

By: Representative Summers

To: Apportionment and
Elections

HOUSE BILL NO. 70

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 IT 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 it 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 it 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) (* * *ii) 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, 2023.

