

By: Representative Rotenberry

To: Apportionment and
Elections

HOUSE BILL NO. 1270

1 AN ACT TO AMEND SECTION 23-15-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE APPLICATION FOR REGISTRATION OF ELECTORS
3 CONTAIN AN APPLICANT'S SOCIAL SECURITY NUMBER; TO BRING FORWARD
4 SECTION 23-15-47, MISSISSIPPI CODE OF 1972, RELATING TO MAIL-IN
5 APPLICATIONS FOR VOTER REGISTRATION, FOR PURPOSES OF AMENDMENT;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-39, Mississippi Code of 1972, is
9 amended as follows:

10 **[Until January 1, 2006, this section shall read as follows:]**

11 23-15-39. (1) Applications for registration as electors of
12 this state, which are sworn to and subscribed before the registrar
13 or deputy registrar authorized by law and which are not made by
14 mail, shall be made upon a form that requires an applicant's
15 social security number and established by rule duly adopted by the
16 Secretary of State.

17 (2) The boards of supervisors shall make proper allowances
18 for office supplies reasonably necessitated by the registration of
19 county electors.

20 (3) If the applicant indicates on the application that he
21 resides within the city limits of a city or town in the county of
22 registration, the county registrar shall forward notice of
23 registration, a copy of the application for registration, and any
24 changes to the registration when they occur, either by certified
25 mail to the clerk of the municipality in which the application
26 indicates the applicant resides, or by personal delivery to the
27 clerk of the municipality provided that a numbered receipt is
28 signed by the clerk in return for the described documents. Upon
29 receipt of the copy of the application for registration or changes

30 to the registration, and if a review indicates that the applicant
31 meets all the criteria necessary to qualify as a municipal
32 elector, then the clerk of the municipality shall make a
33 determination of the municipal voting precinct in which the person
34 making the application shall be required to vote. The clerk shall
35 send this municipal voting precinct information by United States
36 first-class mail, postage prepaid, to the person at the address
37 provided on the application. Any and all mailing costs incurred
38 by the county registrar or the clerk of the municipality in
39 effectuating this subsection shall be paid by the governing
40 authority of the municipality. If a review of the copy of the
41 application for registration or changes to the registration
42 indicates that the applicant is not qualified to vote in the
43 municipality, the clerk of the municipality shall challenge the
44 application. The municipal election commissioners responsible for
45 the municipality shall review any challenge or disqualification
46 after having notified the applicant by certified mail of the
47 challenge or disqualification.

48 (4) If the applicant indicates on the application that he
49 has previously registered to vote in another county of this state
50 or another state, the registrar or clerk shall on a monthly basis
51 send notice of this new registration to the registrar or clerk of
52 the county in this state or any other state that is indicated in
53 the application as the voter's previous place of registration.
54 The election commission of the voter's previous place of
55 registration shall be responsible for having such voter's name
56 erased from the appropriate registration book and pollbook.

57 (5) The registrar shall issue to the person making the
58 application a copy of the application upon which has been written
59 the county voting precinct in which the person shall vote. The
60 registrar shall assign a voter registration number to the person
61 which shall be that person's social security number if such a

62 number is provided, and the voter registration number shall be
63 clearly shown on the application.

64 (6) Any person desiring an application for registration may
65 secure an application from the registrar of the county of which he
66 is a resident and may take the application with him and secure
67 assistance in completing the application from any person of the
68 applicant's choice. It shall be the duty of all registrars to
69 furnish applications for registration to all persons requesting
70 them, and it shall likewise be his duty to furnish aid and
71 assistance in the completing of the application when requested by
72 an applicant. The application for registration shall be sworn to
73 and subscribed before the registrar or deputy registrar at the
74 municipal clerk's office, the county registrar's office or any
75 other location where the applicant is allowed to register to vote.
76 No fee or cost shall be charged the applicant by the registrar for
77 accepting the application or administering the oath or for any
78 other duty imposed by law regarding the registration of electors.

