HOUSE BILL NO. 348

1   AN ACT TO AMEND SECTION 23-15-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE OFFICE OF THE REGISTRAR SHALL PROCESS ALL
3 APPLICATIONS FOR REGISTRATION NOT LATER THAN TEN DAYS AFTER THE
4 REGISTRATION DEADLINE AND SHALL NOTIFY THE APPLICANT THAT HIS OR
5 HER APPLICATION IS PENDING; TO PROVIDE THAT IF AN APPLICATION FOR
6 REGISTRATION HAS AN INCOMPLETE PORTION OF THE APPLICATION THAT
7 MAKES IT IMPOSSIBLE FOR THE REGISTRAR TO DETERMINE THE ELIGIBILITY
8 OF THE APPLICANT TO REGISTER, HAS A PORTION OF THE APPLICATION
9 THAT MAKES ILLEGIBLE IN THE OPINION OF THE COUNTY REGISTRAR AND
10 MAKES IT IMPOSSIBLE TO DETERMINE THE ELIGIBILITY OF THE APPLICANT
11 TO REGISTER, THE COUNTY REGISTRAR IS UNABLE TO DETERMINE, FROM THE
12 ADDRESS AND INFORMATION STATED ON THE APPLICATION, THE PRECINCT IN
13 WHICH THE VOTER SHOULD BE ASSIGNED OR THE SUPERVISOR DISTRICT IN
14 WHICH HE OR SHE IS ENTITLED TO VOTE, OR THE APPLICATION HAS ANY
15 OTHER PROBLEM THAT PREVENTS THE REGISTRAR FROM PROCESSING THE
16 APPLICATION, THE REGISTRAR SHALL NOTIFY THE APPLICANT OF THE ISSUE
17 AND GIVE THE APPLICANT FIVE BUSINESS DAYS TO CURE THE DEFECT; TO
18 AMEND SECTIONS 23-15-37, 23-15-41 AND 23-15-47, MISSISSIPPI CODE
19 OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD
20 SECTION 23-15-35, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
21 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

23   **SECTION 1.** Section 23-15-39, Mississippi Code of 1972, is

24 amended as follows:

25   23-15-39. (1) Applications for registration as electors of

26 this state, which are sworn to and subscribed before the registrar

27 or deputy registrar authorized by law and which are not made by

28 mail, shall be made upon a form established by rule duly adopted

29 by the Secretary of State.

30   (2) The boards of supervisors shall make proper allowances

31 for office supplies reasonably necessitated by the registration of

32 county electors.

33   (3) If the applicant indicates on the application that he or

34 she resides within the city limits of a city or town in the county

35 of registration, the county registrar shall process the

36 application for registration or changes to the registration as

37 provided by law.

38   (4) If the applicant indicates on the application that he or

39 she has previously registered to vote in another county of this

40 state or another state, notice to the voter's previous county of

41 registration in this state shall be provided by the Statewide

42 Elections Management System. If the voter's previous place of

43 registration was in another state, notice shall be provided to the

44 voter's previous state of residence if the Statewide Elections

45 Management System has that capability.

46   (5) The county registrar shall provide to the person making

47 the application a copy of the application upon which has been

48 written the county voting precinct and municipal voting precinct,

49 if any, in which the person shall vote. Upon entry of the voter

50 registration information into the Statewide Elections Management

51 System, the system shall assign a voter registration number to the

52 person, and the county registrar shall mail the applicant a voter

53 registration card to the mailing address provided on the

54 application.

55   (6) Any person desiring an application for registration may

56 secure an application from the registrar of the county of which he

57 or she is a resident and may take the application with him or her

58 and secure assistance in completing the application from any

59 person of the applicant's choice. It shall be the duty of all

60 registrars to furnish applications for registration to all persons

61 requesting them, and it shall likewise be the registrar's duty to

62 furnish aid and assistance in the completing of the application

63 when requested by an applicant. The application for registration

64 shall be sworn to and subscribed before the registrar or deputy

65 registrar at the municipal clerk's office, the county registrar's

66 office or any other location where the applicant is allowed to

67 register to vote. The registrar shall not charge a fee or cost to

68 the applicant for accepting the application or administering the

69 oath or for any other duty imposed by law regarding the

70 registration of electors.

71   (7) If the person making the application is unable to read

72 or write, for reason of disability or otherwise, he or she shall

73 not be required to personally complete the application in writing

74 and execute the oath. In such cases, the registrar or deputy

75 registrar shall read the application and oath to the person and

76 the person's answers thereto shall be recorded by the registrar or

77 the registrar's deputy. The person shall be registered as an

78 elector if he or she otherwise meets the requirements to be

79 registered as an elector. The registrar shall record the

80 responses of the person and the recorded responses shall be

81 retained permanently by the registrar. The county registrar shall

82 enter the voter registration information into the Statewide

83 Elections Management System and designate the entry as an assisted

84 filing.

