

**\*\*\*Improper\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2821**

**By Representative(s) Reynolds**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

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

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

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

51        SECTION 4. The Secretary of State and the Commissioner of  
52 Public Safety shall enter into an agreement to match information  
53 required under Section 303(b)(3)(B)(ii) of the Help America Vote

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

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

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

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

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

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

88 23-15-11. Every inhabitant of this state, except idiots and

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

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

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

107       "APPLICATION FOR REGISTRATION

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

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

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

118       3. What is your date of birth? \_\_\_\_\_

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

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

124 describes the geographic location of your present residence  
125 address?

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

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

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

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

134 6. What is your present mailing address? \_\_\_\_\_

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

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

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

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

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

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

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

152 \_\_\_\_\_ Please give your work telephone number. \_\_\_\_\_

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

156 STATE OF MISSISSIPPI

157 COUNTY OF \_\_\_\_\_

158 I do solemnly swear (or affirm) that I am at least eighteen

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

169 Applicant sign here: \_\_\_\_\_

170 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_\_ day of  
171 \_\_\_\_\_, 2\_\_\_\_.

172 \_\_\_\_\_ (Registrar)

173 By \_\_\_\_\_ (Deputy Registrar)"

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

175 \_\_\_\_\_.

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

179 (3) If the reply to Question 8 above is affirmative, the  
180 county registrar shall forward notice of registration, a copy of  
181 the application for registration, and any changes to such  
182 registration when they occur, either by certified mail to the  
183 clerk of the municipality indicated in the present residence  
184 address stated in answer to Question 5(a) above or by personal  
185 delivery to such clerk provided that a numbered receipt is signed  
186 by such clerk in return for the described documents. Upon receipt  
187 of the copy of the application for registration or changes to such  
188 registration, and if a review \* \* \* indicates that the applicant  
189 meets all the criteria necessary to qualify as a municipal  
190 elector, then the clerk of the municipality shall make a  
191 determination of the municipal voting precinct in which the person  
192 making the application shall be required to vote. The clerk shall  
193 send this municipal voting precinct information by United States

194 first-class mail, postage prepaid, to such person at the address  
195 provided on the application. Any and all mailing costs incurred  
196 by the county registrar or the clerk of the municipality in  
197 effectuating this subsection shall be paid by the governing  
198 authority of such municipality. If a review of the copy of the  
199 application for registration or changes to such registration  
200 indicates that the applicant is not qualified to vote in the  
201 municipality, the clerk of the municipality shall challenge such  
202 application. The municipal election commissioners of the  
203 municipality shall review any such challenge or disqualification  
204 after having notified the applicant by certified mail of such  
205 challenge or disqualification.

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

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

226 (6) Any person desiring an application for registration may  
227 secure an application from the registrar of the county of which he  
228 is a resident and may take the application with him and secure

229 assistance in completing the application from any person of the  
230 applicant's choice. It shall be the duty of all registrars to  
231 furnish applications for registration to all persons requesting  
232 them, and it shall likewise be his duty to furnish aid and  
233 assistance in the completing of the application when requested by  
234 an applicant. The application for registration shall be sworn to  
235 and subscribed before the registrar or deputy registrar at the  
236 municipal clerk's office, the county registrar's office or any  
237 other location where the applicant is allowed to register to vote.

238 No fee or cost shall be charged the applicant by the registrar  
239 for accepting the application or administering the oath or for any  
240 other duty imposed by law regarding the registration of electors.

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

251 The registrar shall forward a copy of all such recorded responses  
252 to the Secretary of State and shall indicate which were approved  
253 for registration.

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

259 (9) In any case in which a municipality expands its  
260 corporate boundaries by annexation, the municipal clerk shall,  
261 within ten (10) days after the effective date of such annexation,  
262 forward to the county registrar a map which accurately depicts the  
263 annexed area. The county registrar shall, within ten (10) days

264 after the receipt of the map, forward to the municipal clerk a  
265 copy of the most recent county precinct or subprecinct pollbook  
266 for the county precincts in which the annexed area is included, or  
267 equivalent computer data or information as will permit the  
268 identification of county electors who reside in the annexed area.  
269 The municipal clerk shall add those county electors who have  
270 resided in the annexed area for at least thirty (30) days after  
271 annexation to the municipal registration books as registered  
272 voters of the municipality and shall forward to such persons  
273 written notification of such addition and of the municipal  
274 precinct or ward in which such persons reside.

