

By: Representative Sykes

To: Apportionment and Elections

HOUSE BILL NO. 423

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. If the thirtieth
147 day to register before an election falls on a Sunday or legal



148 holiday, the registration applications submitted on the business
149 day immediately following the Sunday or legal holiday shall be
150 accepted and entered in the Statewide Elections Management System
151 for the purpose of enabling voters to vote in the next election.
152 Any person who will be eighteen (18) years of age or older on or
153 before the date of the general election and who is duly registered
154 to vote not less than thirty (30) days before the primary election
155 associated with the general election, may vote in the primary
156 election even though the person has not reached his or her
157 eighteenth birthday at the time that the person seeks to vote at
158 the primary election. No others than those specified in this
159 section shall be entitled, or shall be allowed, to vote at any
160 election.

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

163 23-15-33. (1) Every person entitled to be registered as an
164 elector in compliance with the laws of this state and who has
165 signed his or her name on and properly completed the application
166 for registration to vote shall be registered by the county
167 registrar in the voting precinct of the residence of such person
168 through the Statewide Elections Management System.

169 (2) 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 the National Voter Registration Act of 1993 shall be
172 registered by the county registrar in the voting precinct of the



173 residence of such person through the Statewide Elections
174 Management System.

175 (3) Every person entitled to be registered as an elector in
176 compliance with the laws of this state and who registers to vote
177 pursuant to Section 1 of this act shall be registered by the
178 registrar in the voting precinct of the residence of such person
179 through the Statewide Elections Management System.

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

182 23-15-35. (1) The clerk of the municipality shall be the
183 registrar of voters of the municipality, and shall take the oath
184 of office prescribed by Section 268 of the Constitution. The
185 municipal registration shall conform to the county registration
186 which shall be a part of the official record of registered voters
187 as contained in the Statewide Elections Management System. The
188 municipal clerk shall comply with all the provisions of law
189 regarding the registration of voters, including the use of the
190 voter registration applications used by county registrars and
191 prescribed by the Secretary of State under Sections 23-15-39 and
192 23-15-47 and under the provisions of Section 1 of this act.

193 (2) The municipal clerk shall be authorized to register
194 applicants as county electors. The municipal clerk shall forward
195 notice of registration, a copy of the application for
196 registration, and any changes to the registration when they occur,
197 either by certified mail to the county registrar or by personal



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

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



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

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

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

238 23-15-39. (1) Applications for registration as electors of
239 this state, which are sworn to and subscribed before the registrar
240 or deputy registrar authorized by law and which are not made by
241 mail or pursuant to the provisions of Section 1 of this act, shall
242 be made upon a form established by rule duly adopted by the
243 Secretary of State.

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



247 (3) If the applicant indicates on the application that he or
248 she resides within the city limits of a city or town in the county
249 of registration, the county registrar shall process the
250 application for registration or changes to the registration as
251 provided by law.

252 (4) If the applicant indicates on the application that he or
253 she has previously registered to vote in another county of this
254 state or another state, notice to the voter's previous county of
255 registration in this state shall be provided by the Statewide
256 Elections Management System. If the voter's previous place of
257 registration was in another state, notice shall be provided to the
258 voter's previous state of residence if the Statewide Elections
259 Management System has that capability.

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

269 (6) Any person desiring an application for registration may
270 secure an application from the registrar of the county of which he
271 or she is a resident and may take the application with him or her



272 and secure assistance in completing the application from any
273 person of the applicant's choice. It shall be the duty of all
274 registrars to furnish applications for registration to all persons
275 requesting them, and it shall likewise be the registrar's duty to
276 furnish aid and assistance in the completing of the application
277 when requested by an applicant. The application for registration
278 shall be sworn to and subscribed before the registrar or deputy
279 registrar at the municipal clerk's office, the county registrar's
280 office or any other location where the applicant is allowed to
281 register to vote. The registrar shall not charge a fee or cost to
282 the applicant for accepting the application or administering the
283 oath or for any other duty imposed by law regarding the
284 registration of electors.

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



297 Elections Management System and designate the entry as an assisted
298 filing.

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

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



322 municipal electors written notification of the additions and
323 changes.

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

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

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

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

345 23-15-79. (1) Unless the application for registration was
346 made pursuant to Section 23-15-47 or Section 1 of this act, the



347 date of registration to vote shall be the date the application for
348 registration to vote was initially received by the registrar or,
349 if submitted by mail, the postmark date, regardless of the date on
350 which the county election commission, circuit court or Supreme
351 Court, as the case may be, makes its final determination allowing
352 the registration.

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

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

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

366 23-15-95. In addition to the penalties set forth in Section
367 23-15-93, any applicant aggrieved by any registrar * * *,
368 election commissioner or the Mississippi Department of Public
369 Safety because of their refusal or neglect to perform any of the
370 duties prescribed by this chapter regarding the registration of
371 electors may petition the chancery court of the county of the



372 registrar or election commissioner for an injunction or mandate to
373 enforce the performance of such duties and to secure to that
374 applicant the rights to which he or she may be entitled under the
375 provisions of the sections.

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

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



396 has any physical defects * * * that would interfere with his or
397 her operating a motor vehicle safely upon the highways.

398 (b) Every applicant for an original license shall show
399 proof of domicile in this state. The commissioner shall
400 promulgate any rules and regulations necessary to enforce this
401 requirement and shall prescribe the means by which an applicant
402 for an original license may show domicile in this state. Proof of
403 domicile shall not be required of applicants under eighteen (18)
404 years of age.

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

410 (2) No person who is illegally in the United States or
411 Mississippi shall be issued a license. The application of a
412 person who is not a United States citizen and who does not possess
413 a social security number issued by the United States government
414 shall state the name, date of birth, sex, race, color of eyes,
415 color of hair, weight, height and residence address, and whether
416 or not the applicant's privilege to drive has been suspended or
417 revoked at any time, and, if so, when, by whom, and for what
418 cause, and whether any previous application by him or her has been
419 denied, and whether he or she has any physical defects * * * that
420 would interfere with his or her operating a motor vehicle safely



421 upon the highways. The commissioner shall adopt and promulgate
422 such rules and regulations as he or she deems appropriate
423 requiring additional documents, materials, information or physical
424 evidence to be provided by the applicant as may be necessary to
425 establish the identity of the applicant and that the applicant is
426 not present in the United States or the State of Mississippi
427 illegally.

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

442 (4) (a) Any male who is at least eighteen (18) years of age
443 but less than twenty-six (26) years of age and who applies for a
444 permit or license or a renewal of a permit or license under this
445 chapter shall be registered in compliance with the requirements of



446 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
447 et seq., as amended.

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

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

464 **SECTION 11.** This act shall take effect and be in force from
465 and after July 1, 2019.

