

By: Representative Banks

To: Apportionment and  
Elections

## HOUSE BILL NO. 1390

1 AN ACT TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE MAIL-IN VOTER REGISTRATION APPLICATIONS TO BE PLACED IN  
3 ALL POLLING PLACES ON AN ELECTION DAY; TO PROVIDE THAT ANY PERSON  
4 OBTAINING AND COMPLETING A MAIL-IN VOTER REGISTRATION APPLICATION  
5 MUST MAIL THE APPLICATION TO HIS COUNTY REGISTRAR BEFORE HE WILL  
6 BE REGISTERED TO VOTE; TO AMEND SECTION 23-15-245, MISSISSIPPI  
7 CODE OF 1972, TO PROVIDE THAT PERSONS WANTING TO OBTAIN A MAIL-IN  
8 VOTER REGISTRATION APPLICATION SHALL BE ALLOWED TO ENTER THE  
9 POLLING PLACE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-47, Mississippi Code of 1972, is  
12 amended as follows:

13 23-15-47. (1) Any person who is qualified to register to  
14 vote in the State of Mississippi may register to vote by mail-in  
15 application in the manner prescribed in this section.

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

18 (a) Any qualified elector may register to vote by  
19 mailing or delivering a completed mail-in application to his  
20 county registrar at least thirty (30) days prior to any election.  
21 The postmark date of a mailed application shall be the date of  
22 registration. The application shall be witnessed by one (1)  
23 qualified elector in the county of the applicant's residence. The  
24 name, address and, if available, the daytime telephone number of  
25 the person witnessing the application must be legibly written or  
26 printed on the application. The witness shall not be a candidate  
27 for public office as of the date of the execution of the  
28 application. Any applicant or witness is subject to the penalties  
29 provided in Section 23-15-17 for false registration. Any person  
30 who willfully swears falsely to any material matter on a mail-in

31 application is guilty of perjury and, upon conviction thereof,  
32 shall be punished as provided in Section 97-9-61.

33 (b) Upon receipt of a mail-in application, the county  
34 registrar shall stamp such application with the date of receipt,  
35 and shall verify the application by contacting the applicant by  
36 telephone, by personal contact with the applicant, or by any other  
37 method approved by the Secretary of State. Within twenty-five  
38 (25) days of receipt of a mail-in application, the county  
39 registrar shall complete action on the application, including any  
40 attempts to notify the applicant of the status of his application.

41 (c) If the county registrar determines that the  
42 applicant is qualified and his application is legible and  
43 complete, he shall mail the applicant written notification that  
44 the application has been approved, specifying the county voting  
45 precinct, polling place and supervisor district in which such  
46 person shall vote. This written notification of approval  
47 containing the specified information shall be the voter's  
48 registration card. Said registration cards shall be provided by  
49 the county registrar. The registrar shall assign a voter  
50 registration number to such person, which shall be that person's  
51 social security number if such a number is provided, and said  
52 voter registration number shall be clearly shown on the  
53 application and on the written notification of approval. In  
54 mailing such written notification, the county registrar shall note  
55 the following on the envelope: "DO NOT FORWARD." If any  
56 registration notification form is returned as undeliverable, the  
57 voter's registration shall be void.

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

60 (i) An incomplete portion of the application which  
61 makes it impossible for the registrar to determine the eligibility  
62 of the applicant to register;

63                   (ii) A portion of the application which is  
64 illegible in the opinion of the county registrar and makes it  
65 impossible to determine the eligibility of the applicant to  
66 register;

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

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

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

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

77                   (e) If the mail-in application of a person is subject  
78 to rejection for any of the reasons set forth in paragraphs (d)(i)  
79 through (iii) of this subsection, and it appears to the registrar  
80 that the defect or omission is of such a minor nature and that any  
81 necessary additional information may be supplied by the applicant  
82 over the telephone or by further correspondence, the registrar may  
83 write or call the applicant at the telephone number provided on  
84 the application. If the registrar is able to contact the  
85 applicant by mail or telephone, he shall attempt to ascertain the  
86 necessary information and if this information is sufficient for  
87 the registrar to complete the application, the applicant shall be  
88 registered. If the necessary information cannot be obtained by  
89 mail or telephone or is not sufficient, the registrar shall give  
90 the applicant written notice of the rejection and provide the  
91 reason for such rejection. The registrar shall further inform the  
92 applicant that he has a right to attempt to register by appearing  
93 in person or by filing another mail-in application.

