

By: Representative Williams-Barnes

To: Apportionment and Elections

HOUSE BILL NO. 817

1 AN ACT TO AUTHORIZE ANY PERSON WHO IS QUALIFIED TO REGISTER  
 2 TO VOTE IN THE STATE OF MISSISSIPPI TO REGISTER TO VOTE WHEN THAT  
 3 PERSON APPLIES FOR THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A  
 4 MOTOR VEHICLE DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO  
 5 REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO OBTAIN CERTAIN  
 6 INFORMATION FROM A PERSON WHO DESIRES TO REGISTER TO VOTE WHILE  
 7 APPLYING FOR THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A MOTOR  
 8 VEHICLE DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO  
 9 PROVIDE AN OPT-OUT PROCEDURE FOR PERSONS WHO CHOOSE NOT TO  
 10 REGISTER TO VOTE WHILE APPLYING FOR THE ISSUANCE, RENEWAL OR  
 11 CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE OR OFFICIAL  
 12 IDENTIFICATION CARD; TO PROVIDE FOR THE FORWARDING OF VOTER  
 13 REGISTRATION APPLICATIONS TO THE PERSON'S COUNTY OF RESIDENCE; TO  
 14 AMEND SECTIONS 23-15-11, 23-15-33, 23-15-35, 23-15-39, 23-15-41,  
 15 23-15-79, 23-15-95 AND 63-1-19, MISSISSIPPI CODE OF 1972, TO  
 16 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) Any person who is qualified to register to  
 19 vote in the State of Mississippi may register to vote when that  
 20 person applies for the issuance, renewal or change of address of a  
 21 motor vehicle driver's license or official identification card in  
 22 the manner prescribed in this section.

23 (2) The Mississippi Department of Public Safety shall, with  
 24 the support of the Secretary of State, obtain, as an integral and  
 25 simultaneous part of every process of application for the



26 issuance, renewal or change of address of a motor vehicle driver's  
27 license or official identification card pursuant to Sections  
28 45-35-1 through 45-35-67, the following information from each  
29 applicant:

30 (a) Full name, including first, middle, last and any  
31 premarital names;

32 (b) Date of birth;

33 (c) Residence address and mailing address, if  
34 different;

35 (d) The applicant's electronic signature;

36 (e) Telephone number, if available;

37 (f) Email address, if available;

38 (g) Driver's license number and last four (4) digits of  
39 social security number;

40 (h) A written statement made under the penalty of  
41 perjury that the applicant:

42 (i) Is a citizen of the United States of America;

43 (ii) Is eighteen (18) years of age or older, or  
44 will be eighteen (18) years of age or older on or before the date  
45 of the general election and is duly registered to vote not less  
46 than thirty (30) days before the primary election associated with  
47 the general election;

48 (iii) Has resided in this state for thirty (30)  
49 days and for thirty (30) days in the county in which he or she



50 seeks to vote, and for thirty (30) days in the incorporated  
51 municipality in which he or she seeks to vote;

52 (iv) Has been duly registered as an elector under  
53 Section 23-15-33; and

54 (v) Has never been convicted of vote fraud or of  
55 any crime listed in Section 241, Mississippi Constitution of 1890;

56 (i) Whether the applicant affirmatively declined to  
57 become registered to vote during the transaction with the  
58 Mississippi Department of Public Safety;

59 (j) Date of application; and

60 (k) Any other information in the rules adopted by the  
61 Mississippi Department of Public Safety and the Secretary of State  
62 to implement this section.

63 (3) Unless the applicant affirmatively declines to become  
64 registered to vote or update his or her voter registration during  
65 the transaction with the Mississippi Department of Public Safety,  
66 the department shall release all of the information obtained  
67 pursuant to subsection (2) of this section to the Secretary of  
68 State, who shall forward the information to the county registrar  
69 of the applicant's county of residence to process the newly  
70 registered voter or update information for the already-registered  
71 voter pursuant to law. Notwithstanding any other provision of  
72 law, if the applicant affirmatively declines to become registered  
73 to vote, the Mississippi Department of Public Safety shall release  
74 the applicant's first name, middle name, last name, premarital



75 name, if applicable, complete residence address, complete date of  
76 birth and electronic signature, which were entered in the  
77 department's records for driver's license or official  
78 identification card purposes, to the Secretary of State in order  
79 to facilitate any future attempt of the applicant to register to  
80 vote, along with the notation that the applicant affirmatively  
81 declined to become registered at that time. The Mississippi  
82 Department of Public Safety shall notify the applicant that by  
83 submitting his or her signature, the applicant grants written  
84 consent for the submission of the information obtained and  
85 required to be submitted to the Secretary of State pursuant to  
86 this section.

