

By: Senator(s) Blackwell

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2087

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:

28 (i) An application for registration as a
29 first-time voter in Mississippi;

30 (ii) An application to change the applicant's
31 name, address or other information set forth in the applicant's
32 existing voter registration record; or

33 (iii) A request to terminate his or her voter
34 registration.

35 (* * *c) Upon the * * * submission of an application
36 through the secure website, the software used by the Secretary of
37 State for processing applications through the website shall
38 provide for verification that:

39 (i) The * * * applicant has a current and valid
40 Mississippi driver's license or photo identification card issued
41 by the Mississippi Department of Public Safety and the number for
42 that driver's license or photo identification card provided by the
43 applicant matches the number for the * * * applicant's driver's



44 license or photo identification card that is on file with the
45 Mississippi Department of Public Safety;

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

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

53 The application shall be reviewed by the county registrar of
54 the applicant's county of residence. If any of the required
55 information does not match that on file with the Mississippi
56 Department of Public Safety, or if the application is incomplete,
57 the * * * registration shall be rejected. To the extent possible,
58 the registrar shall follow the procedure set forth in Section
59 23-15-47 in the registration of electors by online application.

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

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

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



69 23-15-13. (1) An elector who moves from one (1) ward or
70 voting precinct to another ward within the same municipality or
71 voting precinct within the same county shall not be disqualified
72 to vote, but he or she shall be entitled to have his or her
73 registration transferred to his or her new ward or voting precinct
74 upon making written or online request therefor at any time up to
75 thirty (30) days before the election at which he or she offers to
76 vote, and if the removal occurs within thirty (30) days of such
77 election he or she shall be entitled to vote in his or her new
78 ward or voting precinct by affidavit ballot as provided in Section
79 23-15-573. If the thirtieth day to transfer the elector's
80 registration before an election falls on a Sunday or legal
81 holiday, the transfer of the elector's registration submitted on
82 the business day immediately following the Sunday or legal holiday
83 shall be accepted and entered into the Statewide Elections
84 Management System for the purpose of enabling voters to vote in
85 the next election.

86 (2) If an elector requests a change in his or her address
87 under Section 23-15-49 and the address is located in a precinct in
88 the county or municipality that differs from the precinct as
89 reflected in the then current registration records, the request
90 shall be treated in the same manner as a written request to
91 transfer the elector's registration under subsection (1) of this
92 section.



93 **SECTION 3.** Section 23-15-35, Mississippi Code of 1972, is
94 amended as follows:

95 23-15-35. (1) The clerk of the municipality shall be the
96 registrar of voters of the municipality, and shall take the oath
97 of office prescribed by Section 268 of the Constitution. The
98 municipal registration shall conform to the county registration
99 which shall be a part of the official record of registered voters
100 as contained in the Statewide Elections Management System. The
101 municipal clerk shall comply with all the provisions of law
102 regarding the registration of voters, including the use of the
103 voter registration applications used by county registrars and
104 prescribed by the Secretary of State under Sections 23-15-39 and
105 23-15-47 and online voter registration prescribed in Section
106 23-15-49.

107 (2) The municipal clerk shall be authorized to register
108 applicants as county electors. The municipal clerk shall forward
109 notice of registration, a copy of the application for
110 registration, and any changes to the registration when they occur,
111 either by certified mail to the county registrar or by personal
112 delivery to the county registrar provided that a numbered receipt
113 is signed by the county registrar in return for the described
114 documents. Upon receipt of the copy of the application for
115 registration or changes to the registration, and if a review of
116 the application indicates that the applicant meets all the
117 criteria necessary to qualify as a county elector, then the county



118 registrar shall make a determination of the county voting precinct
119 in which the person making the application shall be required to
120 vote. The county registrar shall send this county voting precinct
121 information by United States first-class mail, postage prepaid, to
122 the person at the address provided on the application. Any
123 mailing costs incurred by the municipal clerk or the county
124 registrar in effectuating this subsection (2) shall be paid by the
125 county board of supervisors. If a review of the copy of the
126 application for registration or changes to the registration
127 indicates that the applicant is not qualified to vote in the
128 county, the county registrar shall challenge the application. The
129 county election commissioners shall review any challenge or
130 disqualification, after having notified the applicant by certified
131 mail of the challenge or disqualification.

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

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

141 (5) The municipal clerk of each municipality shall provide
142 the county registrar in which the municipality is located the



143 information necessary to conform the municipal registration to the
144 county registration which shall be a part of the official record
145 of registered voters as contained in the Statewide Elections
146 Management System. If any changes to the information occur as a
147 result of redistricting, annexation or other reason, it shall be
148 the responsibility of the municipal clerk to timely provide the
149 changes to the county registrar.

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

152 23-15-37. (1) The registrar shall register the electors of
153 his or her county at any time during regular office hours.

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



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

172 (4) A person who is physically disabled and unable to visit
173 the office of the registrar to register to vote due to such
174 disability may contact the registrar and request that the
175 registrar or the registrar's deputy visit him or her for the
176 purpose of registering such person to vote. The registrar or the
177 registrar's deputy shall visit that person as soon as possible
178 after such request and provide the person with an application for
179 registration, if necessary. The completed application for
180 registration shall be executed in the presence of the registrar or
181 the registrar's deputy.

182 (5) (a) In the fall and spring of each year the registrar
183 of each county shall furnish all public schools with instructions
184 for submitting an online voter registration application as well as
185 mail-in voter registration applications. The instructions and
186 applications shall be provided in a reasonable time to enable
187 those students who will be eighteen (18) years of age before a
188 general election to be able to vote in the primary and general
189 elections.

