

By: Representative Denny

To: Apportionment and
Elections; Judiciary A

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 BRING FORWARD SECTION
5 23-15-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR TRANSFER OF
6 VOTER REGISTRATION, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS
7 23-15-35 AND 23-15-39, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
8 ONLINE REGISTRATION PROVISIONS; TO BRING FORWARD SECTION 23-15-43,
9 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR AUTOMATIC REVIEW OF
10 CERTAIN VOTER REGISTRATION; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** This section shall be codified as Section
13 23-15-329, Mississippi Code of 1972:

14 23-15-329. **Online voter registration.** (1) A person may
15 register to vote under this section if the person is:

16 (a) Eligible to register to vote under Section
17 23-15-11; and

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



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

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

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

33 (i) For registration as a first-time voter in
34 Mississippi; or

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

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

42 (i) The applicant has a current and valid
43 Mississippi driver's license or photo identification card issued
44 by the Mississippi Department of Public Safety and the number for
45 that driver's license or photo identification card provided by the



46 applicant matches the number for the applicant's driver's license
47 or photo identification card that is on file with the Mississippi
48 Department of Public Safety;

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

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

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

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

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

68 **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is
69 brought forward as follows:



70 23-15-13. An elector who moves from one ward or voting
71 precinct to another ward within the same municipality or voting
72 precinct within the same county shall not be disqualified to vote,
73 but he or she shall be entitled to have his or her registration
74 transferred to his or her new ward or voting precinct upon making
75 written request therefor at any time up to thirty (30) days prior
76 to the election at which he or she offers to vote, and if the
77 removal occurs within thirty (30) days of such election he or she
78 shall be entitled to vote in his or her new ward or voting
79 precinct by affidavit ballot as provided in Section 23-15-573.

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

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

93 (2) The municipal clerk shall be authorized to register
94 applicants as county electors. The municipal clerk shall forward



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

118 (3) The municipal clerk shall issue to the person making the
119 application a copy of the application and the county registrar



120 shall process the application in accordance with the law regarding
121 the handling of voter registration applications.

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

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

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

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



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

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

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

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

166 (6) Any person desiring an application for registration may
167 secure an application from the registrar of the county of which he



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

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



193 the Statewide Elections Management System and designate the entry
194 as an assisted filing.

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

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



218 written notification of the additions and changes. The Statewide
219 Elections Management System shall correctly place municipal
220 electors within districts whose boundaries were altered by any
221 redistricting conducted within the municipality and assign such
222 electors to the correct municipal voting precincts.

223 **SECTION 5.** Section 23-15-43, Mississippi Code of 1972, is
224 brought forward as follows:

225 23-15-43. In the event applicant is not registered, there
226 shall be an automatic review by the county election commissioners
227 under the procedures provided in Sections 23-15-61 through
228 23-15-79. In addition to the meetings of the election
229 commissioners provided under said sections, the commissioners are
230 required to hold such additional meetings to determine all pending
231 cases of registration on review prior to the election at which the
232 applicant desires to vote.

233 It is not the purpose of this section to indicate the
234 decision which should be reached by the election commissioners in
235 certain cases but to define which applicants should receive
236 further examination by providing for an automatic review.

237 **SECTION 6.** This act shall take effect and be in force from
238 and after July 1, 2016.