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

96 the "present home address" portion of the application is different  
97 from the residence address for the applicant found in the  
98 registration book, the mail-in application shall be deemed a  
99 written request to transfer registration pursuant to Section  
100 23-15-13. Subject to the time limits and other provisions of  
101 Section 23-15-13, the registrar or the election commissioners  
102 shall note the new residence address on his records and, if  
103 necessary, transfer the applicant to his new precinct, advise the  
104 applicant of his new precinct, polling place and supervisor  
105 district, and notify the municipal clerk of any such changes on a  
106 monthly basis.

107 (3) The instructions and the application form for voter  
108 registration by mail shall be in the following form and shall  
109 contain the following information:

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

111 1. Anyone may assist you in completing the enclosed  
112 application.

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

116 3. All required information must be supplied in legible  
117 form.

118 4. The completed application must be mailed or delivered to  
119 the registrar of your county at least thirty (30) days before an  
120 election in order for you to be registered for that election.  
121 Applications which are mailed must be postmarked thirty (30) days  
122 prior to any election.

123 5. The penalty for conviction of false registration is a  
124 felony punishable by a fine of not more than Five Thousand Dollars  
125 (\$5,000.00) or imprisonment for not more than five (5) years, or  
126 both."

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

128 **STATE OF MISSISSIPPI**

129 I, \_\_\_\_\_, hereby apply for registration as a  
130 voter of \_\_\_\_\_ County, Mississippi.

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

132 \_\_\_\_\_ (First, Middle and/or Maiden, Last)

133 2. Male \_\_\_ Female \_\_\_

134 3. Please give your social security number: \_\_\_\_\_

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

136 5. Present Home Address:

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

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

139 (b) How long have you lived there?

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

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

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

143 (d) Telephone number, if available:

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

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

146 6. Mailing Address: Give your current mailing address if  
147 different from your present home address:

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

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

150 7. Previous Address: List your most recent address before  
151 your present address:

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

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

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

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

157 \_\_\_\_\_ If yes, give the last place you were registered:

158 \_\_\_\_\_ (City, County, State)

159 9. Citizenship, Residence, Prior Convictions:

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

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

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

166 10. Will you need assistance on election day? \_\_\_\_\_. If  
167 yes, for which of the following reasons: permanently physically  
168 disabled \_\_\_\_\_; other (please describe) \_\_\_\_\_  
169 \_\_\_\_\_.

170 11. Applicant Signature and Certification:

171 I certify that I am at least eighteen (18) years old (or I  
172 will be before the next general election), that the above  
173 information given by me is true and correct and that I have truly  
174 answered all questions in the foregoing application for  
175 registration, and that I will faithfully support the Constitution  
176 of the United States and of the State of Mississippi, and will  
177 bear true faith and allegiance to the same.

178 Applicant sign here: \_\_\_\_\_

179 Date: \_\_\_\_\_

180 12. Witness Signature and Certification:

181 I certify that I am a registered voter in \_\_\_\_\_  
182 County, Mississippi, that I am not now a candidate for public  
183 office, and that the above named applicant signed this application  
184 for registration in my presence. I further certify that I have  
185 read the above application, and that the facts stated therein are  
186 true and correct to the best of my knowledge. I personally know  
187 the person who appeared before me or I have seen the person's  
188 identification. I understand that the penalty for knowingly  
189 procuring a person's registration who is not entitled to be  
190 registered, or is registered under a false name or in any other  
191 voting precinct than that in which he resides, is a fine of not  
192 more than Five Thousand Dollars (\$5,000.00) or imprisonment for  
193 not more than five (5) years, or both.

194 Witness sign here: \_\_\_\_\_

195 Full name and address of witness (Print):

196 Name: \_\_\_\_\_

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

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

199 Telephone number, if available:

200 Home telephone number \_\_\_\_\_

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

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

207 (b) The Secretary of State shall distribute without  
208 charge sufficient forms for application for voter registration by  
209 mail to the Commissioner of Public Safety, who shall distribute  
210 such forms to each driver's license examining and renewal station  
211 in the state, and shall ensure that the forms are regularly  
212 available to the public at such stations.

