

By: Representatives Denny, Bell (65th),
Sykes

To: Apportionment and
Elections; Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 809

1 AN ACT TO CREATE NEW SECTION 23-15-329, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE ONLINE VOTER REGISTRATION; TO DESCRIBE WHO IS A
3 QUALIFIED VOTER FOR PURPOSE OF ONLINE VOTER REGISTRATION; TO
4 PROVIDE A PENALTY FOR FALSE REGISTRATION; TO AMEND SECTION
5 23-15-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR TRANSFER OF
6 VOTER REGISTRATION, TO CONFORM; TO AMEND SECTIONS 23-15-35 AND
7 23-15-39, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE ONLINE
8 REGISTRATION PROVISIONS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This section shall be codified as Section
11 23-15-329, Mississippi Code of 1972:

12 23-15-329. **Online voter registration.** (1) A person may
13 register to vote under this section if the person is:

14 (a) Eligible to register to vote under Section
15 23-15-11; and

16 (b) Has a current and valid Mississippi driver's
17 license or photo identification card issued by the Mississippi
18 Department of Public Safety.

19 (2) A person described in subsection (1) of this section may
20 submit a voter registration application using the procedures set
21 forth in this section.



22 (3) (a) The Secretary of State shall, with the support of
23 the Mississippi Department of Public Safety, establish a secure
24 Internet website to permit persons described in subsection (1) of
25 this section to submit voter registration applications. The form
26 of the online application shall be established by rule duly
27 adopted by the Secretary of State.

28 (b) The secure website established under this
29 subsection shall allow a person described in subsection (1) of
30 this section to submit an application:

31 (i) For registration as a first-time voter in
32 Mississippi; or

33 (ii) To change the applicant's name, address or
34 other information set forth in the applicant's existing voter
35 registration record.

36 (c) Upon the submission of an application through the
37 secure website, the software used by the Secretary of State for
38 processing applications through the website shall provide for
39 verification that:

40 (i) The applicant has a current and valid
41 Mississippi driver's license or photo identification card issued
42 by the Mississippi Department of Public Safety and the number for
43 that driver's license or photo identification card provided by the
44 applicant matches the number for the applicant's driver's license
45 or photo identification card that is on file with the Mississippi
46 Department of Public Safety;



47 (ii) The name and date of birth provided by the
48 applicant matches the name and date of birth that is on file with
49 the Mississippi Department of Public Safety; and

50 (iii) The applicant is a citizen of the State of
51 Mississippi and of the United States and that the information
52 provided by the applicant matches the information on file with the
53 Mississippi Department of Public Safety.

54 The application shall be reviewed by the county registrar of
55 the applicant's county of residence. If any of the required
56 information does not match that on file with the Mississippi
57 Department of Public Safety, or if the application is incomplete,
58 the registration shall be rejected.

59 (4) Any person who attempts to register to vote under this
60 section shall be subject to the penalties for false registration
61 provided for in Section 97-13-25.

62 (5) The Secretary of State and the Department of Public
63 Safety shall enter into a memorandum of understanding providing
64 for the sharing of information required to facilitate the
65 requirements of this section.

66 **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is
67 amended as follows:

68 23-15-13. An elector who moves from one ward or voting
69 precinct to another ward within the same municipality or voting
70 precinct within the same county shall not be disqualified to vote,
71 but he or she shall be entitled to have his or her registration



72 transferred to his or her new ward or voting precinct under the
73 provisions of Section 23-15-329 or upon making written request
74 therefor at any time up to thirty (30) days prior to the election
75 at which he or she offers to vote, and if the removal occurs
76 within thirty (30) days of such election he or she shall be
77 entitled to vote in his or her new ward or voting precinct by
78 affidavit ballot as provided in Section 23-15-573.

79 **SECTION 3.** Section 23-15-35, Mississippi Code of 1972, is
80 amended as follows:

81 23-15-35. (1) The clerk of the municipality shall be the
82 registrar of voters of the municipality, and shall take the oath
83 of office prescribed by Section 268 of the Constitution. The
84 municipal registration shall conform to the county registration
85 which shall be a part of the official record of registered voters
86 as contained in the Statewide Elections Management System. The
87 municipal clerk shall comply with all the provisions of law
88 regarding the registration of voters, including the use of the
89 voter registration applications and online registration used by
90 county registrars and prescribed by the Secretary of State under
91 Sections 23-15-39 and 23-15-47.

92 (2) The municipal clerk shall be authorized to register
93 applicants as county electors. The municipal clerk shall forward
94 notice of registration, a copy of the application for
95 registration, and any changes to the registration when they occur,
96 either by certified mail to the county registrar or by personal



97 delivery to the county registrar provided that a numbered receipt
98 is signed by the registrar in return for the described documents.
99 Upon receipt of the copy of the application for registration or
100 changes to the registration, and if a review of the application
101 indicates that the applicant meets all the criteria necessary to
102 qualify as a county elector, then the county registrar shall make
103 a determination of the county voting precinct in which the person
104 making the application shall be required to vote. The county
105 registrar shall send this county voting precinct information by
106 United States first-class mail, postage prepaid, to the person at
107 the address provided on the application. Any and all mailing
108 costs incurred by the municipal clerk or the county registrar in
109 effectuating this subsection shall be paid by the county board of
110 supervisors. If a review of the copy of the application for
111 registration or changes to the registration indicates that the
112 applicant is not qualified to vote in the county, the county
113 registrar shall challenge the application. The county election
114 commissioners shall review any challenge or disqualification,
115 after having notified the applicant by certified mail of the
116 challenge or disqualification.

