

By: Representative Banks

To: Apportionment and
Elections

HOUSE BILL NO. 1393

1 AN ACT TO AMEND SECTION 23-15-11, 23-15-39 AND 23-15-47,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE SUFFRAGE SHALL BE RESTORED TO
3 ANY PERSON CONVICTED OF A DISQUALIFYING OFFENSE AFTER COMPLETION
4 OF THE CONDITIONS OF THE SENTENCE; AND FOR RELATED PURPOSES.

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

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

8 23-15-11. Every inhabitant of this state, except idiots and
9 insane persons, who is a citizen of the United States of America,
10 eighteen (18) years old and upwards, who has resided in this state
11 for thirty (30) days and for thirty (30) days in the county in
12 which he offers to vote, and for thirty (30) days in the
13 incorporated city or town in which he offers to vote, and who
14 shall have been duly registered as an elector pursuant to Section
15 23-15-33, and who has never been convicted of any crime listed in
16 Section 241, Mississippi Constitution of 1890, shall be a
17 qualified elector in and for the county, municipality and voting
18 precinct of his residence, and shall be entitled to vote at any
19 election. If a person has been convicted of a crime listed in
20 Section 241, Mississippi Constitution of 1890, and has completed
21 all the conditions of the sentence, such person shall not be
22 disqualified as an elector for such conviction. Any person who
23 will be eighteen (18) years of age or older on or before the date
24 of the general election and who is duly registered to vote not
25 less than thirty (30) days prior to the primary election
26 associated with such general election, may vote in such primary
27 election even though such person has not reached his or her
28 eighteenth birthday at the time such person offers to vote at such

29 primary election. No others than those above included shall be
30 entitled, or shall be allowed, to vote at any election.

31 **SECTION 2.** Section 23-15-39, Mississippi Code of 1972, is
32 amended as follows:

33 23-15-39. (1) Applications for registration as electors of
34 this state, which are sworn to and subscribed before the registrar
35 or deputy registrar authorized by law and which are not made by
36 mail, shall be made upon a triplicate form in the following words
37 and figures:

38 "APPLICATION FOR REGISTRATION

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

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

45 2. Please give your social security number. _____

46 3. What is your date of birth? _____

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

48 5. What is your present residence address and each place you
49 have resided during the past year, stating when you lived at each
50 place, and specifying the municipality or community, the street
51 name and number and/or any other designation which accurately
52 describes the geographic location of your present residence
53 address?

54 (a) Present address: _____
55 From _____ (month) to date.

56 (b) Previous address: _____
57 From _____ (month) to _____ (month).

58 (c) Previous address: _____
59 From _____ (month) to _____ (month).

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

62 6. What is your present mailing address? _____

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

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

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

69 10. Have you ever been convicted of the crime of murder,
70 rape, bribery, theft, arson, obtaining money or goods under false
71 pretenses, perjury, forgery, embezzlement or bigamy? _____
72 If the answer to this question is yes, have you completed all the
73 conditions of your sentence? _____

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

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

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

82 _____ Please give your work telephone number. _____

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

86 STATE OF MISSISSIPPI

87 COUNTY OF _____

88 I do solemnly swear (or affirm) that I am at least eighteen
89 (18) years old (or I will be before the next general election in
90 this county), and that I am now in good faith a resident of this
91 state and of _____ Election Precinct in this county, and that I
92 am not disqualified from voting by reason of having been convicted
93 of any crime listed in Question 10 of the application; that I have
94 truly answered all questions propounded to me in the foregoing

95 application for registration, and that I will faithfully support
96 the Constitutions of the United States and of the State of
97 Mississippi, and will bear true faith and allegiance to the same.
98 So help me God.

99 Applicant sign here: _____

100 SWORN TO AND SUBSCRIBED before me, this the _____ day of
101 _____, 2____.

102 _____ (Registrar)

103 By _____ (Deputy Registrar)"

104 (2) The boards of supervisors shall make proper allowances
105 for office supplies reasonably necessitated by the registration of
106 county electors.