87 (4) Information regarding a person's failure to sign the  
88 voter registration application is confidential and may not be used  
89 for any purpose other than to determine voter registration.

90 (5) An application for voter registration submitted pursuant  
91 to the provisions of this section updates a previous voter  
92 registration by the applicant and authorizes the cancellation of  
93 registration in any other county or state in which the applicant  
94 was previously registered.

95 (6) A change of address from one (1) residence to another  
96 within the same county that is submitted for driver's license or  
97 official identification card purposes in accordance with  
98 applicable law serves as a notice of change of address for voter



99 registration purposes if requested by the applicant after notice  
100 and written consent of the applicant.

101 (7) Completed applications for voter registration or change  
102 of address for voting purposes received by the Mississippi  
103 Department of Public Safety shall be forwarded to the Secretary of  
104 State within five (5) days of receipt. The Secretary of State  
105 shall file any forms that have not been signed by the applicant  
106 and shall forward completed, signed applications to the clerk of  
107 the appropriate county election commission within five (5) days of  
108 receipt.

109 (8) Voter registration application forms containing voter  
110 information which are returned to a driver's license office  
111 unsigned shall be collected by the Mississippi Department of  
112 Public Safety, submitted to the Secretary of State and maintained  
113 by the Secretary of State's office according to the retention  
114 policy for such records adopted by the Secretary of State.

115 (9) The Secretary of State shall establish procedures to  
116 protect the confidentiality of the information obtained from the  
117 Mississippi Department of Public Safety, including any information  
118 otherwise required to be confidential by other provisions of the  
119 law.

120 (10) A person registered to vote pursuant to this section  
121 may cancel his or her voter registration at any time by any method  
122 available to any other registered voter.



123 (11) A person who attempts to register to vote pursuant to  
124 this section may appeal a denial of his or her voter registration  
125 as provided in this chapter.

126 (12) This section shall not be construed as requiring the  
127 Mississippi Department of Public Safety to determine eligibility  
128 for voter registration and voting.

129 (13) A voter registration application completed pursuant to  
130 this section shall be a completed application for voter  
131 registration.

132 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is  
133 amended as follows:

134 23-15-11. Every inhabitant of this state, except persons  
135 adjudicated to be non compos mentis, who is a citizen of the  
136 United States of America, eighteen (18) years old and upwards, who  
137 has resided in this state for thirty (30) days and for thirty (30)  
138 days in the county in which he or she seeks to vote, and for  
139 thirty (30) days in the incorporated municipality in which he or  
140 she seeks to vote, and who has been duly registered as an elector  
141 under Section 23-15-33 or Section 1 of this act, and who has never  
142 been convicted of vote fraud or of any crime listed in Section  
143 241, Mississippi Constitution of 1890, shall be a qualified  
144 elector in and for the county, municipality and voting precinct of  
145 his or her residence, and shall be entitled to vote at any  
146 election upon compliance with Section 23-15-563. Any person who  
147 will be eighteen (18) years of age or older on or before the date



148 of the general election and who is duly registered to vote not  
149 less than thirty (30) days before the primary election associated  
150 with the general election, may vote in the primary election even  
151 though the person has not reached his or her eighteenth birthday  
152 at the time that the person seeks to vote at the primary election.  
153 No others than those specified in this section shall be entitled,  
154 or shall be allowed, to vote at any election.

155         **SECTION 3.** Section 23-15-33, Mississippi Code of 1972, is  
156 amended as follows:

157         23-15-33. (1) Every person entitled to be registered as an  
158 elector in compliance with the laws of this state and who has  
159 signed his or her name on and properly completed the application  
160 for registration to vote shall be registered by the county  
161 registrar in the voting precinct of the residence of such person  
162 through the Statewide Elections Management System.

163         (2) Every person entitled to be registered as an elector in  
164 compliance with the laws of this state and who registers to vote  
165 pursuant to the National Voter Registration Act of 1993 shall be  
166 registered by the county registrar in the voting precinct of the  
167 residence of such person through the Statewide Elections  
168 Management System.

169         (3) Every person entitled to be registered as an elector in  
170 compliance with the laws of this state and who registers to vote  
171 pursuant to Section 1 of this act shall be registered by the



172 registrar in the voting precinct of the residence of such person  
173 through the Statewide Elections Management System.

