

By: Representatives McGee, McCarty, Owen

To: Apportionment and
Elections; Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1242

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, 23-15-33, 23-15-35, 23-15-37, 23-15-39,
4 23-15-41 AND 23-15-79, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
5 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 23-15-45,
6 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-49, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-49. (1) A person may register to vote under this
12 section if the person is:

13 (a) Eligible to register to vote under Section
14 23-15-11; and

15 (b) Has a current and valid Mississippi driver's
16 license or photo identification card issued by the Mississippi
17 Department of Public Safety.

18 (2) A person described in subsection (1) of this section may
19 submit a voter registration application using the procedures set
20 forth in this section.



21 (* * *3) (a) The Secretary of State shall, with the
22 support of the Mississippi Department of Public Safety, establish
23 a secure Internet website to permit * * * persons described in
24 subsection (1) of this section to submit voter registration
25 applications. The form of the online application shall be
26 established by rule duly adopted by the Secretary of State.

27 (b) The secure website established under this
28 subsection shall allow a person described in subsection (1) of
29 this section to:

30 (i) Submit an application for registration as a
31 first-time voter in Mississippi;

32 (ii) To change the applicant's name, address or
33 other information set forth in the applicant's existing voter
34 registration record; and

35 (iii) To attest to the truth of his or her
36 registration information and agree to the use of his or her
37 signature from his or her Mississippi driver's license or photo
38 identification card for voter registration purposes.

39 (* * *c) Upon the * * * submission of an application
40 through the secure website, the software used by the Secretary of
41 State for processing applications through the website shall
42 provide for verification that:

43 (i) The * * * applicant has a current and valid
44 Mississippi driver's license or photo identification card issued
45 by the Mississippi Department of Public Safety and the number for



46 that driver's license or photo identification card provided by the
47 applicant matches the number for the * * * applicant's driver's
48 license or photo identification card that is on file with the
49 Mississippi Department of Public Safety;

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

53 (iii) * * * The applicant is a citizen of the
54 State of Mississippi and of the United States.

55 The completed application, including an image of the
56 applicant's signature from his or her Mississippi driver's license
57 or photo identification card, shall be electronically forwarded to
58 the county registrar of the applicant's county of residence for
59 review. If any of the required information does not match that on
60 file with the Mississippi Department of Public Safety, or if the
61 application is incomplete, the registration or changes shall be
62 rejected with the specific reason or reasons for the rejection
63 noted. The applicant shall have the same right to automatic
64 review of the rejected application as provided in Sections
65 23-15-61 through 23-15-79 and shall be notified of such review as
66 provided in Section 23-15-45. If the applicant's voter
67 registration application is approved, the registrar shall enter
68 his or her information into the Statewide Elections Management
69 System and provide a voter registration number and mail a voter
70 registration card as provided in Section 23-15-39. If an



71 applicant's changes in registration are approved, the registrar
72 shall update his or her information in the Statewide Elections
73 Management System and, if necessary, mail the voter an updated
74 voter registration card as provided in Section 23-15-39.

75 (* * *4) Any person who attempts to change registration
76 information or register to vote under this section shall be
77 subject to the penalties for false registration provided for in
78 Section 97-13-25.

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

83 (6) This section shall be known and may be cited as the
84 "Online Voter Registration Integrity Act."

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

87 23-15-13. (1) An elector who moves from one (1) ward or
88 voting precinct to another ward within the same municipality or
89 voting precinct within the same county shall not be disqualified
90 to vote, but he or she shall be entitled to have his or her
91 registration transferred to his or her new ward or voting precinct
92 upon making written or online request therefor at any time up to
93 thirty (30) days before the election at which he or she offers to
94 vote, and if the removal occurs within thirty (30) days of such
95 election he or she shall be entitled to vote in his or her new



96 ward or voting precinct by affidavit ballot as provided in Section
97 23-15-573. If the thirtieth day to transfer the elector's
98 registration before an election falls on a Sunday or legal
99 holiday, the transfer of the elector's registration submitted on
100 the business day immediately following the Sunday or legal holiday
101 shall be accepted and entered into the Statewide Elections
102 Management System for the purpose of enabling voters to vote in
103 the next election.

104 (2) If an elector requests a change in his or her address
105 under Section 23-15-49 and the address is located in a precinct in
106 the county or municipality that differs from the precinct as
107 reflected in the then current registration records, the request
108 shall be treated in the same manner as a written request to
109 transfer the elector's registration under subsection (1) of this
110 section.

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

113 23-15-33. (1) Every person entitled to be registered as an
114 elector in compliance with the laws of this state and who has
115 signed his or her name on and properly completed the application
116 for registration to vote shall be registered by the county
117 registrar in the voting precinct of the residence of such person
118 through the Statewide Elections Management System.

119 (2) Every person entitled to be registered as an elector in
120 compliance with the laws of this state and who registers to vote



121 pursuant to the National Voter Registration Act of 1993 shall be
122 registered by the county registrar in the voting precinct of the
123 residence of such person through the Statewide Elections
124 Management System.