85   (8) The receipt of a copy of the application for

86 registration sent pursuant to Section 23-15-35(2) shall be

87 sufficient to allow the applicant to be registered as an elector

88 of this state, if the application is not challenged.

89   (9) The office of the registrar shall process all

90 applications for registration not later than ten (10) days after

91 the registration deadline and shall notify the applicant that his

92 or her application is pending. If an application for registration

93 has an incomplete portion of the application that makes it

94 impossible for the registrar to determine the eligibility of the

95 applicant to register, has a portion of the application that makes

96 illegible in the opinion of the county registrar and makes it

97 impossible to determine the eligibility of the applicant to

98 register, the county registrar is unable to determine, from the

99 address and information stated on the application, the precinct in

100 which the voter should be assigned or the supervisor district in

101 which he or she is entitled to vote, or the application has any

102 other problem that prevents the registrar from processing the

103 application, the registrar shall notify the applicant of the issue
104 and give the applicant five (5) business days to cure the defect.

105 (*** * ***10) In any case in which the corporate boundaries of
106 a municipality change, whether by annexation or redistricting, the
107 municipal clerk shall, within ten (10) days after approval of the
108 change in corporate boundaries, provide to the county registrar
109 conforming geographic data that is compatible with the Statewide
110 Elections Management System. The data shall be developed by the
111 municipality's use of a standardized format specified by the
112 Statewide Elections Management System. The county registrar,
113 county election commissioner or other county official, who has
114 completed an annual training seminar sponsored by the Secretary of
115 State pertaining to the implementation of new boundary lines in
116 the Statewide Elections Management System and received
117 certification for that training, shall update the municipal
118 boundary information into the Statewide Elections Management
119 System. The Statewide Elections Management System updates the
120 municipal voter registration records and assigns electors to their
121 municipal voting precincts. The county registrar shall forward to
122 the municipal clerk written notification of the additions and
123 changes, and the municipal clerk shall forward to the affected
124 municipal electors written notification of the additions and
125 changes.

126   **SECTION 2.** Section 23-15-37, Mississippi Code of 1972, is
127 amended as follows:

128   23-15-37. (1) The registrar shall register the electors of

129 his or her county at any time during regular office hours.

130   (2) The county registrar may keep his or her office open to

131 register voters from 8:00 a.m. until 7:00 p.m., including the noon

132 hour, for the five (5) business days immediately preceding the

133 thirtieth day before any regularly scheduled primary or general

134 election. The county registrar shall also keep his or her office

135 open from 8:00 a.m. until 12:00 noon on the Saturday immediately

136 preceding the thirtieth day before any regularly scheduled primary

137 or general election, unless that Saturday falls on a legal

138 holiday, in which case registration applications submitted on the

139 Monday immediately following the legal holiday shall be accepted

140 and entered in the Statewide Elections Management System within

141 ten (10) days of receipt for the purpose of enabling such voters

142 to vote in the next primary or general election.

143   (3) The registrar, or any deputy registrar duly appointed by

144 law, may visit and spend such time as he or she may deem necessary

145 at any location in his or her county, selected by the registrar

146 not less than thirty (30) days before an election, for the purpose

147 of registering voters.

148   (4) A person who is physically disabled and unable to visit

149 the office of the registrar to register to vote due to such

150 disability may contact the registrar and request that the

151 registrar or the registrar's deputy visit him or her for the

152 purpose of registering such person to vote. The registrar or the

153 registrar's deputy shall visit that person as soon as possible

154 after such request and provide the person with an application for

155 registration, if necessary. The completed application for

156 registration shall be executed in the presence of the registrar or

157 the registrar's deputy.

158   (5) (a) In the fall and spring of each year the registrar

159 of each county shall furnish all public schools with mail-in voter

160 registration applications. The applications shall be provided in

161 a reasonable time to enable those students who will be eighteen

162 (18) years of age before a general election to be able to vote in

163 the primary and general elections.

164   (b) Each public school district shall permit access to

165 all public schools of this state for the county registrar or the

166 county registrar's deputy to register persons who are eligible to

167 vote and to provide voter education.

168   **SECTION 3.** Section 23-15-41, Mississippi Code of 1972, is

169 amended as follows:

170   23-15-41. (1) When an applicant to register to vote has

171 completed the application form as prescribed by administrative

172 rule, the county registrar shall enter the applicant's information

173 into the Statewide Elections Management System where the

174 applicant's status will be marked as "ACTIVE," "PENDING" or

175 "REJECTED," and the applicant shall be entitled to register upon

176 his or her request for registration made in person to the

177 registrar, or deputy registrar if a deputy registrar has been

178   appointed. No person other than the registrar, or a deputy

179   registrar, shall register any applicant.