107 (3) If the reply to Question 8 above is affirmative, the
108 county registrar shall forward notice of registration, a copy of
109 the application for registration, and any changes to such
110 registration when they occur, either by certified mail to the
111 clerk of the municipality indicated in the present residence
112 address stated in answer to Question 5(a) above or by personal
113 delivery to such clerk provided that a numbered receipt is signed
114 by such clerk in return for the described documents. Upon receipt
115 of the copy of the application for registration or changes to such
116 registration, and if a review of same indicates that the applicant
117 meets all the criteria necessary to qualify as a municipal
118 elector, then the clerk of said municipality shall make a
119 determination of the municipal voting precinct in which the person
120 making the application shall be required to vote. The clerk shall
121 send this municipal voting precinct information by United States
122 first-class mail, postage prepaid, to such person at the address
123 provided on the application. Any and all mailing costs incurred
124 by the county registrar or the clerk of the municipality in
125 effectuating this subsection shall be paid by the governing
126 authority of such municipality. If a review of the copy of the
127 application for registration or changes to such registration

128 indicates that the applicant is not qualified to vote in said
129 municipality, the clerk of said municipality shall challenge such
130 application. The municipal election commissioners responsible for
131 said municipality shall review any such challenge or
132 disqualification after having notified the applicant by certified
133 mail of such challenge or disqualification.

134 (4) If the reply to Question 9 above is affirmative, the
135 registrar or clerk shall on a monthly basis send notice of this
136 new registration to the registrar or clerk of the county stated in
137 Question 9 as the voter's previous place of registration. The
138 election commission of the voter's previous place of registration
139 shall be responsible for having such voter's name erased from the
140 appropriate registration book and pollbook.

141 (5) The registrar shall issue to the person making the
142 application a copy of such application upon which has been written
143 the county voting precinct in which said person shall vote. The
144 registrar shall assign a voter registration number to such person,
145 which shall be that person's social security number if such a
146 number is provided, and said voter registration number shall be
147 clearly shown on the application.

148 (6) Any person desiring an application for registration may
149 secure the same from the registrar of the county of which he is a
150 resident and may take said form with him and secure assistance in
151 completing said form from any person of the applicant's choice.
152 It shall be the duty of all registrars to furnish forms for
153 registering to all persons requesting the same, and it shall
154 likewise be his duty to furnish aid and assistance in the
155 completing of said forms when requested by an applicant. The
156 application for registration shall be sworn to and subscribed
157 before the registrar or deputy registrar at the municipal clerk's
158 office, the county registrar's office or any other location where
159 the applicant is allowed to register to vote. No fee or cost
160 shall be charged the applicant by the registrar for accepting the

161 application or administering the oath or for any other duty
162 imposed by law regarding the registration of electors.

163 (7) If the person making the application is unable to read
164 or write, for reason of disability or otherwise, he shall not be
165 required to personally complete the application in writing and
166 execute the oath. In such cases, the registrar or deputy
167 registrar shall read to such person the application and oath and
168 such person's answers thereto shall be recorded by the registrar
169 or his deputy. The person shall be registered as an elector if he
170 otherwise meets the requirements to be registered as such. The
171 registrar shall record the responses of such person and such
172 recorded responses shall be retained permanently by the registrar.
173 The registrar shall forward a copy of all such recorded responses
174 to the Secretary of State and shall indicate which were approved
175 for registration.

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

181 (9) In any case in which a municipality expands its
182 corporate boundaries by annexation, the municipal clerk shall,
183 within ten (10) days after the effective date of such annexation,
184 forward to the county registrar a map which accurately depicts the
185 annexed area. The county registrar shall, within ten (10) days
186 after the receipt of such map, forward to the municipal clerk a
187 copy of the most recent county precinct or subprecinct pollbook
188 for the county precincts in which such annexed area is included,
189 or equivalent computer data or information as will permit the
190 identification of county electors who reside in the annexed area.
191 The municipal clerk shall add those county electors who have
192 resided in the annexed area for at least thirty (30) days after
193 annexation to the municipal registration books as registered

194 voters of the municipality and shall forward to such persons
195 written notification of such addition and of the municipal
196 precinct or ward in which such persons reside.

197 **SECTION 3.** Section 23-15-47, Mississippi Code of 1972, is
198 amended as follows:

199 23-15-47. (1) Any person who is qualified to register to
200 vote in the State of Mississippi may register to vote by mail-in
201 application in the manner prescribed in this section.

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

204 (a) Any qualified elector may register to vote by
205 mailing or delivering a completed mail-in application to his
206 county registrar at least thirty (30) days prior to any election.
207 The postmark date of a mailed application shall be the date of
208 registration. The application shall be witnessed by one (1)
209 qualified elector in the county of the applicant's residence. The
210 name, address and, if available, the daytime telephone number of
211 the person witnessing the application must be legibly written or
212 printed on the application. The witness shall not be a candidate
213 for public office as of the date of the execution of the
214 application. Any applicant or witness is subject to the penalties
215 provided in Section 23-15-17 for false registration. Any person
216 who willfully swears falsely to any material matter on a mail-in
217 application is guilty of perjury and, upon conviction thereof,
218 shall be punished as provided in Section 97-9-61.

