

By: Representative Hughes

To: Apportionment and Elections

HOUSE BILL NO. 397

1 AN ACT TO AMEND SECTION 23-15-7, MISSISSIPPI CODE OF 1972, TO
 2 PROHIBIT THE SECRETARY OF STATE FROM REQUIRING A PERSON APPLYING
 3 FOR A MISSISSIPPI VOTER IDENTIFICATION CARD THAT INCLUDE HIS OR
 4 HER SOCIAL SECURITY NUMBER, OR ANY PART OF HIS OR HER SOCIAL
 5 SECURITY NUMBER, ON THE APPLICATION; TO PROVIDE THAT THE
 6 MISSISSIPPI VOTER IDENTIFICATION CARD SHALL NOT INCLUDE THE
 7 VOTER'S SOCIAL SECURITY NUMBER, OR ANY PART OF HIS OR HER SOCIAL
 8 SECURITY NUMBER; TO BRING FORWARD SECTION 23-15-47, MISSISSIPPI
 9 CODE OF 1972, WHICH PROVIDES THE PROCESS TO REGISTER TO VOTE BY
 10 MAIL, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD
 11 SECTION 23-15-563, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE
 12 VOTER IDENTIFICATION REQUIREMENT, FOR THE PURPOSE OF POSSIBLE
 13 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

17 23-15-7. (1) The Secretary of State shall negotiate a
 18 Memorandum of Understanding which shall be entered into by the
 19 Mississippi Department of Public Safety and the registrar of each
 20 county for the purpose of providing a Mississippi Voter
 21 Identification Card. The card shall be valid for the purpose of
 22 voter identification purposes under Section 23-15-563 and
 23 available only to registered voters of this state. No fee shall



24 be charged or collected for the application for or issuance of a
25 Mississippi Voter Identification Card. Any costs associated with
26 the application for or issuance of a Mississippi Voter
27 Identification Card shall be made payable from the state's General
28 Fund.

29 (2) The registrar of each county shall provide a location in
30 the registrar's office at which he or she shall accept
31 applications for Mississippi Voter Identification Cards in
32 accordance with the Mississippi Constitution; however, in counties
33 having two (2) judicial districts the registrar shall provide a
34 location in the registrar's office in each judicial district at
35 which he or she shall accept applications for Mississippi Voter
36 Identification Cards in accordance with the Mississippi
37 Constitution.

38 (3) No person shall be eligible for a Mississippi Voter
39 Identification Card if the person has a valid unexpired
40 Mississippi driver's license or an identification card issued
41 under Section 45-35-1 et seq.

42 (4) (a) The Mississippi Voter Identification Card shall be
43 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall
44 contain a prominent statement that under Mississippi law it is
45 valid only as identification for voting purposes. The
46 identification card shall include the following information
47 regarding the applicant:

48 (i) Full legal name;



- 49 (ii) Legal residence address;
50 (iii) Mailing address, if different; and
51 (iv) Voting information.

52 (b) The Mississippi Voter Identification Card shall
53 also contain the date the voter identification card was issued,
54 the county in which the voter is registered and such other
55 information as required by the Secretary of State.

56 (c) The Secretary of State shall not require the
57 applicant to include his or her social security number, or any
58 part of his or her social security number, on the application for
59 a Mississippi Voter Identification Card. The Mississippi Voter
60 Identification Card shall not include the voter's social security
61 number, or any part of his or her social security number.

62 (5) The application shall be signed and sworn to by the
63 applicant and any falsification or fraud in the making of the
64 application shall constitute false swearing under Section 97-7-35.

65 (6) The registrar shall require presentation and
66 verification of any of the following information during the
67 application process before issuance of a Mississippi Voter
68 Identification Card:

- 69 (a) A photo identity document; or
70 (b) Documentation showing the person's date and place
71 of birth; or
72 (c) A social security card; or
73 (d) A Medicare card; or



74 (e) A Medicaid card; or
75 (f) Such other acceptable evidence of verification of
76 residence in the county as determined by the Secretary of State.

