

By: Representative Rotenberry

To: Apportionment and
Elections

HOUSE BILL NO. 477

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

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

19 (3) If the applicant indicates on the application that he
20 resides within the city limits of a city or town in the county of
21 registration, the county registrar shall process the application
22 for registration or changes to the registration as provided by
23 law.

24 (4) If the applicant indicates on the application that he
25 has previously registered to vote in another county of this state
26 or another state, notice to the voter's previous county of
27 registration in this state shall be provided by the Statewide
28 Centralized Voter System. If the voter's previous place of
29 registration was in another state, notice shall be provided to the

30 voter's previous state of residence if the Statewide Centralized
31 Voter system has that capability.

32 (5) The county registrar shall provide to the person making
33 the application a copy of the application upon which has been
34 written the county voting precinct and municipal voting precinct,
35 if any, in which the person shall vote. Upon entry of the voter
36 registration information into the Statewide Centralized Voter
37 System, the system shall assign a voter registration number to the
38 person, which shall be that person's current and valid Mississippi
39 driver's license number, or if the person does not possess a
40 current and valid Mississippi driver's license, the last four (4)
41 digits of the person's social security number, if the number is
42 provided. If the person does not have a current and valid
43 Mississippi driver's license number and does not provide the last
44 four (4) digits of his social security number, the Statewide
45 Centralized Voter System shall assign the person a unique
46 registration number. The assigned voter registration number shall
47 be clearly shown on the application.

48 (6) Any person desiring an application for registration may
49 secure an application from the registrar of the county of which he
50 is a resident and may take the application with him and secure
51 assistance in completing the application from any person of the
52 applicant's choice. It shall be the duty of all registrars to
53 furnish applications for registration to all persons requesting
54 them, and it shall likewise be his duty to furnish aid and
55 assistance in the completing of the application when requested by
56 an applicant. The application for registration shall be sworn to
57 and subscribed before the registrar or deputy registrar at the
58 municipal clerk's office, the county registrar's office or any
59 other location where the applicant is allowed to register to vote.
60 No fee or cost shall be charged the applicant by the registrar for
61 accepting the application or administering the oath or for any
62 other duty imposed by law regarding the registration of electors.

63 (7) If the person making the application is unable to read
64 or write, for reason of disability or otherwise, he shall not be
65 required to personally complete the application in writing and
66 execute the oath. In such cases, the registrar or deputy
67 registrar shall read to the person the application and oath and
68 the person's answers thereto shall be recorded by the registrar or
69 his deputy. The person shall be registered as an elector if he
70 otherwise meets the requirements to be registered as an elector.
71 The registrar shall record the responses of the person and the
72 recorded responses shall be retained permanently by the registrar.
73 The registrar shall enter the voter registration information into
74 the Statewide Centralized Voter System and designate the entry as
75 an assisted filing.

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

80 (9) In any case in which a municipality expands its
81 corporate boundaries by annexation or redistricts all or a part of
82 the municipality, the municipal clerk shall within ten (10) days
83 after the effective date of the annexation or after preclearance
84 of the redistricting plan under Section 5 of the Voting Rights Act
85 of 1965, provide the county registrar with conforming geographic
86 data that is compatible with the Statewide Centralized Voter
87 System. The data shall be developed by the municipality's use of
88 a standardized format specified by the Statewide Centralized Voter
89 System. The county registrar shall update the municipal boundary
90 information or redistricting information into the Statewide
91 Centralized Voter System. The Statewide Centralized Voter System
92 shall update the voter registration records to include the new
93 municipal electors who have resided within the annexed area for at
94 least thirty (30) days after annexation and assign the electors to
95 the municipal voting precincts. The county registrar shall

96 forward to the municipal clerk written notification of the
97 additions and changes, and the municipal clerk shall forward to
98 the new municipal electors written notification of the additions
99 and changes. The Statewide Centralized Voter System shall
100 correctly place municipal electors within districts whose
101 boundaries were altered by any redistricting conducted within the
102 municipality and assign such electors to the correct municipal
103 voting precincts.

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

106 23-15-47. (1) Any person who is qualified to register to
107 vote in the State of Mississippi may register to vote by mail-in
108 application in the manner prescribed in this section.

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

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

116 (b) Upon receipt of a mail-in application, the county
117 registrar shall stamp the application with the date of receipt,
118 and shall verify the application by contacting the applicant by
119 telephone, by personal contact with the applicant, or by any other
120 method approved by the Secretary of State. Within twenty-five
121 (25) days of receipt of a mail-in application, the county
122 registrar shall complete action on the application, including any
123 attempts to notify the applicant of the status of his application.