180   (2) (a) If an applicant is not qualified to register to

181   vote, then the registrar shall enter the applicant's information

182   into the Statewide Elections Management System and mark the

183   applicant's status as "PENDING" or "REJECTED," with the specific

184   reason or reasons for that status noted. The registrar shall

185   notify the election commission of those applicants rejected.

186   (b) If an application for registration is incomplete or

187   has any other problem that prevents the registrar from processing

188   the application, the registrar shall notify the applicant of the

189   issue and give the applicant five (5) business days to cure the

190   defect.

191   **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is

192   amended as follows:

193   23-15-47. (1) Any person who is qualified to register to

194   vote in the State of Mississippi may register to vote by mail-in

195   application in the manner prescribed in this section.

196   (2) The following procedure shall be used in the

197   registration of electors by mail:

198   (a) Any qualified elector may register to vote by

199   mailing or delivering a completed mail-in application to his or

200   her county registrar at least thirty (30) days before any

201   election; however, if the thirtieth day to register before an

202   election falls on a Sunday or legal holiday, the registration

203 applications submitted on the business day immediately following
204 the Sunday or legal holiday shall be accepted and entered into the
205 Statewide Elections Management System for the purpose of enabling
206 voters to vote in the next election. The postmark date of a
207 mailed application shall be the applicant's date of registration.
208   (b) Upon receipt of a mail-in application, the county
209 registrar shall stamp the application with the date of receipt,
210 and shall verify the application either by matching the
211 applicant's Mississippi driver's license number through the
212 Mississippi Department of Public Safety or by matching the
213 applicant's social security number through the American
214 Association of Motor Vehicle Administrators. Within *** * *** ten
215 (10) days of receipt of a mail-in registration application, the
216 county registrar shall complete action on the application,
217 including any attempts to notify the applicant of the status of
218 his or her application.
219   (c) If the county registrar determines that the
220 applicant is qualified and his or her application is legible and
221 complete, the county registrar shall mail the applicant written
222 notification that the application has been approved, specifying
223 the county voting precinct, municipal voting precinct, if any,
224 polling place and supervisor district in which the person shall
225 vote. This written notification of approval containing the
226 specified information shall be the voter's registration card. The
227 registration card shall be provided by the county registrar to the

228 applicant in accordance with Section 23-15-39. Upon entry of the

229 voter registration information into the Statewide Elections

230 Management System, the system shall assign a voter registration

231 number to the applicant. The assigned voter registration number

232 shall be clearly shown on the written notification of approval.

233 In mailing the written notification, the county registrar shall

234 note the following on the envelope: "DO NOT FORWARD". If any

235 registration notification form is returned as undeliverable, the

236 voter's registration shall be void.

237   (d) A mail-in application shall be rejected for any of

238 the following reasons:

239 *** * ***

240   (*** * ***i) The applicant is not qualified to

241 register to vote pursuant to Section 23-15-11;

242   (*** * ***ii) The county registrar determines that

243 the applicant is already registered as a qualified elector of the

244 county;

245   (*** * ***iii) The county registrar is unable to

246 verify the application pursuant to subsection (2)(b) of this

247 section.

248   (e) If a mail-in application for registration:

249   (i) Has an incomplete portion of the application

250 that makes it impossible for the registrar to determine the

251 eligibility of the applicant to register;

252   (ii) Has a portion of the application that makes

253 illegible in the opinion of the county registrar and makes it

254 impossible to determine the eligibility of the applicant to

255 register;

256   (iii) The county registrar is unable to determine,

257 from the address and information stated on the application, the

258 precinct in which the voter should be assigned or the supervisor

259 district in which he or she is entitled to vote; or

260   (iv) The application has any other problem that

261 prevents the registrar from processing the application, *** * *** the

262 county registrar *** * *** shall write or call the applicant at the

263 telephone number or address, or both, provided on the application.

264 If the county registrar is able to contact the applicant by mail

265 or telephone, the county registrar shall attempt to ascertain the

266 necessary information, and if this information is sufficient for

267 the registrar to complete the application, the applicant shall be

268 registered. The county registrar shall give the applicant five

269 (5) business days to cure any defect on his or her application for

270 registration. If the necessary information cannot be obtained by

271 mail or telephone, or is not sufficient to complete the

272 application within *** * *** ten (10) days of receipt, the county

273 registrar shall give the applicant written notice of the rejection

274 and provide the reason for the rejection. The county registrar

275 shall further inform the applicant that he or she has a right to

276   attempt to register by appearing in person or by filing another

277   mail-in application.

