

By: Representative Summers

To: Apportionment and Elections

HOUSE BILL NO. 945

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, 23-15-37, 23-15-41 AND 23-15-79,
 4 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
 5 ACT; TO AMEND SECTIONS 23-15-35 AND 23-15-39, MISSISSIPPI CODE OF
 6 1972, TO PROVIDE THAT IN ADDITION TO MAIL, THE VOTER REGISTRATION
 7 CARD SHALL BE EMAILED TO THE VOTER AT THE EMAIL ADDRESS PROVIDED
 8 ON THE APPLICATION; TO BRING FORWARD SECTION 23-15-45, MISSISSIPPI
 9 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR
 10 RELATED PURPOSES.

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

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

14 23-15-49. (1) A person may register to vote under this
 15 section if the person is:

16 (a) Eligible to register to vote under Section
 17 23-15-11; and

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



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

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

30 (b) The secure website established under this
31 subsection shall allow a person described in subsection (1) of
32 this section to submit an application:

33 (i) For registration as a first-time voter in
34 Mississippi; or

35 (ii) To change the applicant's name, address or
36 other information set forth in the applicant's existing voter
37 registration record.

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

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



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

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

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

56 The application shall be reviewed by the county registrar of
57 the applicant's county of residence. If any of the required
58 information does not match that on file with the Mississippi
59 Department of Public Safety, or if the application is incomplete,
60 the * * * registration shall be rejected with the specific reason
61 or reasons for the rejection noted. The applicant shall have the
62 same right to automatic review of the rejected application as
63 provided in Sections 23-15-61 through 23-15-79 and shall be
64 notified of such review as provided in Section 23-15-45.

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

68 (* * * 5) The Secretary of State and the Department of
69 Public Safety shall enter into a memorandum of understanding



70 providing for the sharing of information required to facilitate
71 the requirements of this section.

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

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

91 (2) If an elector requests a change in his or her address
92 under Section 23-15-49 and the address is located in a precinct in
93 the county or municipality that differs from the precinct as
94 reflected in the then current registration records, the request



95 shall be treated in the same manner as a written request to
96 transfer the elector's registration under subsection (1) of this
97 section.

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

100 23-15-35. (1) The clerk of the municipality shall be the
101 registrar of voters of the municipality, and shall take the oath
102 of office prescribed by Section 268 of the Constitution. The
103 municipal registration shall conform to the county registration
104 which shall be a part of the official record of registered voters
105 as contained in the Statewide Elections Management System. The
106 municipal clerk shall comply with all the provisions of law
107 regarding the registration of voters, including the use of the
108 voter registration applications used by county registrars and
109 prescribed by the Secretary of State under Sections 23-15-39 and
110 23-15-47 and online voter registration prescribed in Section
111 23-15-49.

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



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

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

142 (4) The receipt of a copy of the application for
143 registration sent pursuant to Section 23-15-39(3) shall be
144 sufficient to allow the applicant to be registered as an elector



145 in the municipality, provided that such application is not
146 challenged as provided for therein.

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

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

158 23-15-37. (1) The registrar shall register the electors of
159 his or her county at any time during regular office hours.

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



170 and entered in the Statewide Elections Management System for the
171 purpose of enabling such voters to vote in the next primary or
172 general election.

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

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

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



194 general election to be able to vote in the primary and general
195 elections.

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

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

202 23-15-39. (1) Applications for registration as electors of
203 this state, which are submitted online as provided in Section
204 23-15-49 or sworn to and subscribed before the registrar or deputy
205 registrar authorized by law and which are not made by mail, shall
206 be made upon a form established by rule duly adopted by the
207 Secretary of State.

208 (2) The boards of supervisors shall make proper allowances
209 for office supplies reasonably necessitated by the registration of
210 county electors.

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

216 (4) If the applicant indicates on the application that he or
217 she has previously registered to vote in another county of this
218 state or another state, notice to the voter's previous county of



219 registration in this state shall be provided by the Statewide
220 Elections Management System. If the voter's previous place of
221 registration was in another state, notice shall be provided to the
222 voter's previous state of residence if the Statewide Elections
223 Management System has that capability.

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

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



244 Unless the application for registration is completed online, the
245 application for registration shall be sworn to and subscribed
246 before the registrar or deputy registrar at the municipal clerk's
247 office, the county registrar's office or any other location where
248 the applicant is allowed to register to vote. The registrar shall
249 not charge a fee or cost to the applicant for accepting the
250 application or administering the oath or for any other duty
251 imposed by law regarding the registration of electors.

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

266 (8) The receipt of a copy of the application for
267 registration sent pursuant to Section 23-15-35(2) shall be



268 sufficient to allow the applicant to be registered as an elector
269 of this state, if the application is not challenged.

270 (9) In any case in which the corporate boundaries of a
271 municipality change, whether by annexation or redistricting, the
272 municipal clerk shall, within ten (10) days after approval of the
273 change in corporate boundaries, provide to the county registrar
274 conforming geographic data that is compatible with the Statewide
275 Elections Management System. The data shall be developed by the
276 municipality's use of a standardized format specified by the
277 Statewide Elections Management System. The county registrar,
278 county election commissioner or other county official, who has
279 completed an annual training seminar sponsored by the Secretary of
280 State pertaining to the implementation of new boundary lines in
281 the Statewide Elections Management System and received
282 certification for that training, shall update the municipal
283 boundary information into the Statewide Elections Management
284 System. The Statewide Elections Management System updates the
285 municipal voter registration records and assigns electors to their
286 municipal voting precincts. The county registrar shall forward to
287 the municipal clerk written notification of the additions and
288 changes, and the municipal clerk shall forward to the affected
289 municipal electors written notification of the additions and
290 changes.

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



293 23-15-41. (1) When an applicant to register to vote has
294 completed the application form as prescribed by administrative
295 rule or Section 23-15-49, the county registrar shall enter the
296 applicant's information into the Statewide Elections Management
297 System where the applicant's status will be marked as "ACTIVE,"
298 "PENDING" or "REJECTED," and the applicant shall be entitled to
299 register upon his or her request for registration made online as
300 provided in Section 23-15-49 or in person to the registrar, or
301 deputy registrar if a deputy registrar has been appointed. No
302 person other than the registrar, or a deputy registrar, shall
303 register any applicant.

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

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

312 23-15-79. (1) Unless the application for registration was
313 made pursuant to Section 23-15-47 or Section 23-15-49, the date of
314 registration to vote shall be the date the application for
315 registration to vote was initially received by the registrar or,
316 if submitted by mail, the postmark date, regardless of the date on
317 which the county election commission, circuit court or Supreme



318 Court, as the case may be, makes its final determination allowing
319 the registration.

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

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

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

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

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