213 (c) Bulk quantities of forms for application for voter  
214 registration by mail shall be furnished by the Secretary of State  
215 to any person or organization. The Secretary of State shall  
216 charge a person or organization the actual cost he incurs in  
217 providing bulk quantities of forms for application for voter  
218 registration to such person or organization.

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

223 (6) If the reply to question 5(c) above is affirmative, the  
224 county registrar shall forward notice of registration, a duplicate  
225 copy of the application for registration, and any changes to such  
226 registration when they occur, either by certified mail to the  
227 clerk of the municipality indicated in the present residence

228 address stated in answer to Question 5(c) above or by personal  
229 delivery to such clerk, provided that a numbered receipt is signed  
230 by such clerk in return for the described documents. Upon receipt  
231 of the copy of the application for registration or changes to such  
232 registration, and if a review of same indicates that the applicant  
233 meets all the criteria necessary to qualify as a municipal  
234 elector, then the clerk of said municipality shall register the  
235 applicant as a municipal elector and make a determination of the  
236 municipal voting precinct in which the person making the  
237 application shall be required to vote. The clerk shall send this  
238 municipal voting precinct information by United States first-class  
239 mail, postage prepaid, to such person at the address provided on  
240 the application. Any and all mailing costs incurred by the county  
241 registrar or the clerk of the municipality in effectuating this  
242 subsection shall be paid by the governing authority of such  
243 municipality. If a review of the copy of the application for  
244 registration or changes to such registration indicates that the  
245 applicant is not qualified to vote in said municipality, the clerk  
246 of said municipality shall deny such application and notify  
247 applicant.

248 (7) If the reply to Question 8 above is affirmative, the  
249 registrar or clerk shall send written notice of this new  
250 registration by regular United States mail to the registrar or  
251 clerk of the county stated in Question 8 as the voter's previous  
252 place of registration. The information shall include the complete  
253 name, address and age of the voter and shall include the social  
254 security number of such voter if it has been previously supplied.  
255 The election commission of the voter's previous place of  
256 registration shall be responsible for having such voter's name  
257 erased from the appropriate registration book and pollbook.

258 (8) Mail-in voter registration applications shall be placed  
259 in all polling places on an election day and shall be distributed  
260 to any person requesting a mail-in voter registration application.



261 Persons obtaining a mail-in voter registration application must  
262 mail the application to his county registrar as provided in  
263 subsection (2)(a) of this section before he will be registered to  
264 vote.

265 **SECTION 2.** Section 23-15-245, Mississippi Code of 1972, is  
266 amended as follows:

267 23-15-245. (1) It shall be the duty of the manager  
268 designated as bailiff to be present at the voting place, and to  
269 take such steps as will accomplish the purpose of his appointment,  
270 and he shall have full power to do so, and he may summon to his  
271 aid all persons present at the voting place. A space thirty (30)  
272 feet in every direction from the polls, or the room in which the  
273 election is held, shall be kept open and clear of all persons  
274 except the election officers and two (2) challengers of good  
275 conduct and behavior, selected by each party to detect and  
276 challenge illegal voters; and the electors shall approach the  
277 polls from one direction, line, door or passage, and depart in  
278 another as nearly opposite as convenient.

279 (2) Any person wanting to obtain a mail-in voter  
280 registration application shall be allowed to enter the polling  
281 place to obtain a mail-in voter registration application, and  
282 after he has obtained an application, he shall depart immediately  
283 from the polling place. The mail-in voter registration  
284 applications shall be distributed by the manager. Mail-in voter  
285 registration applications shall be placed in all polling places on  
286 an election day and shall be distributed as authorized in Section  
287 23-15-47(8).

288 **SECTION 3.** The Attorney General of the State of Mississippi  
289 shall submit this act, immediately upon approval by the Governor,  
290 or upon approval by the Legislature subsequent to a veto, to the  
291 Attorney General of the United States or to the United States  
292 District Court for the District of Columbia in accordance with the

293 provisions of the Voting Rights Act of 1965, as amended and  
294 extended.

295       **SECTION 4.** This act shall take effect and be in force from  
296 and after the date it is effectuated under Section 5 of the Voting  
297 Rights Act of 1965, as amended and extended.