77 (7) A Mississippi Voter Identification Card shall remain
78 valid for as long as the cardholder remains qualified to vote. It
79 shall be the duty of a person who moves his or her residence
80 within this state to surrender his or her voter identification
81 card to the registrar of the county of his or her new residence
82 and that person may thereafter apply for and receive a new card if
83 such person is eligible under this section. It shall be the duty
84 of a person who moves his or her residence outside this state or
85 who ceases to be qualified to vote to surrender his or her card to
86 the registrar who issued it.

87 (8) The Secretary of State, in conjunction with the
88 Mississippi Department of Public Safety, shall adopt rules and
89 regulations for the administration of this section.

90 **SECTION 2.** Section 23-15-47, Mississippi Code of 1972, is
91 brought forward as follows:

92 23-15-47. (1) Any person who is qualified to register to
93 vote in the State of Mississippi may register to vote by mail-in
94 application in the manner prescribed in this section.

95 (2) The following procedure shall be used in the
96 registration of electors by mail:

97 (a) Any qualified elector may register to vote by
98 mailing or delivering a completed mail-in application to his or



99 her county registrar at least thirty (30) days before any
100 election; however, if the thirtieth day to register before an
101 election falls on a Sunday or legal holiday, the registration
102 applications submitted on the business day immediately following
103 the Sunday or legal holiday shall be accepted and entered into the
104 Statewide Elections Management System for the purpose of enabling
105 voters to vote in the next election. The postmark date of a
106 mailed application shall be the applicant's date of registration.

107 (b) Upon receipt of a mail-in application, the county
108 registrar shall stamp the application with the date of receipt,
109 and shall verify the application either by matching the
110 applicant's Mississippi driver's license number through the
111 Mississippi Department of Public Safety or by matching the
112 applicant's social security number through the American
113 Association of Motor Vehicle Administrators. Within fourteen (14)
114 days of receipt of a mail-in registration application, the county
115 registrar shall complete action on the application, including any
116 attempts to notify the applicant of the status of his or her
117 application.

118 (c) If the county registrar determines that the
119 applicant is qualified and his or her application is legible and
120 complete, the county registrar shall mail the applicant written
121 notification that the application has been approved, specifying
122 the county voting precinct, municipal voting precinct, if any,
123 polling place and supervisor district in which the person shall



124 vote. This written notification of approval containing the
125 specified information shall be the voter's registration card. The
126 registration card shall be provided by the county registrar to the
127 applicant in accordance with Section 23-15-39. Upon entry of the
128 voter registration information into the Statewide Elections
129 Management System, the system shall assign a voter registration
130 number to the applicant. The assigned voter registration number
131 shall be clearly shown on the written notification of approval.
132 In mailing the written notification, the county registrar shall
133 note the following on the envelope: "DO NOT FORWARD". If any
134 registration notification form is returned as undeliverable, the
135 voter's registration shall be void.

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

138 (i) An incomplete portion of the application makes
139 it impossible for the registrar to determine the eligibility of
140 the applicant to register;

141 (ii) A portion of the application is illegible in
142 the opinion of the county registrar and makes it impossible to
143 determine the eligibility of the applicant to register;

144 (iii) The county registrar is unable to determine,
145 from the address and information stated on the application, the
146 precinct in which the voter should be assigned or the supervisor
147 district in which he or she is entitled to vote;



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

150 (v) The county registrar determines that the
151 applicant is already registered as a qualified elector of the
152 county;

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

155 (e) If the mail-in application of a person is subject
156 to rejection for any of the reasons set forth in paragraph (d)(i)
157 through (iii) of this subsection, and it appears to the county
158 registrar that the defect or omission is of such a minor nature
159 and that any necessary additional information may be supplied by
160 the applicant over the telephone or by further correspondence, the
161 county registrar may write or call the applicant at the telephone
162 number or address, or both, provided on the application. If the
163 county registrar is able to contact the applicant by mail or
164 telephone, the county registrar shall attempt to ascertain the
165 necessary information, and if this information is sufficient for
166 the registrar to complete the application, the applicant shall be
167 registered. If the necessary information cannot be obtained by
168 mail or telephone, or is not sufficient to complete the
169 application within fourteen (14) days of receipt, the county
170 registrar shall give the applicant written notice of the rejection
171 and provide the reason for the rejection. The county registrar
172 shall further inform the applicant that he or she has a right to



173 attempt to register by appearing in person or by filing another
174 mail-in application.