124 (c) If the county registrar determines that the
125 applicant is qualified and his application is legible and
126 complete, he shall mail the applicant written notification that
127 the application has been approved, specifying the county voting
128 precinct, municipal voting precinct, if any, polling place and

129 supervisor district in which such person shall vote. This written
130 notification of approval containing the specified information
131 shall be the voter's registration card. The registration cards
132 shall be provided by the county registrar. Upon entry of the
133 voter registration information into the Statewide Centralized
134 Voter System, the system shall assign a voter registration number
135 to the person, which shall be that person's current and valid
136 Mississippi driver's license number, or if the person does not
137 possess a current and valid Mississippi driver's license, the last
138 four (4) digits of the person's social security number, if the
139 number is provided. If the person does not have a current and
140 valid Mississippi driver's license number and does not provide the
141 last four (4) digits of his social security number, the Statewide
142 Centralized Voter System shall assign the person a unique
143 registration number. The assigned voter registration number shall
144 be clearly shown on the application and on the written
145 notification of approval. In mailing the written notification,
146 the county registrar shall note the following on the envelope:
147 "DO NOT FORWARD". If any registration notification form is
148 returned as undeliverable, the voter's registration shall be void.

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

151 (i) An incomplete portion of the application which
152 makes it impossible for the registrar to determine the eligibility
153 of the applicant to register;

154 (ii) A portion of the application which is
155 illegible in the opinion of the county registrar and makes it
156 impossible to determine the eligibility of the applicant to
157 register;

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

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

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

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

168 (e) If the mail-in application of a person is subject
169 to rejection for any of the reasons set forth in paragraph (d)(i)
170 through (iii) of this subsection, and it appears to the registrar
171 that the defect or omission is of such a minor nature and that any
172 necessary additional information may be supplied by the applicant
173 over the telephone or by further correspondence, the registrar may
174 write or call the applicant at the telephone number provided on
175 the application. If the registrar is able to contact the
176 applicant by mail or telephone, he shall attempt to ascertain the
177 necessary information and if this information is sufficient for
178 the registrar to complete the application, the applicant shall be
179 registered. If the necessary information cannot be obtained by
180 mail or telephone or is not sufficient, the registrar shall give
181 the applicant written notice of the rejection and provide the
182 reason for the rejection. The registrar shall further inform the
183 applicant that he has a right to attempt to register by appearing
184 in person or by filing another mail-in application.

185 (f) If a mail-in application is subject to rejection
186 for the reason stated in paragraph (d)(v) of this subsection and
187 the "present home address" portion of the application is different
188 from the residence address for the applicant found in the
189 registration book, the mail-in application shall be deemed a
190 written request to transfer registration pursuant to Section
191 23-15-13. Subject to the time limits and other provisions of
192 Section 23-15-13, the registrar or the election commissioners
193 shall note the new residence address on his records and, if
194 necessary, transfer the applicant to his new county precinct or

195 municipal precinct, if any, advise the applicant of his new county
196 precinct or municipal precinct, if any, polling place and
197 supervisor district.

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

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

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

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

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

223 (6) If the applicant indicates on the application that he
224 resides within the city limits of a city or town in the county of
225 registration, the county registrar shall enter the information
226 into the Statewide Centralized Voter System. The county registrar
227 shall send municipal voting precinct information by United States

228 first-class mail, postage prepaid, to the person at the address
229 provided on the application. Any and all mailing costs incurred
230 by the county registrar or the clerk of the municipality in
231 effectuating this subsection shall be paid by the governing
232 authority of the municipality. If a review of the application for
233 registration or changes to the registration indicates that the
234 applicant is not qualified to vote in the municipality, the
235 registrar shall notify the applicant of the correct county
236 precinct.

237 (7) If the applicant indicates on the application that he
238 has previously registered to vote in another county of this state
239 or another state, notice to the voter's previous county of
240 registration in this state shall be provided by the Statewide
241 Centralized Voter System. If the voter's previous place of
242 registration was in another state, notice shall be provided to the
243 voter's previous state of residence if the Statewide Centralized
244 Voter System has that capability.

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

248 **SECTION 3.** The Attorney General of the State of Mississippi
249 shall submit this act, immediately upon approval by the Governor,
250 or upon approval by the Legislature subsequent to a veto, to the
251 Attorney General of the United States or to the United States
252 District Court for the District of Columbia in accordance with the
253 provisions of the Voting Rights Act of 1965, as amended and
254 extended.

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