

By: Representative Anderson

To: Apportionment and Elections

HOUSE BILL NO. 1311

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 instructions
180 for submitting an online voter registration application as well as
181 mail-in voter registration applications. The instructions and
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 * * * to apply for registration may
224 apply through the online voter registration process established in
225 Section 23-15-49 or may 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 Unless the application for registration is completed online, 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.