278   (f) If a mail-in application is subject to rejection

279   for the reason stated in paragraph (d)(*** * ***<u>ii</u>) of this

280   subsection and the "present home address" portion of the

281   application is different from the residence address for the

282   applicant found in the Statewide Elections Management System, the

283   mail-in application shall be deemed a written request to update

284   the voter's registration pursuant to Section 23-15-13. The county

285   registrar or the election commissioners shall update the voter's

286   residence address in the Statewide Elections Management System

287   and, if necessary, advise the voter of a change in the location of

288   his or her county or municipal polling place by mailing the voter

289   a new voter registration card.

290   (3) The instructions and the application form for voter

291   registration by mail shall be in a form established by rule duly

292   adopted by the Secretary of State.

293   (4) (a) The Secretary of State shall prepare and furnish

294   without charge the necessary forms for application for voter

295   registration by mail to each county registrar, municipal clerk,

296   all public schools, each private school that requests such

297   applications, and all public libraries.

298   (b) The Secretary of State shall distribute without

299   charge sufficient forms for application for voter registration by

300   mail to the Commissioner of Public Safety, who shall distribute

301 the forms to each driver's license examining and renewal station

302 in the state, and shall ensure that the forms are regularly

303 available to the public at such stations.

304   (c) Bulk quantities of forms for application for voter

305 registration by mail shall be furnished by the Secretary of State

306 to any person or organization. The Secretary of State shall

307 charge a person or organization the actual cost he or she incurs

308 in providing bulk quantities of forms for application for voter

309 registration to such person or organization.

310   (5) The originals of completed mail-in applications shall

311 remain on file in the office of the county registrar with copies

312 retained in the Statewide Elections Management System.

313   (6) If the applicant indicates on the application that he or

314 she resides within the city limits of a city or town in the county

315 of registration, the county registrar shall enter the information

316 into the Statewide Elections Management System.

317   (7) If the applicant indicates on the application that he or

318 she has previously registered to vote in another county of this

319 state or another state, notice to the voter's previous county of

320 registration in this state shall be provided through the Statewide

321 Elections Management System. If the voter's previous place of

322 registration was in another state, notice shall be provided to the

323 voter's previous state of residence.

324   (8) Any person who attempts to register to vote by mail
325 shall be subject to the penalties for false registration provided
326 for in Section 23-15-17.
327   **SECTION 5.** Section 23-15-35, Mississippi Code of 1972, is
328 brought forward as follows:
329   23-15-35. (1) The clerk of the municipality shall be the
330 registrar of voters of the municipality, and shall take the oath
331 of office prescribed by Section 268 of the Constitution. The
332 municipal registration shall conform to the county registration
333 which shall be a part of the official record of registered voters
334 as contained in the Statewide Elections Management System. The
335 municipal clerk shall comply with all the provisions of law
336 regarding the registration of voters, including the use of the
337 voter registration applications used by county registrars and
338 prescribed by the Secretary of State under Sections 23-15-39 and
339 23-15-47.
340   (2) The municipal clerk shall be authorized to register
341 applicants as county electors. The municipal clerk shall forward
342 notice of registration, a copy of the application for
343 registration, and any changes to the registration when they occur,
344 either by certified mail to the county registrar or by personal
345 delivery to the county registrar provided that a numbered receipt
346 is signed by the county registrar in return for the described
347 documents. Upon receipt of the copy of the application for
348 registration or changes to the registration, and if a review of

349 the application indicates that the applicant meets all the
350 criteria necessary to qualify as a county elector, then the county
351 registrar shall make a determination of the county voting precinct
352 in which the person making the application shall be required to
353 vote. The county registrar shall send this county voting precinct
354 information by United States first-class mail, postage prepaid, to
355 the person at the address provided on the application. Any
356 mailing costs incurred by the municipal clerk or the county
357 registrar in effectuating this subsection (2) shall be paid by the
358 county board of supervisors. If a review of the copy of the
359 application for registration or changes to the registration
360 indicates that the applicant is not qualified to vote in the
361 county, the county registrar shall challenge the application. The
362 county election commissioners shall review any challenge or
363 disqualification, after having notified the applicant by certified
364 mail of the challenge or disqualification.

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

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

374   (5) The municipal clerk of each municipality shall provide

375 the county registrar in which the municipality is located the

376 information necessary to conform the municipal registration to the

377 county registration which shall be a part of the official record

378 of registered voters as contained in the Statewide Elections

379 Management System. If any changes to the information occur as a

380 result of redistricting, annexation or other reason, it shall be

381 the responsibility of the municipal clerk to timely provide the

382 changes to the county registrar.

383   **SECTION 6.** This act shall take effect and be in force from

384 and after July 1, 2021.

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~ OFFICIAL ~

ST: Voter registration application; require to
be processed within ten days of deadline and
give applicant opportunity to cure.