

By: Representatives Banks, Hines

To: Apportionment and
Elections

HOUSE BILL NO. 1346

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 818
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.

23 (b) Upon receipt of a mail-in application, the county
24 registrar shall stamp the application with the date of receipt,
25 and shall verify the application by contacting the applicant by
26 telephone, by personal contact with the applicant, or by any other
27 method approved by the Secretary of State. Within twenty-five
28 (25) days of receipt of a mail-in application, the county
29 registrar shall complete action on the application, including any
30 attempts to notify the applicant of the status of his application.

31 (c) If the county registrar determines that the
32 applicant is qualified and his application is legible and
33 complete, he shall mail the applicant written notification that
34 the application has been approved, specifying the county voting
35 precinct, municipal voting precinct, if any, polling place and
36 supervisor district in which such person shall vote. This written
37 notification of approval containing the specified information
38 shall be the voter's registration card. The registration cards
39 shall be provided by the county registrar. Upon entry of the
40 voter registration information into the Statewide Centralized
41 Voter System, the system shall assign a voter registration number
42 to the person, which shall be that person's current and valid
43 Mississippi driver's license number, or if the person does not
44 possess a current and valid Mississippi driver's license, the last
45 four (4) digits of the person's social security number, if the
46 number is provided. If the person does not have a current and
47 valid Mississippi driver's license number and does not provide the
48 last four (4) digits of his social security number, the Statewide
49 Centralized Voter System shall assign the person a unique
50 registration number. The assigned voter registration number shall
51 be clearly shown on the application and on the written
52 notification of approval. In mailing the written notification,
53 the county registrar shall note the following on the envelope:
54 "DO NOT FORWARD". If any registration notification form is
55 returned as undeliverable, the voter's registration shall be void.

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

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

61 (ii) A portion of the application which is
62 illegible in the opinion of the county registrar and makes it

63 impossible to determine the eligibility of the applicant to
64 register;

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

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

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

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

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

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

96 registration book, the mail-in application shall be deemed a
97 written request to transfer registration pursuant to Section
98 23-15-13. Subject to the time limits and other provisions of
99 Section 23-15-13, the registrar or the election commissioners
100 shall note the new residence address on his records and, if
101 necessary, transfer the applicant to his new county precinct or
102 municipal precinct, if any, advise the applicant of his new county
103 precinct or municipal precinct, if any, polling place and
104 supervisor district.

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

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

113 (b) The Secretary of State shall distribute without
114 charge sufficient forms for application for voter registration by
115 mail to the Commissioner of Public Safety, who shall distribute
116 such forms to each driver's license examining and renewal station
117 in the state, and shall ensure that the forms are regularly
118 available to the public at such stations.

119 (c) Bulk quantities of forms for application for voter
120 registration by mail shall be furnished by the Secretary of State
121 to any person or organization. The Secretary of State shall
122 charge a person or organization the actual cost he incurs in
123 providing bulk quantities of forms for application for voter
124 registration to such person or organization.

125 (5) The originals of completed mail-in applications shall
126 remain on file in the office of the county registrar in accordance
127 with Section 23-15-113. Nothing in this section shall preclude

128 having applications on microfilm, microfiche or as an electronic
129 image.

130 (6) If the applicant indicates on the application that he
131 resides within the city limits of a city or town in the county of
132 registration, the county registrar shall enter the information
133 into the Statewide Centralized Voter System. The county registrar
134 shall send municipal voting precinct information by United States
135 first-class mail, postage prepaid, to the person at the address
136 provided on the application. Any and all mailing costs incurred
137 by the county registrar or the clerk of the municipality in
138 effectuating this subsection shall be paid by the governing
139 authority of the municipality. If a review of the application for
140 registration or changes to the registration indicates that the
141 applicant is not qualified to vote in the municipality, the
142 registrar shall notify the applicant of the correct county
143 precinct.

144 (7) If the applicant indicates on the application that he
145 has previously registered to vote in another county of this state
146 or another state, notice to the voter's previous county of
147 registration in this state shall be provided by the Statewide
148 Centralized Voter System. If the voter's previous place of
149 registration was in another state, notice shall be provided to the
150 voter's previous state of residence if the Statewide Centralized
151 Voter System has that capability.

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

155 (9) Mail-in voter registration applications shall be placed
156 in all polling places on an election day and shall be distributed
157 to any person requesting a mail-in voter registration application.
158 Persons obtaining a mail-in voter registration application must
159 mail the application to his county registrar as provided in

160 subsection (2)(a) of this section before he will be registered to
161 vote.

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

164 23-15-245. (1) It shall be the duty of the manager
165 designated as bailiff to be present at the voting place, and to
166 take such steps as will accomplish the purpose of his appointment,
167 and he shall have full power to do so, and he may summon to his
168 aid all persons present at the voting place. A space thirty (30)
169 feet in every direction from the polls, or the room in which the
170 election is held, shall be kept open and clear of all persons
171 except the election officers and two (2) challengers of good
172 conduct and behavior, selected by each party to detect and
173 challenge illegal voters; and the electors shall approach the
174 polls from one direction, line, door or passage, and depart in
175 another as nearly opposite as convenient.

176 (2) Any person wanting to obtain a mail-in voter
177 registration application shall be allowed to enter the polling
178 place to obtain a mail-in voter registration application, and
179 after he has obtained an application, he shall depart immediately
180 from the polling place. The mail-in voter registration
181 applications shall be distributed by the manager. Mail-in voter
182 registration applications shall be placed in all polling places on
183 an election day and shall be distributed as authorized in Section
184 23-15-47(8).

185 **SECTION 3.** The Attorney General of the State of Mississippi
186 shall submit this act, immediately upon approval by the Governor,
187 or upon approval by the Legislature subsequent to a veto, to the
188 Attorney General of the United States or to the United States
189 District Court for the District of Columbia in accordance with the
190 provisions of the Voting Rights Act of 1965, as amended and
191 extended.

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