125 (3) Every person entitled to be registered as an elector in
126 compliance with the laws of this state and who has completed an
127 online application for registration as provided in Section
128 23-15-49 shall be registered by the county registrar in the voting
129 precinct of the residence of such person through the Statewide
130 Elections Management System.

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

133 23-15-35. (1) The clerk of the municipality shall be the
134 registrar of voters of the municipality, and shall take the oath
135 of office prescribed by Section 268 of the Constitution. The
136 municipal registration shall conform to the county registration
137 which shall be a part of the official record of registered voters
138 as contained in the Statewide Elections Management System. The
139 municipal clerk shall comply with all the provisions of law
140 regarding the registration of voters, including the use of the
141 voter registration applications used by county registrars and
142 prescribed by the Secretary of State under Sections 23-15-39 and
143 23-15-47 and online voter registration prescribed in Section
144 23-15-49.



145 (2) The municipal clerk shall be authorized to register
146 applicants as county electors. The municipal clerk shall forward
147 notice of registration, a copy of the application for
148 registration, and any changes to the registration when they occur,
149 either by certified mail to the county registrar or by personal
150 delivery to the county registrar provided that a numbered receipt
151 is signed by the county registrar in return for the described
152 documents. Upon receipt of the copy of the application for
153 registration or changes to the registration, and if a review of
154 the application indicates that the applicant meets all the
155 criteria necessary to qualify as a county elector, then the county
156 registrar shall make a determination of the county voting precinct
157 in which the person making the application shall be required to
158 vote. The county registrar shall send this county voting precinct
159 information by United States first-class mail, postage prepaid, to
160 the person at the address provided on the application. Any
161 mailing costs incurred by the municipal clerk or the county
162 registrar in effectuating this subsection (2) shall be paid by the
163 county board of supervisors. If a review of the copy of the
164 application for registration or changes to the registration
165 indicates that the applicant is not qualified to vote in the
166 county, the county registrar shall challenge the application. The
167 county election commissioners shall review any challenge or
168 disqualification, after having notified the applicant by certified
169 mail of the challenge or disqualification.



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

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

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

188 **SECTION 5.** Section 23-15-37, Mississippi Code of 1972, is
189 amended as follows:

190 23-15-37. (1) The registrar shall register the electors of
191 his or her county at any time during regular office hours.

192 (2) The county registrar may keep his or her office open to
193 register voters from 8:00 a.m. until 7:00 p.m., including the noon
194 hour, for the five (5) business days immediately preceding the



195 thirtieth day before any regularly scheduled primary or general
196 election. The county registrar shall also keep his or her office
197 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
198 preceding the thirtieth day before any regularly scheduled primary
199 or general election, unless that Saturday falls on a legal
200 holiday, in which case registration applications submitted on the
201 Monday immediately following the legal holiday shall be accepted
202 and entered in the Statewide Elections Management System for the
203 purpose of enabling such voters to vote in the next primary or
204 general election.

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

210 (4) A person who is physically disabled and unable to visit
211 the office of the registrar to register to vote due to such
212 disability may contact the registrar and request that the
213 registrar or the registrar's deputy visit him or her for the
214 purpose of registering such person to vote. The registrar or the
215 registrar's deputy shall visit that person as soon as possible
216 after such request and provide the person with an application for
217 registration, if necessary. The completed application for
218 registration shall be executed in the presence of the registrar or
219 the registrar's deputy.



220 (5) (a) In the fall and spring of each year the registrar
221 of each county shall furnish all public schools with instructions
222 for submitting an online voter registration application as well as
223 mail-in voter registration applications. The instructions and
224 applications shall be provided in a reasonable time to enable
225 those students who will be eighteen (18) years of age before a
226 general election to be able to vote in the primary and general
227 elections.

228 (b) Each public school district shall permit access to
229 all public schools of this state for the county registrar or the
230 county registrar's deputy to register persons who are eligible to
231 vote and to provide voter education.

232 **SECTION 6.** Section 23-15-39, Mississippi Code of 1972, is
233 amended as follows:

234 23-15-39. (1) Applications for registration as electors of
235 this state, which are submitted online as provided in Section
236 23-15-49 or sworn to and subscribed before the registrar or deputy
237 registrar authorized by law and which are not made by mail, shall
238 be made upon a form established by rule duly adopted by the
239 Secretary of State.

240 (2) The boards of supervisors shall make proper allowances
241 for office supplies reasonably necessitated by the registration of
242 county electors.

243 (3) If the applicant indicates on the application that he or
244 she resides within the city limits of a city or town in the county



245 of registration, the county registrar shall process the
246 application for registration or changes to the registration as
247 provided by law.

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

256 (5) The county registrar shall provide to the person making
257 the written or online application a copy of the application upon
258 which has been written the county voting precinct and municipal
259 voting precinct, if any, in which the person shall vote. Upon
260 entry of the voter registration information into the Statewide
261 Elections Management System, the system shall assign a voter
262 registration number to the person, and the county registrar shall
263 mail the applicant a voter registration card, which shall include
264 the voter's county voting precinct, municipal voting precinct, if
265 any, polling place and supervisor's district, to the mailing
266 address provided on the written or online application. The county
267 registrar shall print "DO NOT FORWARD" on the envelope containing
268 the voter registration card and the copy of the application. If
269 the envelope containing the voter registration card and the copy



270 of the application is returned to the county registrar as
271 undeliverable, the voter's registration shall be voided.