174 **SECTION 4.** Section 23-15-35, Mississippi Code of 1972, is  
175 amended as follows:

176 23-15-35. (1) The clerk of the municipality shall be the  
177 registrar of voters of the municipality, and shall take the oath  
178 of office prescribed by Section 268 of the Constitution. The  
179 municipal registration shall conform to the county registration  
180 which shall be a part of the official record of registered voters  
181 as contained in the Statewide Elections Management System. The  
182 municipal clerk shall comply with all the provisions of law  
183 regarding the registration of voters, including the use of the  
184 voter registration applications used by county registrars and  
185 prescribed by the Secretary of State under Sections 23-15-39 and  
186 23-15-47 and under the provisions of Section 1 of this act.

187 (2) The municipal clerk shall be authorized to register  
188 applicants as county electors. The municipal clerk shall forward  
189 notice of registration, a copy of the application for  
190 registration, and any changes to the registration when they occur,  
191 either by certified mail to the county registrar or by personal  
192 delivery to the county registrar provided that a numbered receipt  
193 is signed by the county registrar in return for the described  
194 documents. Upon receipt of the copy of the application for  
195 registration or changes to the registration, and if a review of  
196 the application indicates that the applicant meets all the





197 criteria necessary to qualify as a county elector, then the county  
198 registrar shall make a determination of the county voting precinct  
199 in which the person making the application shall be required to  
200 vote. The county registrar shall send this county voting precinct  
201 information by United States first-class mail, postage prepaid, to  
202 the person at the address provided on the application. Any  
203 mailing costs incurred by the municipal clerk or the county  
204 registrar in effectuating this subsection (2) shall be paid by the  
205 county board of supervisors. If a review of the copy of the  
206 application for registration or changes to the registration  
207 indicates that the applicant is not qualified to vote in the  
208 county, the county registrar shall challenge the application. The  
209 county election commissioners shall review any challenge or  
210 disqualification, after having notified the applicant by certified  
211 mail of the challenge or disqualification.

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

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



221 (5) The municipal clerk of each municipality shall provide  
222 the county registrar in which the municipality is located the  
223 information necessary to conform the municipal registration to the  
224 county registration which shall be a part of the official record  
225 of registered voters as contained in the Statewide Elections  
226 Management System. If any changes to the information occur as a  
227 result of redistricting, annexation or other reason, it shall be  
228 the responsibility of the municipal clerk to timely provide the  
229 changes to the county registrar.

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

232 23-15-39. (1) Applications for registration as electors of  
233 this state, which are sworn to and subscribed before the registrar  
234 or deputy registrar authorized by law and which are not made by  
235 mail or pursuant to the provisions of Section 1 of this act, shall  
236 be made upon a form established by rule duly adopted by the  
237 Secretary of State.

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

241 (3) If the applicant indicates on the application that he or  
242 she resides within the city limits of a city or town in the county  
243 of registration, the county registrar shall process the  
244 application for registration or changes to the registration as  
245 provided by law.



246 (4) If the applicant indicates on the application that he or  
247 she has previously registered to vote in another county of this  
248 state or another state, notice to the voter's previous county of  
249 registration in this state shall be provided by the Statewide  
250 Elections Management System. If the voter's previous place of  
251 registration was in another state, notice shall be provided to the  
252 voter's previous state of residence if the Statewide Elections  
253 Management System has that capability.

254 (5) The county registrar shall provide to the person making  
255 the application a copy of the application upon which has been  
256 written the county voting precinct and municipal voting precinct,  
257 if any, in which the person shall vote. Upon entry of the voter  
258 registration information into the Statewide Elections Management  
259 System, the system shall assign a voter registration number to the  
260 person, and the county registrar shall mail the applicant a voter  
261 registration card to the mailing address provided on the  
262 application.

263 (6) Any person desiring an application for registration may  
264 secure an application from the registrar of the county of which he  
265 or she is a resident and may take the application with him or her  
266 and secure assistance in completing the application from any  
267 person of the applicant's choice. It shall be the duty of all  
268 registrars to furnish applications for registration to all persons  
269 requesting them, and it shall likewise be the registrar's duty to  
270 furnish aid and assistance in the completing of the application



271 when requested by an applicant. The application for registration  
272 shall be sworn to and subscribed before the registrar or deputy  
273 registrar at the municipal clerk's office, the county registrar's  
274 office or any other location where the applicant is allowed to  
275 register to vote. The registrar shall not charge a fee or cost to  
276 the applicant for accepting the application or administering the  
277 oath or for any other duty imposed by law regarding the  
278 registration of electors.