175 (f) If a mail-in application is subject to rejection
176 for the reason stated in paragraph (d)(v) of this subsection and
177 the "present home address" portion of the application is different
178 from the residence address for the applicant found in the
179 Statewide Elections Management System, the mail-in application
180 shall be deemed a written request to update the voter's
181 registration pursuant to Section 23-15-13. The county registrar
182 or the election commissioners shall update the voter's residence
183 address in the Statewide Elections Management System and, if
184 necessary, advise the voter of a change in the location of his or
185 her county or municipal polling place by mailing the voter a new
186 voter registration card.

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

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

195 (b) The Secretary of State shall distribute without
196 charge sufficient forms for application for voter registration by
197 mail to the Commissioner of Public Safety, who shall distribute



198 the forms to each driver's license examining and renewal station
199 in the state, and shall ensure that the forms are regularly
200 available to the public at such stations.

201 (c) Bulk quantities of forms for application for voter
202 registration by mail shall be furnished by the Secretary of State
203 to any person or organization. The Secretary of State shall
204 charge a person or organization the actual cost he or she incurs
205 in providing bulk quantities of forms for application for voter
206 registration to such person or organization.

207 (5) The originals of completed mail-in applications shall
208 remain on file in the office of the county registrar with copies
209 retained in the Statewide Elections Management System.

210 (6) If the applicant indicates on the application that he or
211 she resides within the city limits of a city or town in the county
212 of registration, the county registrar shall enter the information
213 into the Statewide Elections Management System.

214 (7) If the applicant indicates on the application that he or
215 she has previously registered to vote in another county of this
216 state or another state, notice to the voter's previous county of
217 registration in this state shall be provided through the Statewide
218 Elections Management System. If the voter's previous place of
219 registration was in another state, notice shall be provided to the
220 voter's previous state of residence.



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

224 **SECTION 3.** Section 23-15-563, Mississippi Code of 1972, is
225 brought forward as follows:

226 23-15-563. (1) Each person who appears to vote in person at
227 a polling place or the registrar's office shall be required to
228 identify himself or herself to a poll manager or the registrar by
229 presenting current and valid photo identification before such
230 person shall be allowed to vote.

231 (2) The identification required by subsection (1) of this
232 section shall include, but not be limited to, the following:

233 (a) A current and valid Mississippi driver's license;

234 (b) A current and valid identification card issued by a
235 branch, department, agency or entity of the State of Mississippi;

236 (c) A current and valid United States passport;

237 (d) A current and valid employee identification card
238 containing a photograph of the elector and issued by any branch,
239 department, agency or entity of the United States government, the
240 State of Mississippi, or any county, municipality, board,
241 authority or other entity of this state;

242 (e) A current and valid Mississippi license to carry a
243 pistol or revolver;

244 (f) A valid tribal identification card containing a
245 photograph of the elector;



246 (g) A current and valid United States military
247 identification card;

248 (h) A current and valid student identification card,
249 containing a photograph of the elector, issued by any accredited
250 college, university or community or junior college in the State of
251 Mississippi; and

252 (i) An official Mississippi voter identification card
253 containing a photograph of the elector.

254 (3) (a) A person who appears to vote in person at a polling
255 place and does not have identification as required by this section
256 may vote by affidavit ballot. The affidavit ballot shall then be
257 counted if the person shall present acceptable photo
258 identification to the registrar within five (5) days.

259 (b) An elector who has a religious objection to being
260 photographed may vote by affidavit ballot, and the elector, within
261 five (5) days after the election, shall execute an affidavit in
262 the registrar's office affirming that the exemption applies.

263 (4) The intentional failure of an election official to
264 require a voter to present identification as required by this
265 section shall be considered corrupt conduct under Section 97-13-19
266 and shall be reported to the Secretary of State and the Attorney
267 General.

268 **SECTION 4.** This act shall take effect and be in force from
269 and after July 1, 2018.

