that the applicant is a registered
817 and qualified voter or otherwise qualified to vote, and that he
818 has not appeared in person and voted at such election, the
819 envelope shall then be opened and the ballot removed from the
820 envelope, without its being unfolded, or permitted to be unfolded
821 or examined. Having observed and found the ballot to be regular
822 as far as can be observed from its official endorsement, the
823 election managers shall deposit it in the ballot box with the
824 other ballots before counting any ballots and enter the voter's
825 name in the receipt book provided for that purpose and mark
826 "VOTED" in the pollbook or poll list as if he had been present and
827 voted in person. If voting machines are used, all absentee
828 ballots shall be placed in the ballot box before any ballots are



829 counted, and the election managers in each precinct shall
830 immediately count such absentee ballots and add them to the votes
831 cast in the voting machine or device.

832 (2) The election managers shall also take such action as may
833 be prescribed by the Secretary of State to ensure compliance with
834 the provisions of the Help America Vote Act of 2002.

835 SECTION 19. Section 23-15-719, Mississippi Code of 1972, is
836 amended as follows:

837 23-15-719. (1) Immediately upon completion of an
838 application filed pursuant to the provisions of paragraph (a) of
839 Section 23-15-715, the registrar shall deliver the necessary
840 ballots to the applicant. The registrar shall only deliver the
841 ballots to the applicant by mail or to the applicant in the
842 registrar's office. The registrar shall not personally hand
843 deliver ballots to voters, unless he delivers the ballots in the
844 office of the registrar. The elector shall fill in his ballot in
845 secret. After the applicant has properly marked the ballot and
846 properly folded it, he shall deposit it in the envelope furnished
847 him by the registrar. The registrar shall take such action as may
848 be prescribed by the Secretary of State to ensure compliance with
849 the provisions of the Help America Vote Act of 2002.

850 After he has sealed the envelope, he shall subscribe and
851 swear to an affidavit in the following form, which shall be
852 printed on the back of the envelope containing the applicant's
853 ballot:

854 "STATE OF MISSISSIPPI
855 COUNTY OF _____

856 I, _____, do solemnly swear that this envelope contains
857 the ballot marked by me indicating my choice of the candidates or
858 propositions to be submitted at the election to be held on the ____
859 day of _____, 2____, and I hereby authorize the registrar to
860 place this envelope in the ballot box on my behalf, and I further
861 authorize the election managers to open this envelope and place my



862 ballot among the other ballots cast before such ballots are
863 counted, and record my name on the poll list as if I were present
864 in person and voted.

865 I further swear that I marked the enclosed ballot in secret.

866 _____
867 (Signature of voter)

868 SWORN TO AND SUBSCRIBED before me, _____, this the ____
869 day of _____, 2____.

870 (Registrar) _____
871 (Registrar) "

872 After the completion of the requirements of this section, the
873 elector shall deliver the envelope containing the ballot to the
874 registrar.

875 (2) If the voter has received assistance in marking his
876 ballot, the person providing the assistance shall complete the
877 following form which shall be printed on the back of the envelope
878 containing the applicant's ballot:

879 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

880 (To be completed only if the voter has received assistance in
881 marking the enclosed ballot.) I hereby certify that the
882 above-named voter declared to me that he or she is blind,
883 temporarily or permanently physically disabled, or cannot read or
884 write, and that the voter requested that I assist the voter in
885 marking the enclosed absentee ballot. I hereby certify that the
886 ballot preferences on the enclosed ballot are those communicated
887 by the voter to me, and that I have marked the enclosed ballot in
888 accordance with the voter's instructions.

889 _____
890 Signature of person providing assistance

891 _____
892 Printed name of person providing assistance

893 _____
894 Address of person providing assistance



895

Date and time assistance provided

897

898 Family relationship to voter (if any)"

899 (3) The envelope used pursuant to this section shall not
900 contain the form prescribed by Section 23-15-635.

901 **SECTION 20.** The Attorney General of the State of Mississippi
902 shall submit this act, immediately upon approval by the Governor,
903 or upon approval by the Legislature subsequent to a veto, to the
904 Attorney General of the United States or to the United States
905 District Court for the District of Columbia in accordance with the
906 provisions of the Voting Rights Act of 1965, as amended and
907 extended.

908 **SECTION 21.** Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act
909 shall take effect and be in force from and after the date they are
910 effectuated under Section 5 of the Voting Rights Act of 1965, as
911 amended and extended. The remainder of this act shall take effect
912 and be in force from and after January 1, 2004, or the date they
913 are effectuated under Section 5 of the Voting Rights Act of 1965,
914 as amended and extended, whichever is the later date.