190 (b) Each public school district shall permit access to
191 all public schools of this state for the county registrar or the



192 county registrar's deputy to register persons who are eligible to
193 vote and to provide voter education.

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

196 23-15-39. (1) Applications for registration as electors of
197 this state, which are submitted online as provided in Section
198 23-15-49 or sworn to and subscribed before the registrar or deputy
199 registrar authorized by law and which are not made by mail, shall
200 be made upon a form established by rule duly adopted by the
201 Secretary of State.

202 (2) The boards of supervisors shall make proper allowances
203 for office supplies reasonably necessitated by the registration of
204 county electors.

205 (3) If the applicant indicates on the application that he or
206 she resides within the city limits of a city or town in the county
207 of registration, the county registrar shall process the
208 application for registration or changes to the registration as
209 provided by law.

210 (4) If the applicant indicates on the application that he or
211 she has previously registered to vote in another county of this
212 state or another state, notice to the voter's previous county of
213 registration in this state shall be provided by the Statewide
214 Elections Management System. If the voter's previous place of
215 registration was in another state, notice shall be provided to the



216 voter's previous state of residence if the Statewide Elections
217 Management System has that capability.

218 (5) The county registrar shall provide to the person making
219 the application a copy of the application upon which has been
220 written the county voting precinct and municipal voting precinct,
221 if any, in which the person shall vote. Upon entry of the voter
222 registration information into the Statewide Elections Management
223 System, the system shall assign a voter registration number to the
224 person, and the county registrar shall mail the applicant a voter
225 registration card to the mailing address provided on the
226 application.

227 (6) Any person desiring * * * to apply for registration may
228 apply through the online voter registration process established in
229 Section 23-15-49 or may secure an application from the registrar
230 of the county of which he or she is a resident and may take the
231 application with him or her and secure assistance in completing
232 the application from any person of the applicant's choice. It
233 shall be the duty of all registrars to furnish applications for
234 registration to all persons requesting them, and it shall likewise
235 be the registrar's duty to furnish aid and assistance in the
236 completing of the application when requested by an applicant.
237 Unless the application for registration is completed online, the
238 application for registration shall be sworn to and subscribed
239 before the registrar or deputy registrar at the municipal clerk's
240 office, the county registrar's office or any other location where



241 the applicant is allowed to register to vote. The registrar shall
242 not charge a fee or cost to the applicant for accepting the
243 application or administering the oath or for any other duty
244 imposed by law regarding the registration of electors.

245 (7) If the person making the application is unable to read
246 or write, for reason of disability or otherwise, he or she shall
247 not be required to personally complete the application in writing
248 and execute the oath. In such cases, the registrar or deputy
249 registrar shall read the application and oath to the person and
250 the person's answers thereto shall be recorded by the registrar or
251 the registrar's deputy. The person shall be registered as an
252 elector if he or she otherwise meets the requirements to be
253 registered as an elector. The registrar shall record the
254 responses of the person and the recorded responses shall be
255 retained permanently by the registrar. The county registrar shall
256 enter the voter registration information into the Statewide
257 Elections Management System and designate the entry as an assisted
258 filing.

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

263 (9) In any case in which the corporate boundaries of a
264 municipality change, whether by annexation or redistricting, the
265 municipal clerk shall, within ten (10) days after approval of the



266 change in corporate boundaries, provide to the county registrar
267 conforming geographic data that is compatible with the Statewide
268 Elections Management System. The data shall be developed by the
269 municipality's use of a standardized format specified by the
270 Statewide Elections Management System. The county registrar,
271 county election commissioner or other county official, who has
272 completed an annual training seminar sponsored by the Secretary of
273 State pertaining to the implementation of new boundary lines in
274 the Statewide Elections Management System and received
275 certification for that training, shall update the municipal
276 boundary information into the Statewide Elections Management
277 System. The Statewide Elections Management System updates the
278 municipal voter registration records and assigns electors to their
279 municipal voting precincts. The county registrar shall forward to
280 the municipal clerk written notification of the additions and
281 changes, and the municipal clerk shall forward to the affected
282 municipal electors written notification of the additions and
283 changes.

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

286 23-15-41. (1) When an applicant to register to vote has
287 completed the application form as prescribed by administrative
288 rule or Section 23-15-49, the county registrar shall enter the
289 applicant's information into the Statewide Elections Management
290 System where the applicant's status will be marked as "ACTIVE,"



291 "PENDING" or "REJECTED," and the applicant shall be entitled to
292 register upon his or her request for registration made online as
293 provided in Section 23-15-49 or in person to the registrar, or
294 deputy registrar if a deputy registrar has been appointed. No
295 person other than the registrar, or a deputy registrar, shall
296 register any applicant.

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

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

305 23-15-79. (1) Unless the application for registration was
306 made pursuant to Section 23-15-47 or Section 23-15-49, the date of
307 registration to vote shall be the date the application for
308 registration to vote was initially received by the registrar or,
309 if submitted by mail, the postmark date, regardless of the date on
310 which the county election commission, circuit court or Supreme
311 Court, as the case may be, makes its final determination allowing
312 the registration.

313 (2) In the case of an application for registration that has
314 been made pursuant to Section 23-15-47, the date of registration
315 to vote shall be the date the complete and legible application



316 form is received by the county registrar, or, if mailed, the
317 postmark date of the complete and legible application.

318 (3) In the case of an application for registration which has
319 been made pursuant to Section 23-15-49, the date of registration
320 to vote shall be the date the completed application is submitted
321 to the secure internet website established in Section 23-15-49.

322 **SECTION 8.** This act shall take effect and be in force from
323 and after July 1, 2020.