79 (7) If the person making the application is unable to read
80 or write, for reason of disability or otherwise, he shall not be
81 required to personally complete the application in writing and
82 execute the oath. In such cases, the registrar or deputy
83 registrar shall read to the person the application and oath and
84 the person's answers shall be recorded by the registrar or his
85 deputy. The person shall be registered as an elector if he
86 otherwise meets the requirements to be registered as an elector.
87 The registrar shall record the responses of the person and the
88 recorded responses shall be retained permanently by the registrar.
89 The registrar shall forward a copy of all recorded responses to
90 the Secretary of State and shall indicate which were approved for
91 registration.

92 (8) The receipt of a copy of the application for
93 registration sent pursuant to Section 23-15-35(2) shall be

94 sufficient to allow the applicant to be registered as an elector
95 of this state, if the application is not challenged.

96 (9) In any case in which a municipality expands its
97 corporate boundaries by annexation, the municipal clerk shall
98 within ten (10) days after the effective date of the annexation,
99 forward to the county registrar a map which accurately depicts the
100 annexed area. The county registrar shall, within ten (10) days
101 after the receipt of the map, forward to the municipal clerk a
102 copy of the most recent county precinct or subprecinct pollbook
103 for the county precincts which are included in the annexed area,
104 or equivalent computer data or information as will permit the
105 identification of county electors who reside in the annexed area.
106 The municipal clerk shall add those county electors who have
107 resided in the annexed area for at least thirty (30) days after
108 annexation to the municipal registration books as registered
109 voters of the municipality and shall forward to such persons
110 written notification of such addition and of the municipal
111 precinct or ward in which such persons reside.

112 **[From and after January 1, 2006, this section shall read as**
113 **follows:]**

114 23-15-39. (1) Applications for registration as electors of
115 this state, which are sworn to and subscribed before the registrar
116 or deputy registrar authorized by law and which are not made by
117 mail, shall be made upon a form that requires an applicant's
118 social security number and established by rule duly adopted by the
119 Secretary of State.

120 (2) The boards of supervisors shall make proper allowances
121 for office supplies reasonably necessitated by the registration of
122 county electors.

123 (3) If the applicant indicates on the application that he
124 resides within the city limits of a city or town in the county of
125 registration, the county registrar shall process the application

126 for registration or changes to the registration as provided by
127 law.

128 (4) If the applicant indicates on the application that he
129 has previously registered to vote in another county of this state
130 or another state, notice to the voter's previous county of
131 registration in this state shall be provided by the Statewide
132 Centralized Voter System. If the voter's previous place of
133 registration was in another state, notice shall be provided to the
134 voter's previous state of residence if the Statewide Centralized
135 Voter system has that capability.

136 (5) The county registrar shall provide to the person making
137 the application a copy of the application upon which has been
138 written the county voting precinct and municipal voting precinct,
139 if any, in which the person shall vote. Upon entry of the voter
140 registration information into the Statewide Centralized Voter
141 System, the system shall assign a voter registration number to the
142 person, which shall be that person's current and valid Mississippi
143 driver's license number, or if the person does not possess a
144 current and valid Mississippi driver's license, the last four (4)
145 digits of the person's social security number, if the number is
146 provided. If the person does not have a current and valid
147 Mississippi driver's license number and does not provide the last
148 four (4) digits of his social security number, the Statewide
149 Centralized Voter System shall assign the person a unique
150 registration number. The assigned voter registration number shall
151 be clearly shown on the application.

152 (6) Any person desiring an application for registration may
153 secure an application from the registrar of the county of which he
154 is a resident and may take the application with him and secure
155 assistance in completing the application from any person of the
156 applicant's choice. It shall be the duty of all registrars to
157 furnish applications for registration to all persons requesting
158 them, and it shall likewise be his duty to furnish aid and

159 assistance in the completing of the application when requested by
160 an applicant. The application for registration shall be sworn to
161 and subscribed before the registrar or deputy registrar at the
162 municipal clerk's office, the county registrar's office or any
163 other location where the applicant is allowed to register to vote.
164 No fee or cost shall be charged the applicant by the registrar for
165 accepting the application or administering the oath or for any
166 other duty imposed by law regarding the registration of electors.

