MISSISSIPPI LEGISLATURE   REGULAR SESSION 2018

By: Representatives Denny, Sykes   To: Apportionment and
                                                Elections

HOUSE BILL NO.   65

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;

44   (ii) The name and date of birth provided by
45 the *** * *** applicant matches the name and date of birth that is on
46 file with the Mississippi Department of Public Safety; and
47   (iii) The applicant is a citizen of the State of
48 Mississippi and of the United States and the information provided
49 by the *** * *** applicant matches the information on file with the
50 Mississippi Department of Public Safety.
51   The application shall be reviewed by the county registrar of
52 the applicant's county of residence. If any of the required
53 information does not match that on file with the Mississippi
54 Department of Public Safety, or if the application is incomplete,
55 the *** * *** registration shall be rejected.
56   (*** * ***4) Any person who attempts to *** * *** register to vote
57 under this section shall be subject to the penalties for false
58 registration provided for in Section 97-13-25.
59   (*** * ***5) The Secretary of State and the Department of
60 Public Safety shall enter into a memorandum of understanding
61 providing for the sharing of information required to facilitate
62 the requirements of this section.
63   **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is
64 amended as follows:
65   23-15-13. (1) An elector who moves from one (1) ward or
66 voting precinct to another ward within the same municipality or
67 voting precinct within the same county shall not be disqualified
68 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 offers to

72 vote, and if the removal occurs within thirty (30) days of such

73 election he or she shall be entitled to vote in his or her new

74 ward or voting precinct by affidavit ballot as provided in Section

75 23-15-573. If the thirtieth day to transfer the elector's

76 registration before an election falls on a Sunday or legal

77 holiday, the transfer of the elector's registration submitted on

78 the business day immediately following the Sunday or legal holiday

79 shall be accepted and entered into the Statewide Elections

80 Management System for the purpose of enabling voters to vote in

81 the next election.

82   (2) If an elector requests a change in his or her address

83 under Section 23-15-49 and the address is located in a precinct in

84 the county or municipality that differs from the precinct as

85 reflected in the then current registration records, the request

86 shall be treated in the same manner as a written request to

87 transfer the elector's registration under subsection (1) of this

88 section.

89   **SECTION 3.** Section 23-15-35, Mississippi Code of 1972, is

90 amended as follows:

91   23-15-35. (1) The clerk of the municipality shall be the

92 registrar of voters of the municipality, and shall take the oath

93 of office prescribed by Section 268 of the Constitution. The

94 municipal registration shall conform to the county registration

95 which shall be a part of the official record of registered voters

96 as contained in the Statewide Elections Management System. The

97 municipal clerk shall comply with all the provisions of law

98 regarding the registration of voters, including the use of the

99 voter registration applications used by county registrars and

100 prescribed by the Secretary of State under Sections 23-15-39 and

101 23-15-47 and online voter registration prescribed in Section

102 23-15-49.

103   (2) The municipal clerk shall be authorized to register

104 applicants as county electors. The municipal clerk shall forward

105 notice of registration, a copy of the application for

106 registration, and any changes to the registration when they occur,

107 either by certified mail to the county registrar or by personal

108 delivery to the county registrar provided that a numbered receipt

109 is signed by the county registrar in return for the described

110 documents. Upon receipt of the copy of the application for

111 registration or changes to the registration, and if a review of

112 the application indicates that the applicant meets all the

113 criteria necessary to qualify as a county elector, then the county

114 registrar shall make a determination of the county voting precinct

115 in which the person making the application shall be required to

116 vote. The county registrar shall send this county voting precinct

117 information by United States first-class mail, postage prepaid, to

118 the person at the address provided on the application. Any

119 mailing costs incurred by the municipal clerk or the county

120 registrar in effectuating this subsection (2) shall be paid by the

121 county board of supervisors. If a review of the copy of the

122 application for registration or changes to the registration

123 indicates that the applicant is not qualified to vote in the

124 county, the county registrar shall challenge the application. The

125 county election commissioners shall review any challenge or

126 disqualification, after having notified the applicant by certified

127 mail of the challenge or disqualification.

128   (3) The municipal clerk shall issue to the person making the

129 application a copy of the application and the county registrar

130 shall process the application in accordance with the law regarding

131 the handling of voter registration applications.

132   (4) The receipt of a copy of the application for

133 registration sent pursuant to Section 23-15-39(3) shall be

134 sufficient to allow the applicant to be registered as an elector

135 in the municipality, provided that such application is not

136 challenged as provided for therein.