279 (7) If the person making the application is unable to read  
280 or write, for reason of disability or otherwise, he or she shall  
281 not be required to personally complete the application in writing  
282 and execute the oath. In such cases, the registrar or deputy  
283 registrar shall read the application and oath to the person and  
284 the person's answers thereto shall be recorded by the registrar or  
285 the registrar's deputy. The person shall be registered as an  
286 elector if he or she otherwise meets the requirements to be  
287 registered as an elector. The registrar shall record the  
288 responses of the person and the recorded responses shall be  
289 retained permanently by the registrar. The county registrar shall  
290 enter the voter registration information into the Statewide  
291 Elections Management System and designate the entry as an assisted  
292 filing.

293 (8) The receipt of a copy of the application for  
294 registration sent pursuant to Section 23-15-35(2) shall be



295 sufficient to allow the applicant to be registered as an elector  
296 of this state, if the application is not challenged.

297 (9) In any case in which the corporate boundaries of a  
298 municipality change, whether by annexation or redistricting, the  
299 municipal clerk shall, within ten (10) days after approval of the  
300 change in corporate boundaries, provide to the county registrar  
301 conforming geographic data that is compatible with the Statewide  
302 Elections Management System. The data shall be developed by the  
303 municipality's use of a standardized format specified by the  
304 Statewide Elections Management System. The county registrar,  
305 county election commissioner or other county official, who has  
306 completed an annual training seminar sponsored by the Secretary of  
307 State pertaining to the implementation of new boundary lines in  
308 the Statewide Elections Management System and received  
309 certification for that training, shall update the municipal  
310 boundary information into the Statewide Elections Management  
311 System. The Statewide Elections Management System updates the  
312 municipal voter registration records and assigns electors to their  
313 municipal voting precincts. The county registrar shall forward to  
314 the municipal clerk written notification of the additions and  
315 changes, and the municipal clerk shall forward to the affected  
316 municipal electors written notification of the additions and  
317 changes.

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



320           23-15-41. (1) When an applicant to register to vote has  
321 completed the application form as prescribed by administrative  
322 rule or pursuant to Section 1 of this act, the county registrar  
323 shall enter the applicant's information into the Statewide  
324 Elections Management System where the applicant's status will be  
325 marked as "ACTIVE," "PENDING" or "REJECTED," and the applicant  
326 shall be entitled to register upon his or her request for  
327 registration made in person to the registrar, or deputy registrar  
328 if a deputy registrar has been appointed. Except as otherwise  
329 provided in Section 1 of this act, no person other than the  
330 registrar, or a deputy registrar, shall register any applicant.

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

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

339           23-15-79. (1) Unless the application for registration was  
340 made pursuant to Section 23-15-47 or Section 1 of this act, the  
341 date of registration to vote shall be the date the application for  
342 registration to vote was initially received by the registrar or,  
343 if submitted by mail, the postmark date, regardless of the date on  
344 which the county election commission, circuit court or Supreme



345 Court, as the case may be, makes its final determination allowing  
346 the registration.

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

352 (3) In the case of an application for registration that has  
353 been made pursuant to Section 1 of this act, the date of  
354 registration to vote shall be the date the person applying for the  
355 issuance, renewal or change of address of a motor vehicle driver's  
356 license or official identification card in the manner prescribed  
357 in Section 1 of this act completes and signs the form.

358 **SECTION 8.** Section 23-15-95, Mississippi Code of 1972, is  
359 amended as follows:

360 23-15-95. In addition to the penalties set forth in Section  
361 23-15-93, any applicant aggrieved by any registrar \* \* \*,  
362 election commissioner or the Mississippi Department of Public  
363 Safety because of their refusal or neglect to perform any of the  
364 duties prescribed by this chapter regarding the registration of  
365 electors may petition the chancery court of the county of the  
366 registrar or election commissioner for an injunction or mandate to  
367 enforce the performance of such duties and to secure to that  
368 applicant the rights to which he or she may be entitled under the  
369 provisions of the sections.