219 (b) Upon receipt of a mail-in application, the county
220 registrar shall stamp such application with the date of receipt,
221 and shall verify the application by contacting the applicant by
222 telephone, by personal contact with the applicant, or by any other
223 method approved by the Secretary of State. Within twenty-five
224 (25) days of receipt of a mail-in application, the county
225 registrar shall complete action on the application, including any
226 attempts to notify the applicant of the status of his application.

227 (c) If the county registrar determines that the
228 applicant is qualified and his application is legible and
229 complete, he shall mail the applicant written notification that
230 the application has been approved, specifying the county voting
231 precinct, polling place and supervisor district in which such
232 person shall vote. This written notification of approval
233 containing the specified information shall be the voter's
234 registration card. Said registration cards shall be provided by
235 the county registrar. The registrar shall assign a voter
236 registration number to such person, which shall be that person's
237 social security number if such a number is provided, and said
238 voter registration number shall be clearly shown on the
239 application and on the written notification of approval. In
240 mailing such written notification, the county registrar shall note
241 the following on the envelope: "DO NOT FORWARD." If any
242 registration notification form is returned as undeliverable, the
243 voter's registration shall be void.

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

246 (i) An incomplete portion of the application which
247 makes it impossible for the registrar to determine the eligibility
248 of the applicant to register;

249 (ii) A portion of the application which is
250 illegible in the opinion of the county registrar and makes it
251 impossible to determine the eligibility of the applicant to
252 register;

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

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

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

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

263 (e) If the mail-in application of a person is subject
264 to rejection for any of the reasons set forth in paragraphs (d)(i)
265 through (iii) of this subsection, and it appears to the registrar
266 that the defect or omission is of such a minor nature and that any
267 necessary additional information may be supplied by the applicant
268 over the telephone or by further correspondence, the registrar may
269 write or call the applicant at the telephone number provided on
270 the application. If the registrar is able to contact the
271 applicant by mail or telephone, he shall attempt to ascertain the
272 necessary information and if this information is sufficient for
273 the registrar to complete the application, the applicant shall be
274 registered. If the necessary information cannot be obtained by
275 mail or telephone or is not sufficient, the registrar shall give
276 the applicant written notice of the rejection and provide the
277 reason for such rejection. The registrar shall further inform the
278 applicant that he has a right to attempt to register by appearing
279 in person or by filing another mail-in application.

280 (f) If a mail-in application is subject to rejection
281 for the reason stated in paragraph (d)(v) of this subsection and
282 the "present home address" portion of the application is different
283 from the residence address for the applicant found in the
284 registration book, the mail-in application shall be deemed a
285 written request to transfer registration pursuant to Section
286 23-15-13. Subject to the time limits and other provisions of
287 Section 23-15-13, the registrar or the election commissioners
288 shall note the new residence address on his records and, if
289 necessary, transfer the applicant to his new precinct, advise the
290 applicant of his new precinct, polling place and supervisor

291 district, and notify the municipal clerk of any such changes on a
292 monthly basis.

293 (3) The instructions and the application form for voter
294 registration by mail shall be in the following form and shall
295 contain the following information:

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

297 1. Anyone may assist you in completing the enclosed
298 application.

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

302 3. All required information must be supplied in legible
303 form.

304 4. The completed application must be mailed or delivered to
305 the registrar of your county at least thirty (30) days before an
306 election in order for you to be registered for that election.
307 Applications which are mailed must be postmarked thirty (30) days
308 prior to any election.

309 5. The penalty for conviction of false registration is a
310 felony punishable by a fine of not more than Five Thousand Dollars
311 (\$5,000.00) or imprisonment for not more than five (5) years, or
312 both."

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

314 **STATE OF MISSISSIPPI**

315 I, _____, hereby apply for registration as a
316 voter of _____ County, Mississippi.

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

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

319 2. Male ___ Female ___

320 3. Please give your social security number: _____

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

322 5. Present Home Address:

323 (a) _____ (Street and Number)

324 _____ (City, State, Zip)

325 (b) How long have you lived there?

326 From _____ (month/year) to present.

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

329 (d) Telephone number, if available:

330 (i) Home telephone number _____

331 (ii) Daytime or work telephone number _____

332 6. Mailing Address: Give your current mailing address if
333 different from your present home address:

334 _____ (Box or Street and Number)

335 _____ (City, State, Zip)

336 7. Previous Address: List your most recent address before
337 your present address:

338 _____ (Box or Street and Number)

339 _____ (City, State, Zip)

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

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

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

344 _____ (City, County, State)

345 9. Citizenship, Residence, Prior Convictions:

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

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

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

352 Have you completed all the conditions of your sentence? _____

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

356 _____.