117 (3) The municipal clerk shall issue to the person making the
118 application a copy of the application and the county registrar
119 shall process the application in accordance with the law regarding
120 the handling of voter registration applications.



121 (4) The receipt of a copy of the application for
122 registration sent pursuant to Section 23-15-39(3) shall be
123 sufficient to allow the applicant to be registered as an elector
124 in the municipality, provided that such application is not
125 challenged as provided for therein.

126 (5) The municipal clerk of each municipality shall provide
127 the circuit clerk of the county in which the municipality is
128 located the information necessary to conform the municipal
129 registration to the county registration which shall be a part of
130 the official record of registered voters as contained in the
131 Statewide Elections Management System. If any changes to the
132 information occur as a result of redistricting, annexation or
133 other reason, it shall be the responsibility of the municipal
134 clerk to timely provide the changes to the circuit clerk.

135 **SECTION 4.** Section 23-15-39, Mississippi Code of 1972, is
136 amended as follows:

137 23-15-39. (1) Applications for registration as electors of
138 this state, which are sworn to and subscribed before the registrar
139 or deputy registrar authorized by law and which are not made by
140 mail, shall be made upon a form established by rule duly adopted
141 by the Secretary of State.

142 (2) The boards of supervisors shall make proper allowances
143 for office supplies reasonably necessitated by the registration of
144 county electors.



145 (3) If the applicant indicates on the application that he
146 resides within the city limits of a city or town in the county of
147 registration, the county registrar shall process the application
148 for registration or changes to the registration as provided by
149 law.

150 (4) If the applicant indicates on the application that he
151 has previously registered to vote in another county of this state
152 or another state, notice to the voter's previous county of
153 registration in this state shall be provided by the Statewide
154 Elections Management System. If the voter's previous place of
155 registration was in another state, notice shall be provided to the
156 voter's previous state of residence if the Statewide Elections
157 Management System has that capability.

158 (5) The county registrar shall provide to the person making
159 the application a copy of the application upon which has been
160 written the county voting precinct and municipal voting precinct,
161 if any, in which the person shall vote. Upon entry of the voter
162 registration information into the Statewide Elections Management
163 System, the system shall assign a voter registration number to the
164 person.

165 (6) Any person desiring an application for registration may
166 secure an application from the registrar of the county of which he
167 is a resident and may take the application with him and secure
168 assistance in completing the application from any person of the
169 applicant's choice. It shall be the duty of all registrars to



170 furnish applications for registration to all persons requesting
171 them, and it shall likewise be his duty to furnish aid and
172 assistance in the completing of the application when requested by
173 an applicant. The application for registration shall be sworn to
174 and subscribed before the registrar or deputy registrar at the
175 municipal clerk's office, unless such application is completed
176 online, the county registrar's office or any other location where
177 the applicant is allowed to register to vote. No fee or cost
178 shall be charged the applicant by the registrar for accepting the
179 application or administering the oath or for any other duty
180 imposed by law regarding the registration of electors.

181 (7) If the person making the application is unable to read
182 or write, for reason of disability or otherwise, he shall not be
183 required to personally complete the application in writing and
184 execute the oath. In such cases, the registrar or deputy
185 registrar shall read to the person the application and oath and
186 the person's answers thereto shall be recorded by the registrar or
187 his deputy. The person shall be registered as an elector if he
188 otherwise meets the requirements to be registered as an elector.
189 The registrar shall record the responses of the person and the
190 recorded responses shall be retained permanently by the registrar.
191 The registrar shall enter the voter registration information into
192 the Statewide Elections Management System and designate the entry
193 as an assisted filing.



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

198 (9) In any case in which a municipality expands its
199 corporate boundaries by annexation or redistricts all or a part of
200 the municipality, the municipal clerk shall within ten (10) days
201 after the effective date of the annexation or after preclearance
202 of the redistricting plan under Section 5 of the Voting Rights Act
203 of 1965, provide the county registrar with conforming geographic
204 data that is compatible with the Statewide Elections Management
205 System. The data shall be developed by the municipality's use of
206 a standardized format specified by the Statewide Elections
207 Management System. The county registrar shall update the
208 municipal boundary information or redistricting information into
209 the Statewide Elections Management System. The Statewide
210 Elections Management System shall update the voter registration
211 records to include the new municipal electors who have resided
212 within the annexed area for at least thirty (30) days after
213 annexation and assign the electors to the municipal voting
214 precincts. The county registrar shall forward to the municipal
215 clerk written notification of the additions and changes, and the
216 municipal clerk shall forward to the new municipal electors
217 written notification of the additions and changes. The Statewide
218 Elections Management System shall correctly place municipal



219 electors within districts whose boundaries were altered by any
220 redistricting conducted within the municipality and assign such
221 electors to the correct municipal voting precincts.

222 **SECTION 5.** This act shall take effect and be in force from
223 and after July 1, 2016.

