

By: Representatives Denny, Reynolds, Sykes,
Gibbs (72nd)

To: Apportionment and
Elections

HOUSE BILL NO. 373

1 AN ACT TO AMEND SECTION 23-15-49, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE ONLINE VOTER REGISTRATION FOR FIRST-TIME VOTERS; TO
3 AMEND SECTIONS 23-15-13, 23-15-35, 23-15-37, 23-15-39, 23-15-41
4 AND 23-15-79, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
5 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-49, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-49. (1) A person may register to vote under this
10 section if the person is:

11 (a) Eligible to register to vote under Section
12 23-15-11; and

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

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



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

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

28 (i) For registration as a first-time voter in
29 Mississippi; or

30 (ii) To change the applicant's name, address or
31 other information set forth in the applicant's existing voter
32 registration record.

33 (* * *c) Upon the * * * submission of an application
34 through the secure website, the software used by the Secretary of
35 State for processing applications through the website shall
36 provide for verification that:

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



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

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

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

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

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

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

23-15-13. (1) An elector who moves from one (1) ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her



69 registration transferred to his or her new ward or voting precinct
70 upon making written or online request therefor at any time up to
71 thirty (30) days * * * before the election at which he or she
72 offers to vote, and if the removal occurs within thirty (30) days
73 of * * * the election he or she shall be entitled to vote in his
74 or her new ward or voting precinct by affidavit ballot as provided
75 in Section 23-15-573.

76 (2) If an elector requests a change in his or her address
77 under Section 23-15-49 and the address is located in a precinct in
78 the county or municipality that differs from the precinct as
79 reflected in the then current registration records, the request
80 shall be treated in the same manner as a written request to
81 transfer the elector's registration under subsection (1) of this
82 section.

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

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



prescribed by the Secretary of State under Sections 23-15-39 and
23-15-47 and online voter registration prescribed by Section
23-15-49.

(2) The municipal clerk shall be authorized to register
applicants as county electors. The municipal clerk shall forward
notice of registration, a copy of the application for
registration, and any changes to the registration when they occur,
either by certified mail to the county registrar or by personal
delivery to the county registrar provided that a numbered receipt
is signed by the registrar in return for the described documents.
Upon receipt of the copy of the application for registration or
changes to the registration, and if a review of the application
indicates that the applicant meets all the criteria necessary to
qualify as a county elector, then the county registrar shall make
a determination of the county voting precinct in which the person
making the application shall be required to vote. The county
registrar shall send this county voting precinct information by
United States first-class mail, postage prepaid, to the person at
the address provided on the application. Any * * * mailing costs
incurred by the municipal clerk or the county registrar in
effectuating this subsection shall be paid by the county board of
supervisors. If a review of the copy of the application for
registration or changes to the registration indicates that the
applicant is not qualified to vote in the county, the county
registrar shall challenge the application. The county election



commissioners shall review any challenge or disqualification,
after having notified the applicant by certified mail of the
challenge or disqualification.

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

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

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

SECTION 4. Section 23-15-37, Mississippi Code of 1972, is
amended as follows:



23-15-37. (1) The registrar shall keep his or her books open at his or her office and shall register the electors of his or her county at any time during regular office hours.

(2) The registrar may keep his or her office open for registration of voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day * * * before any regularly scheduled primary or general election. The registrar shall also keep his or her office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day * * * before any regularly scheduled primary or general election.

(3) The registrar, or any deputy registrar duly appointed by law, may visit and spend such time as he or she may deem necessary at any location in his or her county, selected by the registrar not less than thirty (30) days before an election, for the purpose of registering voters.

(4) A person who is physically disabled and unable to visit the office of the registrar to register to vote due to * * * the disability may contact the registrar and request that the registrar or * * * the registrar's deputy visit him or her for the purpose of registering * * * the person to vote. The registrar or * * * the registrar's deputy shall visit * * * the person as soon as possible after * * * the request and provide * * * the person with an application for registration, if necessary. The



completed application for registration shall be executed in the presence of the registrar or * * * the registrar's deputy.

(5) (a) In the fall and spring of each year the registrar of each county shall furnish all public schools with instructions for submitting an online voter registration application as well as mail-in voter registration applications. * * * The instructions and applications shall be provided in a reasonable time to enable those students who will be eighteen (18) years of age before a general election to be able to vote in the primary and general elections.

(b) Each public school district shall permit access to all public schools of this state for the registrar or * * * the registrar's deputy for the purpose of registration of persons eligible to vote and for providing voter education.

