

By: Representative Anderson

To: Apportionment and  
Elections

## HOUSE BILL NO. 1348

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;



(ii) The name and date of birth provided by the \* \* \* applicant matches the name and date of birth that is on file with the Mississippi Department of Public Safety; and

(iii) The applicant is a citizen of the State of Mississippi and of the United States and the information provided by the \* \* \* applicant matches the information on file with the Mississippi Department of Public Safety.

The application shall be reviewed by the county registrar of the applicant's county of residence. If any of the required information does not match that on file with the Mississippi Department of Public Safety, or if the application is incomplete, the \* \* \* registration shall be rejected.

( \* \* \* 4) Any person who attempts to \* \* \* register to vote under this section shall be subject to the penalties for false registration provided for in Section 97-13-25.

( \* \* \* 5) The Secretary of State and the Department of Public Safety shall enter into a memorandum of understanding providing for the sharing of information required to facilitate the requirements of this section.

**SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is amended as follows:

23-15-13. (1) An elector who moves from one (1) ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified 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



mailing costs incurred by the municipal clerk or the county registrar in effectuating this subsection (2) shall be paid by the county board of supervisors. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

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

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

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



the responsibility of the municipal clerk to timely provide the changes to the county registrar.

**SECTION 4.** Section 23-15-37, Mississippi Code of 1972, is amended as follows:

23-15-37. (1) The registrar shall register the electors of his or her county at any time during regular office hours.

(2) The county registrar may keep his or her office open to register voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day before any regularly scheduled primary or general election. The county registrar shall also keep his or her office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day before any regularly scheduled primary or general election, unless that Saturday falls on a legal holiday, in which case registration applications submitted on the Monday immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling such voters to vote in the next primary or general election.

(3) The registrar, or any deputy registrar duly appointed by law, may visit and spend such time as he or she may deem necessary at any location in his or her county, selected by the registrar not less than thirty (30) days before an election, for the purpose 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



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

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

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



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

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

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

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

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

(3) In the case of an application for registration which has 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, 2019.