370           **SECTION 9.** Section 63-1-19, Mississippi Code of 1972, is  
371 amended as follows:

372           63-1-19. (1) (a) Every applicant for a license or permit  
373 issued pursuant to this article, or for renewal of such license or  
374 permit, shall file an application for \* \* \* the license, permit or  
375 renewal, on a form provided by the Department of Public Safety,  
376 with the commissioner or an official license examiner of the  
377 department. All persons not holding valid, unexpired licenses  
378 issued in this state shall be required to secure an original  
379 license, except those specifically exempted from licensing under  
380 Section 63-1-7. In addition to the application requirements  
381 provided in Section 1 of this act, the application shall state the  
382 name, date of birth, the social security number of the applicant  
383 unless the applicant is not a United States citizen and does not  
384 possess a social security number issued by the United States  
385 government, sex, race, color of eyes, color of hair, weight,  
386 height and residence address, and whether or not the applicant's  
387 privilege to drive has been suspended or revoked at any time, and,  
388 if so, when, by whom, and for what cause, and whether any previous  
389 application by him or her has been denied, and whether he or she  
390 has any physical defects \* \* \* that would interfere with his or  
391 her operating a motor vehicle safely upon the highways.

392           (b) Every applicant for an original license shall show  
393 proof of domicile in this state. The commissioner shall  
394 promulgate any rules and regulations necessary to enforce this





395 requirement and shall prescribe the means by which an applicant  
396 for an original license may show domicile in this state. Proof of  
397 domicile shall not be required of applicants under eighteen (18)  
398 years of age.

399 (c) Unless the applicant is not a United States citizen  
400 and does not possess a social security number issued by the United  
401 States government, each application or filing made under this  
402 section shall include the social security number(s) of the  
403 applicant in accordance with Section 93-11-64 \* \* \*.

404 (2) No person who is illegally in the United States or  
405 Mississippi shall be issued a license. The application of a  
406 person who is not a United States citizen and who does not possess  
407 a social security number issued by the United States government  
408 shall state the name, date of birth, sex, race, color of eyes,  
409 color of hair, weight, height and residence address, and whether  
410 or not the applicant's privilege to drive has been suspended or  
411 revoked at any time, and, if so, when, by whom, and for what  
412 cause, and whether any previous application by him or her has been  
413 denied, and whether he or she has any physical defects \* \* \* that  
414 would interfere with his or her operating a motor vehicle safely  
415 upon the highways. The commissioner shall adopt and promulgate  
416 such rules and regulations as he or she deems appropriate  
417 requiring additional documents, materials, information or physical  
418 evidence to be provided by the applicant as may be necessary to  
419 establish the identity of the applicant and that the applicant is



420 not present in the United States or the State of Mississippi  
421 illegally.

422 (3) Whenever a person who has applied for or who has been  
423 issued a license or permit under this article moves from the  
424 address listed in the application or on the permit or license, or  
425 whenever the name of a licensee changes by marriage or otherwise,  
426 such person, within thirty (30) days thereafter, shall notify, in  
427 writing, the Department of Public Safety, Driver Services  
428 Division, and inform the department of his or her previous address  
429 and new address and of his or her former name and new name. The  
430 department shall not change the name of a licensee or permittee on  
431 his or her license or permit unless the applicant appears in  
432 person at an office of the department and provides a certified  
433 copy of his or her marriage license, court order, birth  
434 certificate or divorce decree changing the licensee's or  
435 permittee's name.

436 (4) (a) Any male who is at least eighteen (18) years of age  
437 but less than twenty-six (26) years of age and who applies for a  
438 permit or license or a renewal of a permit or license under this  
439 chapter shall be registered in compliance with the requirements of  
440 Section 3 of the Military Selective Service Act, 50 USCS Appx 451  
441 et seq., as amended.

442 (b) The department shall forward in an electronic  
443 format the necessary personal information of the applicant to the  
444 Selective Service System. The applicant's submission of the



445 application shall serve as an indication that the applicant either  
446 has already registered with the Selective Service System or that  
447 he is authorizing the department to forward to the Selective  
448 Service System the necessary information for registration. The  
449 commissioner shall notify the applicant on, or as a part of, the  
450 application that his submission of the application will serve as  
451 his consent to registration with the Selective Service System, if  
452 so required. The commissioner also shall notify any male  
453 applicant under the age of eighteen (18) that he will be  
454 registered upon turning age eighteen (18) as required by federal  
455 law.

456       **SECTION 10.** Section 1 of this act shall be codified as a new  
457 section in Chapter 15, Title 23, Mississippi Code of 1972.

458       **SECTION 11.** This act shall take effect and be in force from  
459 and after July 1, 2018.