357 11. Applicant Signature and Certification:

358 I certify that I am at least eighteen (18) years old (or I
359 will be before the next general election), that the above
360 information given by me is true and correct and that I have truly
361 answered all questions in the foregoing application for
362 registration, and that I will faithfully support the Constitution
363 of the United States and of the State of Mississippi, and will
364 bear true faith and allegiance to the same.

365 Applicant sign here: _____

366 Date: _____

367 12. Witness Signature and Certification:

368 I certify that I am a registered voter in _____
369 County, Mississippi, that I am not now a candidate for public
370 office, and that the above named applicant signed this application
371 for registration in my presence. I further certify that I have
372 read the above application, and that the facts stated therein are
373 true and correct to the best of my knowledge. I personally know
374 the person who appeared before me or I have seen the person's
375 identification. I understand that the penalty for knowingly
376 procuring a person's registration who is not entitled to be
377 registered, or is registered under a false name or in any other
378 voting precinct than that in which he resides, is a fine of not
379 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
380 not more than five (5) years, or both.

381 Witness sign here: _____

382 Full name and address of witness (Print):

383 Name: _____

384 Address: _____ (Street and Number)

385 _____ (City, State, Zip)

386 Telephone number, if available:

387 Home telephone number _____

388 Daytime or work telephone number _____"

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

394 (b) The Secretary of State shall distribute without
395 charge sufficient forms for application for voter registration by
396 mail to the Commissioner of Public Safety, who shall distribute
397 such forms to each driver's license examining and renewal station
398 in the state, and shall ensure that the forms are regularly
399 available to the public at such stations.

400 (c) Bulk quantities of forms for application for voter
401 registration by mail shall be furnished by the Secretary of State
402 to any person or organization. The Secretary of State shall
403 charge a person or organization the actual cost he incurs in
404 providing bulk quantities of forms for application for voter
405 registration to such person or organization.

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

410 (6) If the reply to question 5(c) above is affirmative, the
411 county registrar shall forward notice of registration, a duplicate
412 copy of the application for registration, and any changes to such
413 registration when they occur, either by certified mail to the
414 clerk of the municipality indicated in the present residence
415 address stated in answer to Question 5(c) above or by personal
416 delivery to such clerk, provided that a numbered receipt is signed
417 by such clerk in return for the described documents. Upon receipt
418 of the copy of the application for registration or changes to such
419 registration, and if a review of same indicates that the applicant
420 meets all the criteria necessary to qualify as a municipal
421 elector, then the clerk of said municipality shall register the

422 applicant as a municipal elector and make a determination of the
423 municipal voting precinct in which the person making the
424 application shall be required to vote. The clerk shall send this
425 municipal voting precinct information by United States first-class
426 mail, postage prepaid, to such person at the address provided on
427 the application. Any and all mailing costs incurred by the county
428 registrar or the clerk of the municipality in effectuating this
429 subsection shall be paid by the governing authority of such
430 municipality. If a review of the copy of the application for
431 registration or changes to such registration indicates that the
432 applicant is not qualified to vote in said municipality, the clerk
433 of said municipality shall deny such application and notify
434 applicant.

435 (7) If the reply to Question 8 above is affirmative, the
436 registrar or clerk shall send written notice of this new
437 registration by regular United States mail to the registrar or
438 clerk of the county stated in Question 8 as the voter's previous
439 place of registration. The information shall include the complete
440 name, address and age of the voter and shall include the social
441 security number of such voter if it has been previously supplied.
442 The election commission of the voter's previous place of
443 registration shall be responsible for having such voter's name
444 erased from the appropriate registration book and pollbook.

445 **SECTION 4.** The Attorney General of the State of Mississippi
446 shall submit this act, immediately upon approval by the Governor,
447 or upon approval by the Legislature subsequent to a veto, to the
448 Attorney General of the United States or to the United States
449 District Court for the District of Columbia in accordance with the
450 provisions of the Voting Rights Act of 1965, as amended and
451 extended.

452 **SECTION 5.** This act shall take effect and be in force from
453 and after the date it is effectuated under Section 5 of the Voting
454 Rights Act of 1965, as amended and extended, provided that House

455 Concurrent Resolution No. _____, 2004 Regular Session, has been
456 ratified by the electorate.