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

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

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

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

297 (b) Upon receipt of a mail-in application, the county  
298 registrar shall stamp such application with the date of receipt,



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

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

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

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

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

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

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

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

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

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

365                   (f) If a mail-in application is subject to rejection  
366 for the reason stated in paragraph (d)(v) of this subsection and  
367 the "present home address" portion of the application is different  
368 from the residence address for the applicant found in the

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

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

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

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

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

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

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

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

403 5. The penalty for conviction of false registration is a

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

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

408 **STATE OF MISSISSIPPI**

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

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

413 2. Male \_\_\_ Female \_\_\_

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

418 4. Date of Birth: \_\_\_\_\_ 4a. Age: \_\_\_\_\_

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

420 5. Present Home Address:

421 (a) \_\_\_\_\_ (Street and Number)

422 \_\_\_\_\_ (City, State, Zip)

423 (b) How long have you lived there?

424 From \_\_\_\_\_ (month/year) to present.

425 (c) Do you now live in a city or town of this

426 county? \_\_\_\_\_ If so, which? \_\_\_\_\_

427 (d) Telephone number, if available:

428 (i) Home telephone number \_\_\_\_\_

429 (ii) Daytime or work telephone number \_\_\_\_\_

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

432 \_\_\_\_\_ (Box or Street and Number)

433 \_\_\_\_\_ (City, State, Zip)

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

436 \_\_\_\_\_ (Box or Street and Number)

437 \_\_\_\_\_ (City, State, Zip)

438 From \_\_\_\_\_ (month/year) to \_\_\_\_\_ (month/year)

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

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

443 9. Citizenship, Residence, Prior Convictions:

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

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

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

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

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

456 11. Applicant Signature and Certification:

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

464 Applicant sign here: \_\_\_\_\_

465 Date: \_\_\_\_\_

466 12. Witness Signature and Certification:

467 I certify that I am a registered voter in \_\_\_\_\_  
468 County, Mississippi, that I am not now a candidate for public  
469 office, and that the above named applicant signed this application  
470 for registration in my presence. I further certify that I have  
471 read the above application, and that the facts stated therein are  
472 true and correct to the best of my knowledge. I personally know  
473 the person who appeared before me or I have seen the person's

474 identification. I understand that the penalty for knowingly  
475 procuring a person's registration who is not entitled to be  
476 registered, or is registered under a false name or in any other  
477 voting precinct than that in which he resides, is a fine of not  
478 more than Five Thousand Dollars (\$5,000.00) or imprisonment for  
479 not more than five (5) years, or both.

480 Witness sign here: \_\_\_\_\_

481 Full name and address of witness (Print):

482 Name: \_\_\_\_\_

483 Address: \_\_\_\_\_ (Street and Number)

484 \_\_\_\_\_ (City, State, Zip)

485 Telephone number, if available:

486 Home telephone number \_\_\_\_\_

487 Daytime or work telephone number \_\_\_\_\_"

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

489 \_\_\_\_\_.

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

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

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

507 (5) The originals of completed mail-in applications shall  
508 remain on file in the office of the county registrar in accordance

509 with Section 23-15-113. Nothing in this section shall preclude  
510 having applications on microfilm or microfiche.

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

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

544 commission of the voter's previous place of registration shall be  
545 responsible for having such voter's name erased from the  
546 appropriate registration book and pollbook.

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

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

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

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

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

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

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

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

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

578 **SECTION 13.** Section 23-15-573, Mississippi Code of 1972, is



579 amended as follows:

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

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

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

592 (2) If any person offering to vote in any election whose  
593 name does not appear upon the pollbook, or who was registered to  
594 vote by mail and is a first time voter lacking a form of voter  
595 identification required by Section 303 of the Help America Vote  
596 Act of 2002, shall make affidavit before one (1) of the managers  
597 of election in writing that he is entitled to vote, \* \* \* that he  
598 has been illegally denied registration, or that he was registered  
599 to vote by mail and is a first time voter lacking a form of voter  
600 identification required by Section 303 of the Help America Vote  
601 Act of 2002, as the case may be, his vote may be prepared by him  
602 and handed to the proper election officer who shall enclose it in  
603 an envelope with the written affidavit of the voter, seal the  
604 envelope and mark plainly upon it the name of the person offering  
605 to vote. The affidavit must include the complete name, all  
606 required addresses and telephone numbers, a statement that the  
607 affiant believes he is registered to vote in the jurisdiction in  
608 which he desires to vote and is eligible to vote in the election  
609 and the signature of the affiant, and must include the signature  
610 of one (1) of the election managers. A separate register shall be  
611 maintained for affidavit ballots, and the affiant shall sign the  
612 register upon completing an affidavit under this section. In  
613 canvassing the returns of the election, the executive committee in

614 primary elections, or the election commissioners, in a general  
615 election, shall examine the records and allow the ballot to be  
616 counted, or not counted, as it appears to be legal.

