

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 292

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; 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 submit an application:

30 (i) For registration as a first-time voter in
31 Mississippi; or

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

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 with the specific reason
58 or reasons for the rejection noted. The applicant shall have the
59 same right to automatic review of the rejected application as
60 provided in Sections 23-15-61 through 23-15-79 and shall be
61 notified of such review as provided in Section 23-15-45.

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

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

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



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

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



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

97 23-15-35. (1) The clerk of the municipality shall be the
98 registrar of voters of the municipality, and shall take the oath
99 of office prescribed by Section 268 of the Constitution. The
100 municipal registration shall conform to the county registration
101 which shall be a part of the official record of registered voters
102 as contained in the Statewide Elections Management System. The
103 municipal clerk shall comply with all the provisions of law
104 regarding the registration of voters, including the use of the
105 voter registration applications used by county registrars and
106 prescribed by the Secretary of State under Sections 23-15-39 and
107 23-15-47 and online voter registration prescribed in Section
108 23-15-49.

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



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

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

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

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



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

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

154 23-15-37. (1) The registrar shall register the electors of
155 his or her county at any time during regular office hours.

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



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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

324 **SECTION 8.** Section 23-15-45, Mississippi Code of 1972, is
325 brought forward as follows:

326 23-15-45. In the event that registration is denied pending
327 automatic review by the county election commissioners, the
328 registrar shall immediately inform the applicant that the
329 registration is denied and advise the applicant of the date, time
330 and place of the next meeting of the county election
331 commissioners, at which time the applicant may present such
332 evidence either in person or in writing as he deems pertinent to
333 the question of residency.

334 **SECTION 9.** This act shall take effect and be in force from
335 and after July 1, 2022.