167 (7) If the person making the application is unable to read
168 or write, for reason of disability or otherwise, he shall not be
169 required to personally complete the application in writing and
170 execute the oath. In such cases, the registrar or deputy
171 registrar shall read to the person the application and oath and
172 the person's answers thereto shall be recorded by the registrar or
173 his deputy. The person shall be registered as an elector if he
174 otherwise meets the requirements to be registered as an elector.
175 The registrar shall record the responses of the person and the
176 recorded responses shall be retained permanently by the registrar.
177 The registrar shall enter the voter registration information into
178 the Statewide Centralized Voter System and designate the entry as
179 an assisted filing.

180 (8) The receipt of a copy of the application for
181 registration sent pursuant to Section 23-15-35(2) shall be
182 sufficient to allow the applicant to be registered as an elector
183 of this state, if the application is not challenged.

184 (9) In any case in which a municipality expands its
185 corporate boundaries by annexation or redistricts all or a part of
186 the municipality, the municipal clerk shall within ten (10) days
187 after the effective date of the annexation or after preclearance
188 of the redistricting plan under Section 5 of the Voting Rights Act
189 of 1965, provide the county registrar with conforming geographic
190 data that is compatible with the Statewide Centralized Voter
191 System. The data shall be developed by the municipality's use of

192 a standardized format specified by the Statewide Centralized Voter
193 System. The county registrar shall update the municipal boundary
194 information or redistricting information into the Statewide
195 Centralized Voter System. The Statewide Centralized Voter System
196 shall update the voter registration records to include the new
197 municipal electors who have resided within the annexed area for at
198 least thirty (30) days after annexation and assign the electors to
199 the municipal voting precincts. The county registrar shall
200 forward to the municipal clerk written notification of the
201 additions and changes, and the municipal clerk shall forward to
202 the new municipal electors written notification of the additions
203 and changes. The Statewide Centralized Voter System shall
204 correctly place municipal electors within districts whose
205 boundaries were altered by any redistricting conducted within the
206 municipality and assign such electors to the correct municipal
207 voting precincts.

208 **SECTION 2.** Section 23-15-47, Mississippi Code of 1972, is
209 brought forward as follows:

210 **[Until January 1, 2006, this section shall read as follows:]**

211 23-15-47. (1) Any person who is qualified to register to
212 vote in the State of Mississippi may register to vote by mail-in
213 application in the manner prescribed in this section.

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

216 (a) Any qualified elector may register to vote by
217 mailing or delivering a completed mail-in application to his
218 county registrar at least thirty (30) days prior to any election.
219 The postmark date of a mailed application shall be the date of
220 registration.

221 (b) Upon receipt of a mail-in application, the county
222 registrar shall stamp such application with the date of receipt
223 and shall verify the application by contacting the applicant by
224 telephone, by personal contact with the applicant, or by any other

225 method approved by the Secretary of State. Within twenty-five
226 (25) days of receipt of a mail-in application, the county
227 registrar shall complete action on the application, including any
228 attempts to notify the applicant of the status of his application.

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

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

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

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

255 (iii) The county registrar is unable to determine,
256 from the address and information stated on the application, the

257 precinct in which the voter should be assigned or the supervisor
258 district in which he is entitled to vote;

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

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

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

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

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

290 shall note the new residence address on his records and, if
291 necessary, transfer the applicant to his new precinct, advise the
292 applicant of his new precinct, polling place and supervisor
293 district, and notify the municipal clerk of any such changes on a
294 monthly basis.

295 (3) The instructions and the application form for voter
296 registration by mail shall be in a form established by rule duly
297 adopted by the Secretary of State.

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

303 (b) The Secretary of State shall distribute without
304 charge sufficient forms for application for voter registration by
305 mail to the Commissioner of Public Safety, who shall distribute
306 such forms to each driver's license examining and renewal station
307 in the state, and shall ensure that the forms are regularly
308 available to the public at such stations.

309 (c) Bulk quantities of forms for application for voter
310 registration by mail shall be furnished by the Secretary of State
311 to any person or organization. The Secretary of State shall
312 charge a person or organization the actual cost he incurs in
313 providing bulk quantities of forms for application for voter
314 registration to such person or organization.

315 (5) The originals of completed mail-in applications shall
316 remain on file in the office of the county registrar in accordance
317 with Section 23-15-113. Nothing in this section shall preclude
318 having applications on microfilm, microfiche or as an electronic
319 image.