617 \* \* \*

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

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

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

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

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

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

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

647 (3) The registrar shall preserve all applications for  
648 absentee voter ballots for one (1) year as a record to be

649 furnished to any court or constituted authority for inspection or  
650 evidence if properly called for.

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

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

662 **SECTION 16.** Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act  
663 shall take effect and be in force from and after the date they are  
664 effectuated under Section 5 of the Voting Rights Act of 1965, as  
665 amended and extended. The remainder of this act shall take effect  
666 and be in force from and after January 1, 2004, or the date they  
667 are effectuated under Section 5 of the Voting Rights Act of 1965,  
668 as amended and extended, whichever is the later date.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO COMPLY WITH THE FEDERAL HELP AMERICA VOTE ACT OF  
2 2002; TO REQUIRE THE SECRETARY OF STATE TO ESTABLISH AN  
3 ADMINISTRATIVE COMPLAINT PROCEDURE FOR HANDLING GRIEVANCES IN  
4 ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002; TO REQUIRE THE  
5 SECRETARY OF STATE AND THE COMMISSIONER OF PUBLIC SAFETY TO ENTER  
6 INTO AN AGREEMENT TO MATCH CERTAIN INFORMATION REQUIRED UNDER SUCH  
7 ACT; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN  
8 AGREEMENT WITH THE COMMISSIONER OF SOCIAL SECURITY TO VERIFY  
9 CERTAIN INFORMATION; TO GRANT THE SECRETARY OF STATE THE AUTHORITY  
10 TO ACCEPT AND EXPEND FEDERAL FUNDS APPROPRIATED TO CARRY OUT  
11 VOTING MACHINE BUYOUT PROGRAM AUTHORIZED BY SUCH ACT; TO REQUIRE  
12 THE SECRETARY OF STATE TO PROVIDE CERTAIN INFORMATION REGARDING  
13 VOTER REGISTRATION AND VOTING PROCEDURES; TO AMEND SECTIONS  
14 23-15-11, 23-15-39, 23-15-47, 23-15-255, 23-15-573 AND 23-15-687,  
15 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VOTER'S REGISTRATION  
16 NUMBER SHALL BE HIS DRIVER LICENSE NUMBER, THE LAST FOUR DIGITS OF  
17 HIS SOCIAL SECURITY NUMBER IF HE HAS NO DRIVER'S LICENSE OR A  
18 UNIQUE NUMBER ASSIGNED BY THE SECRETARY OF STATE IF A DRIVER'S  
19 LICENSE NUMBER OR THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY  
20 NUMBER ARE NOT PROVIDED; TO REQUIRE CERTAIN INFORMATION TO BE  
21 POSTED AT PRECINCT POLLING PLACES; TO REVISE THE PROVISIONS  
22 REGARDING AFFIDAVIT BALLOTS TO PROVIDE CERTAIN ADDITIONAL REASONS  
23 THAT A PERSON MAY VOTE BY AFFIDAVIT BALLOT AND TO REQUIRE THE

24 SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE AFFIDAVIT AND  
25 ENVELOPE; TO PROVIDE THAT AN APPLICATION TO VOTE UNDER THE ARMED  
26 SERVICES ABSENTEE VOTING LAW SHALL SERVE AS A REQUEST FOR AN  
27 ABSENTEE BALLOT FOR THE NEXT TWO FEDERAL GENERAL ELECTIONS AND ALL  
28 PRIMARY AND GENERAL ELECTIONS THAT FALL WITHIN THAT TIME FRAME; TO  
29 PROVIDE THAT IF AN APPLICATION FOR ABSENTEE BALLOT OR A REQUEST TO  
30 REGISTER TO VOTE BY A UNIFORMED SERVICES APPLICANT OR AN OVERSEAS  
31 VOTER IS REJECTED, THE APPLICANT MUST BE PROVIDED WITH THE REASONS  
32 FOR THE REJECTION; AND FOR RELATED PURPOSES.