137   (5) The municipal clerk of each municipality shall provide

138 the county registrar in which the municipality is located the

139 information necessary to conform the municipal registration to the

140 county registration which shall be a part of the official record

141 of registered voters as contained in the Statewide Elections

142 Management System. If any changes to the information occur as a

143 result of redistricting, annexation or other reason, it shall be

144   the responsibility of the municipal clerk to timely provide the

145   changes to the county registrar.

146   **SECTION 4.** Section 23-15-37, Mississippi Code of 1972, is

147   amended as follows:

148   23-15-37. (1) The registrar shall register the electors of

149   his or her county at any time during regular office hours.

150   (2) The county registrar may keep his or her office open to

151   register voters from 8:00 a.m. until 7:00 p.m., including the noon

152   hour, for the five (5) business days immediately preceding the

153   thirtieth day before any regularly scheduled primary or general

154   election. The county registrar shall also keep his or her office

155   open from 8:00 a.m. until 12:00 noon on the Saturday immediately

156   preceding the thirtieth day before any regularly scheduled primary

157   or general election, unless that Saturday falls on a legal

158   holiday, in which case registration applications submitted on the

159   Monday immediately following the legal holiday shall be accepted

160   and entered in the Statewide Elections Management System for the

161   purpose of enabling such voters to vote in the next primary or

162   general election.

163   (3) The registrar, or any deputy registrar duly appointed by

164   law, may visit and spend such time as he or she may deem necessary

165   at any location in his or her county, selected by the registrar

166   not less than thirty (30) days before an election, for the purpose

167   of registering voters.

168   (4) A person who is physically disabled and unable to visit

169   the office of the registrar to register to vote due to such

170   disability may contact the registrar and request that the

171   registrar or the registrar's deputy visit him or her for the

172   purpose of registering such person to vote. The registrar or the

173   registrar's deputy shall visit that person as soon as possible

174   after such request and provide the person with an application for

175   registration, if necessary. The completed application for

176   registration shall be executed in the presence of the registrar or

177   the registrar's deputy.

178   (5) (a) In the fall and spring of each year the registrar

179   of each county shall furnish all public schools with <u>instructions</u>

180   <u>for submitting an online voter registration application as well as</u>

181   mail-in voter registration applications. The <u>instructions and</u>

182   applications shall be provided in a reasonable time to enable

183   those students who will be eighteen (18) years of age before a

184   general election to be able to vote in the primary and general

185   elections.

186   (b) Each public school district shall permit access to

187   all public schools of this state for the county registrar or the

188   county registrar's deputy to register persons who are eligible to

189   vote and to provide voter education.

190   **SECTION 5.** Section 23-15-39, Mississippi Code of 1972, is

191   amended as follows:

192   23-15-39. (1) Applications for registration as electors of
193 this state, which are submitted online as provided in Section
194 23-15-49 or sworn to and subscribed before the registrar or deputy
195 registrar authorized by law and which are not made by mail, shall
196 be made upon a form established by rule duly adopted by the
197 Secretary of State.
198   (2) The boards of supervisors shall make proper allowances
199 for office supplies reasonably necessitated by the registration of
200 county electors.
201   (3) If the applicant indicates on the application that he or
202 she resides within the city limits of a city or town in the county
203 of registration, the county registrar shall process the
204 application for registration or changes to the registration as
205 provided by law.
206   (4) If the applicant indicates on the application that he or
207 she has previously registered to vote in another county of this
208 state or another state, notice to the voter's previous county of
209 registration in this state shall be provided by the Statewide
210 Elections Management System. If the voter's previous place of
211 registration was in another state, notice shall be provided to the
212 voter's previous state of residence if the Statewide Elections
213 Management System has that capability.
214   (5) The county registrar shall provide to the person making
215 the application a copy of the application upon which has been
216 written the county voting precinct and municipal voting precinct,

217 if any, in which the person shall vote. Upon entry of the voter

218 registration information into the Statewide Elections Management

219 System, the system shall assign a voter registration number to the

220 person, and the county registrar shall mail the applicant a voter

221 registration card to the mailing address provided on the

222 application.

223   (6) Any person desiring *** * *** <u>to apply</u> for registration may

224 <u>apply through the online voter registration process established in</u>

225 <u>Section 23-15-49 or may</u> secure an application from the registrar

226 of the county of which he or she is a resident and may take the

227 application with him or her and secure assistance in completing

228 the application from any person of the applicant's choice. It

229 shall be the duty of all registrars to furnish applications for

230 registration to all persons requesting them, and it shall likewise

231 be the registrar's duty to furnish aid and assistance in the

232 completing of the application when requested by an applicant.