320 (6) If the applicant indicates on the application that he
321 resides within the city limits of a city or town in the county
322 registration, the county registrar shall forward notice of

323 registration, a duplicate copy of the application for
324 registration, and any changes to the registration when they occur,
325 either by certified mail to the clerk of the municipality
326 indicated in the present residence address stated in the
327 application or by personal delivery to the municipal clerk,
328 provided that a numbered receipt is signed by the clerk in return
329 for the described documents. Upon receipt of the copy of the
330 application for registration or changes to the registration, and
331 if a review indicates that the applicant meets all the criteria
332 necessary to qualify as a municipal elector, then the clerk of the
333 municipality shall register the applicant as a municipal elector
334 and make a determination of the municipal voting precinct in which
335 the person making the application shall be required to vote. The
336 clerk shall send this municipal voting precinct information by
337 United States first-class mail, postage prepaid, to the person at
338 the address provided on the application. Any and all mailing
339 costs incurred by the county registrar or the clerk of the
340 municipality in effectuating this subsection shall be paid by the
341 governing authority of the municipality. If a review of the copy
342 of the application for registration or changes to the registration
343 indicates that the applicant is not qualified to vote in the
344 municipality, the clerk of the municipality shall deny the
345 application and notify applicant.

346 (7) If the applicant indicates on the application that he
347 has previously registered to vote in another county of this state
348 or another state, the registrar or clerk shall send written notice
349 of this new registration by regular United States mail to the
350 registrar or clerk of the county in this state or any other state
351 that is indicated in the application as the voter's previous place
352 of registration. The information shall include the complete name,
353 address and age of the voter and shall include the current and
354 valid Mississippi driver's license of the voter, if provided, or
355 the social security number of the voter, if provided. The

356 election commission of the voter's previous place of registration
357 shall be responsible for having the voter's name erased from the
358 appropriate registration book and pollbook.

359 **[From and after January 1, 2006, this section shall read as**
360 **follows:]**

361 23-15-47. (1) Any person who is qualified to register to
362 vote in the State of Mississippi may register to vote by mail-in
363 application in the manner prescribed in this section.

364 (2) The following procedure shall be used in the 818
365 registration of electors by mail:

366 (a) Any qualified elector may register to vote by
367 mailing or delivering a completed mail-in application to his
368 county registrar at least thirty (30) days prior to any election.
369 The postmark date of a mailed application shall be the date of
370 registration.

371 (b) Upon receipt of a mail-in application, the county
372 registrar shall stamp the application with the date of receipt,
373 and shall verify the application by contacting the applicant by
374 telephone, by personal contact with the applicant, or by any other
375 method approved by the Secretary of State. Within twenty-five
376 (25) days of receipt of a mail-in application, the county
377 registrar shall complete action on the application, including any
378 attempts to notify the applicant of the status of his application.

379 (c) If the county registrar determines that the
380 applicant is qualified and his application is legible and
381 complete, he shall mail the applicant written notification that
382 the application has been approved, specifying the county voting
383 precinct, municipal voting precinct, if any, polling place and
384 supervisor district in which such person shall vote. This written
385 notification of approval containing the specified information
386 shall be the voter's registration card. The registration cards
387 shall be provided by the county registrar. Upon entry of the
388 voter registration information into the Statewide Centralized

389 Voter System, the system shall assign a voter registration number
390 to the person, which shall be that person's current and valid
391 Mississippi driver's license number, or if the person does not
392 possess a current and valid Mississippi driver's license, the last
393 four (4) digits of the person's social security number, if the
394 number is provided. If the person does not have a current and
395 valid Mississippi driver's license number and does not provide the
396 last four (4) digits of his social security number, the Statewide
397 Centralized Voter System shall assign the person a unique
398 registration number. The assigned voter registration number shall
399 be clearly shown on the application and on the written
400 notification of approval. In mailing the written notification,
401 the county registrar shall note the following on the envelope:
402 "DO NOT FORWARD". If any registration notification form is
403 returned as undeliverable, the voter's registration shall be void.

