

By: Representatives Powell, Shanks, Wallace,
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To: Apportionment and
Elections

HOUSE BILL NO. 1510
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE REGISTRAR UPON RECEIVING A COMPLETED VOTER
3 REGISTRATION APPLICATION TO ENTER AN APPLICANT INTO THE STATEWIDE
4 ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE THAT THE REGISTRATION
5 APPLICATION SHALL BE COMPARED WITH THE DEPARTMENT OF PUBLIC SAFETY
6 DRIVER'S LICENSE AND IDENTIFICATION INFORMATION; TO REQUIRE THE
7 STATEWIDE ELECTIONS MANAGEMENT SYSTEM TO NOTIFY THE REGISTRAR IF
8 SUCH INFORMATION REFLECTS THAT THE APPLICANT IS NOT A CITIZEN OF
9 THE UNITED STATES; TO REQUIRE THE REGISTRAR TO NOTIFY CERTAIN
10 APPLICANTS; TO REQUIRE AN APPLICANT WHO RECEIVES NOTICE UNDER THIS
11 SECTION TO PROVIDE PROOF OF CITIZENSHIP TO THE REGISTRAR; TO
12 PROVIDE THE DOCUMENTATION THAT MAY BE SUBMITTED AS PROOF OF
13 CITIZENSHIP; TO REQUIRE THE REGISTRAR TO MARK THE APPLICANT AS
14 REJECTED WHERE THE APPLICANT FAILS TO RESPOND TO THE NOTICE OR TO
15 PROVIDE PROOF OF CITIZENSHIP WITHIN A CERTAIN PERIOD OF TIME; TO
16 ESTABLISH AN APPEAL PROCEDURE; TO AMEND SECTION 23-15-5,
17 MISSISSIPPI CODE OF 1972, TO REVISE THE MONIES THAT ARE DEPOSITED
18 INTO THE ELECTIONS SUPPORT FUND; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 23-15-15, Mississippi Code of 1972, is
21 amended as follows:

22 23-15-15. * * * (1) Upon receiving a completed voter
23 registration application, the registrar shall enter the applicant
24 into the Statewide Elections Management System. Said registration
25 application shall be compared with the Department of Public Safety
26 driver's license and identification information. If such



27 information indicates that a particular applicant is not a citizen
28 of the United States, the Statewide Elections Management System
29 shall notify the registrar, or his or her designee, that the
30 applicant may not be a citizen of the United States.

31 (2) After receiving the notice from the Statewide Elections
32 Management System as provided in subsection (1) of this section,
33 the registrar, or his or her designee, shall:

34 (a) Enter the applicant's information into the United
35 States Citizenship and Immigration Service's Systematic Alien
36 Verification for Entitlements (SAVE) or its successor database for
37 further inquiry; and

38 (b) If both the Department of Public Safety driver's
39 license and identification information and the database in
40 paragraph (a) of this subsection indicate that the applicant is
41 not a citizen, send a notice by first-class mail to the
42 applicant's mailing address provided on the voter registration
43 application inquiring whether the individual is eligible to be
44 registered to vote. The registrar may, in addition to first-class
45 mail, contact the applicant by email or telephone.

46 (3) Any applicant who receives the notice under subsection
47 (2)(b) of this section shall, within thirty (30) days of the
48 receipt of such notice, provide proof of citizenship to the
49 registrar or his or her designee.

50 (4) For purposes of this section, proof of citizenship
51 includes, but is not limited to:



52 (a) The applicant's birth certificate or a legible
53 photocopy of the birth certificate;

54 (b) A United States passport, or a legible photocopy of
55 the pertinent pages of the passport, identifying the applicant and
56 showing the passport number;

57 (c) The applicant's United States naturalization
58 documentation, a legible photocopy of the naturalization
59 documentation, or the number of the applicant's Certificate of
60 Naturalization; except that any person who provides the number of
61 the Certificate of Naturalization in lieu of the naturalization
62 documentation shall not be deemed to have provided proof of
63 citizenship until the number is verified with the United States
64 Citizenship and Immigration Services in the Department of Homeland
65 Security or its successor; or

66 (d) Any document or method of proof of citizenship
67 established by the Federal Immigration Reform and Control Act of
68 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

69 (5) If the applicant provides proof of citizenship and meets
70 all other qualifications provided by law, the registrar shall
71 register the applicant to vote.