272 (6) Any person desiring * * * to apply for registration may
273 apply through the online voter registration process established in
274 Section 23-15-49 or may secure an application from the registrar
275 of the county of which he or she is a resident and may take the
276 application with him or her and secure assistance in completing
277 the application from any person of the applicant's choice. It
278 shall be the duty of all registrars to furnish applications for
279 registration to all persons requesting them, and it shall likewise
280 be the registrar's duty to furnish aid and assistance in the
281 completing of the application when requested by an applicant.
282 Unless the application for registration is completed online or
283 returned by mail, the application for registration shall be sworn
284 to and subscribed before the registrar or deputy registrar at the
285 municipal clerk's office, the county registrar's office or any
286 other location where the applicant is allowed to register to vote.
287 The registrar shall not charge a fee or cost to the applicant for
288 accepting the application or administering the oath or for any
289 other duty imposed by law regarding the registration of electors.

290 (7) If the person making the application is unable to read
291 or write, for reason of disability or otherwise, he or she shall
292 not be required to personally complete the application in writing
293 and execute the oath. In such cases, the registrar or deputy
294 registrar shall read the application and oath to the person and



295 the person's answers thereto shall be recorded by the registrar or
296 the registrar's deputy. The person shall be registered as an
297 elector if he or she otherwise meets the requirements to be
298 registered as an elector. The registrar shall record the
299 responses of the person and the recorded responses shall be
300 retained permanently by the registrar. The county registrar shall
301 enter the voter registration information into the Statewide
302 Elections Management System and designate the entry as an assisted
303 filing.

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

308 (9) In any case in which the corporate boundaries of a
309 municipality change, whether by annexation or redistricting, the
310 municipal clerk shall, within ten (10) days after approval of the
311 change in corporate boundaries, provide to the county registrar
312 conforming geographic data that is compatible with the Statewide
313 Elections Management System. The data shall be developed by the
314 municipality's use of a standardized format specified by the
315 Statewide Elections Management System. The county registrar,
316 county election commissioner or other county official, who has
317 completed an annual training seminar sponsored by the Secretary of
318 State pertaining to the implementation of new boundary lines in
319 the Statewide Elections Management System and received



320 certification for that training, shall update the municipal
321 boundary information into the Statewide Elections Management
322 System. The Statewide Elections Management System updates the
323 municipal voter registration records and assigns electors to their
324 municipal voting precincts. The county registrar shall forward to
325 the municipal clerk written notification of the additions and
326 changes, and the municipal clerk shall forward to the affected
327 municipal electors written notification of the additions and
328 changes.

329 **SECTION 7.** Section 23-15-41, Mississippi Code of 1972, is
330 amended as follows:

331 23-15-41. (1) When an applicant to register to vote has
332 completed the application form as prescribed by administrative
333 rule or Section 23-15-49, the county registrar shall enter the
334 applicant's information into the Statewide Elections Management
335 System where the applicant's status will be marked as "ACTIVE,"
336 "PENDING" or "REJECTED," and the applicant shall be entitled to
337 register upon his or her request for registration made online as
338 provided in Section 23-15-49 or in person to the registrar, or
339 deputy registrar if a deputy registrar has been appointed. No
340 person other than the registrar, or a deputy registrar, shall
341 register any applicant.

342 (2) If an applicant is not qualified to register to vote,
343 then the registrar shall enter the applicant's information into
344 the Statewide Elections Management System and mark the applicant's



345 status as "PENDING" or "REJECTED," with the specific reason or
346 reasons for that status noted. The registrar shall notify the
347 election commission of those applicants rejected.

348 **SECTION 8.** Section 23-15-79, Mississippi Code of 1972, is
349 amended as follows:

350 23-15-79. (1) Unless the application for registration was
351 made pursuant to Section 23-15-47 or Section 23-15-49, the date of
352 registration to vote shall be the date the application for
353 registration to vote was initially received by the registrar or,
354 if submitted by mail, the postmark date, regardless of the date on
355 which the county election commission, circuit court or Supreme
356 Court, as the case may be, makes its final determination allowing
357 the registration.

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

363 (3) In the case of an application for registration which has
364 been made pursuant to Section 23-15-49, the date of registration
365 to vote shall be the date the completed application is submitted
366 to the secure Internet website established in Section 23-15-49.

367 **SECTION 9.** Section 23-15-45, Mississippi Code of 1972, is
368 brought forward as follows:



369 23-15-45. In the event that registration is denied pending
370 automatic review by the county election commissioners, the
371 registrar shall immediately inform the applicant that the
372 registration is denied and advise the applicant of the date, time
373 and place of the next meeting of the county election
374 commissioners, at which time the applicant may present such
375 evidence either in person or in writing as he deems pertinent to
376 the question of residency.

377 **SECTION 10.** This act shall take effect and be in force from
378 and after July 1, 2021.