233 <u>Unless the application for registration is completed online,</u> the

234 application for registration shall be sworn to and subscribed

235 before the registrar or deputy registrar at the municipal clerk's

236 office, the county registrar's office or any other location where

237 the applicant is allowed to register to vote. The registrar shall

238 not charge a fee or cost to the applicant for accepting the

239 application or administering the oath or for any other duty

240 imposed by law regarding the registration of electors.

241   (7) If the person making the application is unable to read
242 or write, for reason of disability or otherwise, he or she shall
243 not be required to personally complete the application in writing
244 and execute the oath. In such cases, the registrar or deputy
245 registrar shall read the application and oath to the person and
246 the person's answers thereto shall be recorded by the registrar or
247 the registrar's deputy. The person shall be registered as an
248 elector if he or she otherwise meets the requirements to be
249 registered as an elector. The registrar shall record the
250 responses of the person and the recorded responses shall be
251 retained permanently by the registrar. The county registrar shall
252 enter the voter registration information into the Statewide
253 Elections Management System and designate the entry as an assisted
254 filing.

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

259   (9) In any case in which the corporate boundaries of a
260 municipality change, whether by annexation or redistricting, the
261 municipal clerk shall, within ten (10) days after approval of the
262 change in corporate boundaries, provide to the county registrar
263 conforming geographic data that is compatible with the Statewide
264 Elections Management System. The data shall be developed by the
265 municipality's use of a standardized format specified by the

266 Statewide Elections Management System. The county registrar,
267 county election commissioner or other county official, who has
268 completed an annual training seminar sponsored by the Secretary of
269 State pertaining to the implementation of new boundary lines in
270 the Statewide Elections Management System and received
271 certification for that training, shall update the municipal
272 boundary information into the Statewide Elections Management
273 System. The Statewide Elections Management System updates the
274 municipal voter registration records and assigns electors to their
275 municipal voting precincts. The county registrar shall forward to
276 the municipal clerk written notification of the additions and
277 changes, and the municipal clerk shall forward to the affected
278 municipal electors written notification of the additions and
279 changes.

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

282   23-15-41. (1) When an applicant to register to vote has
283 completed the application form as prescribed by administrative
284 rule or Section 23-15-49, the county registrar shall enter the
285 applicant's information into the Statewide Elections Management
286 System where the applicant's status will be marked as "ACTIVE,"
287 "PENDING" or "REJECTED," and the applicant shall be entitled to
288 register upon his or her request for registration made online as
289 provided in Section 23-15-49 or in person to the registrar, or
290 deputy registrar if a deputy registrar has been appointed. No

291 person other than the registrar, or a deputy registrar, shall
292 register any applicant.

293   (2) If an applicant is not qualified to register to vote,
294 then the registrar shall enter the applicant's information into
295 the Statewide Elections Management System and mark the applicant's
296 status as "PENDING" or "REJECTED," with the specific reason or
297 reasons for that status noted. The registrar shall notify the
298 election commission of those applicants rejected.

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

301   23-15-79. (1) Unless the application for registration was
302 made pursuant to Section 23-15-47 or Section 23-15-49, the date of
303 registration to vote shall be the date the application for
304 registration to vote was initially received by the registrar or,
305 if submitted by mail, the postmark date, regardless of the date on
306 which the county election commission, circuit court or Supreme
307 Court, as the case may be, makes its final determination allowing
308 the registration.

309   (2) In the case of an application for registration that has
310 been made pursuant to Section 23-15-47, the date of registration
311 to vote shall be the date the complete and legible application
312 form is received by the county registrar, or, if mailed, the
313 postmark date of the complete and legible application.

314   (3) In the case of an application for registration which has
315 been made pursuant to Section 23-15-49, the date of registration

316   to vote shall be the date the completed application is submitted

317   to the secure Internet website established in Section 23-15-49.

318   **SECTION 8.** This act shall take effect and be in force from

319   and after July 1, 2018.

H. B. No. 65 ||||||||||||||||||||||||||||||||||||||||||| **~ OFFICIAL ~**
18/HR31/R513   ST: Online voter registration; revise to allow
PAGE 14 (ENK\JAB)   for first-time voters to register through.