SECTION 5. Section 23-15-39, Mississippi Code of 1972, is amended as follows:

23-15-39. (1) Applications for registration as electors of this state, which are submitted online as provided in Section 23-15-49 or sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State.

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



191 (3) If the applicant indicates on the application that he or
192 she resides within the city limits of a city or town in the county
193 of registration, the county registrar shall process the
194 application for registration or changes to the registration as
195 provided by law.

196 (4) If the applicant indicates on the application that he or
197 she has previously registered to vote in another county of this
198 state or another state, notice to the voter's previous county of
199 registration in this state shall be provided by the Statewide
200 Elections Management System. If the voter's previous place of
201 registration was in another state, notice shall be provided to the
202 voter's previous state of residence if the Statewide Elections
203 Management System has that capability.

204 (5) The county registrar shall provide to the person making
205 the application a copy of the application upon which has been
206 written the county voting precinct and municipal voting precinct,
207 if any, in which the person shall vote. Upon entry of the voter
208 registration information into the Statewide Elections Management
209 System, the system shall assign a voter registration number to the
210 person.

211 (6) Any person desiring * * * to apply for registration may
212 apply through the online voter registration process established in
213 Section 23-15-49 or may secure an application from the registrar
214 of the county of which he or she is a resident and may take the
215 application with him or her and secure assistance in completing



the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be * * * the registrar's duty to furnish aid and assistance in the completing of the application when requested by an applicant. Unless the application for registration is completed online, the application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. * * * The registrar shall not charge the applicant a fee or cost * * * for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he or she shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read to the person the application and oath and the person's answers thereto shall be recorded by the registrar or * * * the registrar's deputy. The person shall be registered as an elector if he or she otherwise meets the requirements to be registered as an elector. The registrar shall record the responses of the person and the recorded responses shall be retained permanently by the registrar. The registrar shall enter



the voter registration information into the Statewide Elections Management System and designate the entry as an assisted filing.

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

(9) In any case in which a municipality expands its corporate boundaries by annexation or redistricts all or a part of the municipality, the municipal clerk shall, within ten (10) days after the effective date of the annexation * * *, provide the county registrar with conforming geographic data that is compatible with the Statewide Elections Management System. The data shall be developed by the municipality's use of a standardized format specified by the Statewide Elections Management System. The county registrar shall update the municipal boundary information or redistricting information into the Statewide Elections Management System. The Statewide Elections Management System shall update the voter registration records to include the new municipal electors who have resided within the annexed area for at least thirty (30) days after annexation and assign the electors to the municipal voting precincts. The county registrar shall forward to the municipal clerk written notification of the additions and changes, and the municipal clerk shall forward to the new municipal electors written notification of the additions and changes. The Statewide



Elections Management System shall correctly place municipal electors within districts whose boundaries were altered by any redistricting conducted within the municipality and assign * * * the electors to the correct municipal voting precincts.

SECTION 6. Section 23-15-41, Mississippi Code of 1972, is amended as follows:

23-15-41. (1) When an applicant to register to vote has completed the application form as prescribed by administrative rule and Section 23-15-49, the registrar shall enter the Statewide Elections Management System voter record where the voter status will be marked "ACTIVE", "PENDING" or "REJECTED" and the applicant shall be entitled to register upon his or her request for registration made online as provided in Section 23-15-49 or in person to the registrar, or deputy registrar if a deputy registrar has been appointed. No person other than the registrar, or a deputy registrar, shall register any applicant.

(2) If an applicant is not qualified to register to vote, then the registrar shall enter the Statewide Elections Management System voter record where the voter's status shall be marked "PENDING" or "REJECTED", specify the reason or reasons * * * the applicant is not qualified to vote, and notify the election commission of those rejected.

SECTION 7. Section 23-15-79, Mississippi Code of 1972, is amended as follows:



289 23-15-79. (1) Unless the application for registration was
290 made pursuant to Section 23-15-47 or Section 23-15-49, the date of
291 registration to vote shall be the date of the application for
292 registration to vote, regardless of the date on which the county
293 election commission, circuit court or Supreme Court, as the case
294 may be, makes its final determination allowing the registration.

295 (2) In the case of an application for registration which has
296 been made pursuant to Section 23-15-47, the date of registration
297 to vote shall be the date the complete and legible application
298 form is received by the county registrar.

299 (3) In the case of an application for registration which has
300 been made pursuant to Section 23-15-49, the date of registration
301 to vote shall be the date the completed application is submitted
302 to the secure Internet website established in Section 23-15-49.

303 **SECTION 8.** This act shall take effect and be in force from
304 and after July 1, 2017.