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

406 (i) An incomplete portion of the application which
407 makes it impossible for the registrar to determine the eligibility
408 of the applicant to register;

409 (ii) A portion of the application which is
410 illegible in the opinion of the county registrar and makes it
411 impossible to determine the eligibility of the applicant to
412 register;

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

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

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

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

423 (e) If the mail-in application of a person is subject
424 to rejection for any of the reasons set forth in paragraph (d)(i)
425 through (iii) of this subsection, and it appears to the registrar
426 that the defect or omission is of such a minor nature and that any
427 necessary additional information may be supplied by the applicant
428 over the telephone or by further correspondence, the registrar may
429 write or call the applicant at the telephone number provided on
430 the application. If the registrar is able to contact the
431 applicant by mail or telephone, he shall attempt to ascertain the
432 necessary information and if this information is sufficient for
433 the registrar to complete the application, the applicant shall be
434 registered. If the necessary information cannot be obtained by
435 mail or telephone or is not sufficient, the registrar shall give
436 the applicant written notice of the rejection and provide the
437 reason for the rejection. The registrar shall further inform the
438 applicant that he has a right to attempt to register by appearing
439 in person or by filing another mail-in application.

440 (f) If a mail-in application is subject to rejection
441 for the reason stated in paragraph (d)(v) of this subsection and
442 the "present home address" portion of the application is different
443 from the residence address for the applicant found in the
444 registration book, the mail-in application shall be deemed a
445 written request to transfer registration pursuant to Section
446 23-15-13. Subject to the time limits and other provisions of
447 Section 23-15-13, the registrar or the election commissioners
448 shall note the new residence address on his records and, if
449 necessary, transfer the applicant to his new county precinct or
450 municipal precinct, if any, advise the applicant of his new county
451 precinct or municipal precinct, if any, polling place and
452 supervisor district.

453 (3) The instructions and the application form for voter
454 registration by mail shall be in a form established by rule duly
455 adopted by the Secretary of State.

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

461 (b) The Secretary of State shall distribute without
462 charge sufficient forms for application for voter registration by
463 mail to the Commissioner of Public Safety, who shall distribute
464 such forms to each driver's license examining and renewal station
465 in the state, and shall ensure that the forms are regularly
466 available to the public at such stations.

467 (c) Bulk quantities of forms for application for voter
468 registration by mail shall be furnished by the Secretary of State
469 to any person or organization. The Secretary of State shall
470 charge a person or organization the actual cost he incurs in
471 providing bulk quantities of forms for application for voter
472 registration to such person or organization.

473 (5) The originals of completed mail-in applications shall
474 remain on file in the office of the county registrar in accordance
475 with Section 23-15-113. Nothing in this section shall preclude
476 having applications on microfilm, microfiche or as an electronic
477 image.

478 (6) If the applicant indicates on the application that he
479 resides within the city limits of a city or town in the county of
480 registration, the county registrar shall enter the information
481 into the Statewide Centralized Voter System. The county registrar
482 shall send municipal voting precinct information by United States
483 first-class mail, postage prepaid, to the person at the address
484 provided on the application. Any and all mailing costs incurred
485 by the county registrar or the clerk of the municipality in

486 effectuating this subsection shall be paid by the governing
487 authority of the municipality. If a review of the application for
488 registration or changes to the registration indicates that the
489 applicant is not qualified to vote in the municipality, the
490 registrar shall notify the applicant of the correct county
491 precinct.

492 (7) If the applicant indicates on the application that he
493 has previously registered to vote in another county of this state
494 or another state, notice to the voter's previous county of
495 registration in this state shall be provided by the Statewide
496 Centralized Voter System. If the voter's previous place of
497 registration was in another state, notice shall be provided to the
498 voter's previous state of residence if the Statewide Centralized
499 Voter System has that capability.

500 (8) Any person who attempts to register to vote by mail
501 shall be subject to the penalties for false registration provided
502 for in Section 23-15-17.

503 **SECTION 3.** The Attorney General of the State of Mississippi
504 shall submit this act, immediately upon approval by the Governor,
505 or upon approval by the Legislature subsequent to a veto, to the
506 Attorney General of the United States or to the United States
507 District Court for the District of Columbia in accordance with the
508 provisions of the Voting Rights Act of 1965, as amended and
509 extended.

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