72 (6) If the applicant does not reply to the notice or provide
73 proof of citizenship, the registrar of the county, or his or her
74 designee, where the person registered to vote shall mark the
75 applicant as "PENDING" in the Statewide Elections Management
76 System until the next federal general election:



77 (a) A voter in pending status may cast an affidavit
78 ballot. The affidavit ballot shall be considered if the voter
79 provides the required documentation under subsection (4) of this
80 section to the registrar within five (5) days of casting the
81 affidavit ballot.

82 (b) If the applicant fails to respond to the notice or
83 cast an affidavit ballot and provide the proof described in
84 subsection (4) of this section by the next federal general
85 election, the registrar shall mark the applicant as "REJECTED" in
86 the Statewide Election Management System.

87 **SECTION 2.** Section 23-15-5, Mississippi Code of 1972, is
88 amended as follows:

89 23-15-5. (1) There is created in the State Treasury a
90 special fund to be known as the Elections Support Fund. Monies
91 derived from annual report fees imposed upon limited liability
92 companies under Section 79-29-1203 shall be deposited into the
93 Elections Support Fund. Unexpended amounts remaining in the fund
94 at the end of the fiscal year shall not lapse into the State
95 General Fund, and any interest earned or investment earnings on
96 amounts in the fund shall be disbursed as provided in subsection
97 (2) of this section. The expenditure of monies in the fund shall
98 be under the direction of the Secretary of State as provided by
99 subsection (2) of this section, and such funds shall be paid by
100 the State Treasurer upon warrants issued by the Department of
101 Finance and Administration.



102 (2) (a) Monies in the fund shall be used as follows:

103 (i) * * * Seventy percent (70%) of the monies in
104 the special fund shall be distributed annually to the counties,
105 upon appropriation of the Legislature, based on the proportion
106 that the population of a county bears to the total population in
107 all counties of the state population according to the most recent
108 information from the United States Census Bureau, and held in a
109 separate fund solely for the purpose of acquiring, upgrading,
110 maintaining or repairing voting equipment, systems and supplies,
111 hiring temporary technical support, conducting elections using
112 such voting equipment or systems, employing such personnel to
113 conduct an election, and training election officials; and

114 (ii) The remaining * * * thirty percent (30%) of
115 the monies in the special fund shall be deposited in the State
116 General Fund.

117 (b) The Secretary of State shall create standard
118 training guidelines to assist counties in training election
119 officials with the funds authorized under subsection (2)(a)(ii) of
120 this section. Any criteria established by the Secretary of State
121 for the purposes of this section shall be used in addition to any
122 other training or coursework prescribed by the Secretary of State
123 to train circuit clerks, poll managers and any other election
124 officials participating in county elections.

125 (c) Notwithstanding any other provision of law, no
126 monies from the Elections Support Fund shall be used by the



127 Secretary of State or any person associated with the Office of the
128 Secretary of State to provide or otherwise support expert
129 testimony in any manner for any hearing, trial or election
130 contest.

131 (3) From and after July 1, 2017, none of the monies
132 deposited in the Elections Support Fund may be used to reimburse
133 or otherwise defray any costs that the Office of the Secretary of
134 State may incur in administering the fund.

135 (4) From and after July 1, 2016, no state agency shall
136 charge another state agency a fee, assessment, rent or other
137 charge for services or resources received by authority of this
138 section.

139 **SECTION 3.** This act shall take effect and be in force from
140 and after its passage.

