

By: Representatives Taylor, Sanders

To: Apportionment and
Elections; Education

HOUSE BILL NO. 635

1 AN ACT TO CREATE THE "STARKVILLE HIGH SCHOOL AP GOVERNMENT
2 CLASS OF 2019 MOTOR VOTER ACT"; TO AUTHORIZE ANY PERSON WHO IS
3 QUALIFIED TO REGISTER TO VOTE IN THE STATE OF MISSISSIPPI TO
4 REGISTER TO VOTE WHEN THAT PERSON APPLIES FOR THE ISSUANCE,
5 RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE
6 OR OFFICIAL IDENTIFICATION CARD; TO REQUIRE THE DEPARTMENT OF
7 PUBLIC SAFETY TO OBTAIN CERTAIN INFORMATION FROM A PERSON WHO
8 DESIRES TO REGISTER TO VOTE WHILE APPLYING FOR THE ISSUANCE,
9 RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE
10 OR OFFICIAL IDENTIFICATION CARD; TO PROVIDE AN OPT-OUT PROCEDURE
11 FOR PERSONS WHO CHOOSE NOT TO REGISTER TO VOTE WHILE APPLYING FOR
12 THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE
13 DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO PROVIDE FOR
14 THE FORWARDING OF VOTER REGISTRATION APPLICATIONS TO THE PERSON'S
15 COUNTY OF RESIDENCE; TO AMEND SECTIONS 23-15-11, 23-15-33,
16 23-15-35, 23-15-39, 23-15-41, 23-15-79, 23-15-95 AND 63-1-19,
17 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
18 ACT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) Any person who is qualified to register to
21 vote in the State of Mississippi may register to vote when that
22 person applies for the issuance, renewal or change of address of a
23 motor vehicle driver's license or official identification card in
24 the manner prescribed in this section.

25 (2) The Mississippi Department of Public Safety shall, with
26 the support of the Secretary of State, obtain, as an integral and



27 simultaneous part of every process of application for the
28 issuance, renewal or change of address of a motor vehicle driver's
29 license or official identification card pursuant to Sections
30 45-35-1 through 45-35-67, the following information from each
31 applicant:

32 (a) Full name, including first, middle, last and any
33 premarital names;

34 (b) Date of birth;

35 (c) Residence address and mailing address, if
36 different;

37 (d) The applicant's electronic signature;

38 (e) Telephone number, if available;

39 (f) Email address, if available;

40 (g) Driver's license number and last four (4) digits of
41 social security number;

42 (h) A written statement made under the penalty of
43 perjury that the applicant:

44 (i) Is a citizen of the United States of America;

45 (ii) Is eighteen (18) years of age or older, or
46 will be eighteen (18) years of age or older on or before the date
47 of the general election and is duly registered to vote not less
48 than thirty (30) days before the primary election associated with
49 the general election;

50 (iii) Has resided in this state for thirty (30)
51 days and for thirty (30) days in the county in which he or she



52 seeks to vote, and for thirty (30) days in the incorporated
53 municipality in which he or she seeks to vote;

54 (iv) Has been duly registered as an elector under
55 Section 23-15-33; and

56 (v) Has never been convicted of vote fraud or of
57 any crime listed in Section 241, Mississippi Constitution of 1890;

58 (i) Whether the applicant affirmatively declined to
59 become registered to vote during the transaction with the
60 Mississippi Department of Public Safety;

61 (j) Date of application; and

62 (k) Any other information in the rules adopted by the
63 Mississippi Department of Public Safety and the Secretary of State
64 to implement this section.

65 (3) Unless the applicant affirmatively declines to become
66 registered to vote or update his or her voter registration during
67 the transaction with the Mississippi Department of Public Safety,
68 the department shall release all of the information obtained
69 pursuant to subsection (2) of this section to the Secretary of
70 State, who shall forward the information to the county registrar
71 of the applicant's county of residence to process the newly
72 registered voter or update information for the already-registered
73 voter pursuant to law. Notwithstanding any other provision of
74 law, if the applicant affirmatively declines to become registered
75 to vote, the Mississippi Department of Public Safety shall release
76 the applicant's first name, middle name, last name, premarital



77 name, if applicable, complete residence address, complete date of
78 birth and electronic signature, which were entered in the
79 department's records for driver's license or official
80 identification card purposes, to the Secretary of State in order
81 to facilitate any future attempt of the applicant to register to
82 vote, along with the notation that the applicant affirmatively
83 declined to become registered at that time. The Mississippi
84 Department of Public Safety shall notify the applicant that by
85 submitting his or her signature, the applicant grants written
86 consent for the submission of the information obtained and
87 required to be submitted to the Secretary of State pursuant to
88 this section.

89 (4) Information regarding a person's failure to sign the
90 voter registration application is confidential and may not be used
91 for any purpose other than to determine voter registration.

92 (5) An application for voter registration submitted pursuant
93 to the provisions of this section updates a previous voter
94 registration by the applicant and authorizes the cancellation of
95 registration in any other county or state in which the applicant
96 was previously registered.

97 (6) A change of address from one (1) residence to another
98 within the same county that is submitted for driver's license or
99 official identification card purposes in accordance with
100 applicable law serves as a notice of change of address for voter



101 registration purposes if requested by the applicant after notice
102 and written consent of the applicant.

103 (7) Completed applications for voter registration or change
104 of address for voting purposes received by the Mississippi
105 Department of Public Safety shall be forwarded to the Secretary of
106 State within five (5) days of receipt. The Secretary of State
107 shall file any forms that have not been signed by the applicant
108 and shall forward completed, signed applications to the clerk of
109 the appropriate county election commission within five (5) days of
110 receipt.

111 (8) Voter registration application forms containing voter
112 information which are returned to a driver's license office
113 unsigned shall be collected by the Mississippi Department of
114 Public Safety, submitted to the Secretary of State and maintained
115 by the Secretary of State's office according to the retention
116 policy for such records adopted by the Secretary of State.

117 (9) The Secretary of State shall establish procedures to
118 protect the confidentiality of the information obtained from the
119 Mississippi Department of Public Safety, including any information
120 otherwise required to be confidential by other provisions of the
121 law.

122 (10) A person registered to vote pursuant to this section
123 may cancel his or her voter registration at any time by any method
124 available to any other registered voter.



125 (11) A person who attempts to register to vote pursuant to
126 this section may appeal a denial of his or her voter registration
127 as provided in this chapter.

128 (12) This section shall not be construed as requiring the
129 Mississippi Department of Public Safety to determine eligibility
130 for voter registration and voting.

131 (13) A voter registration application completed pursuant to
132 this section shall be a completed application for voter
133 registration.

134 (14) This section shall be known and may be cited as the
135 "Starkville High School AP Government Class of 2019 Motor Voter
136 Act."

137 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
138 amended as follows:

139 23-15-11. Every inhabitant of this state, except persons
140 adjudicated to be non compos mentis, who is a citizen of the
141 United States of America, eighteen (18) years old and upwards, who
142 has resided in this state for thirty (30) days and for thirty (30)
143 days in the county in which he or she seeks to vote, and for
144 thirty (30) days in the incorporated municipality in which he or
145 she seeks to vote, and who has been duly registered as an elector
146 under Section 23-15-33 or Section 1 of this act, and who has never
147 been convicted of vote fraud or of any crime listed in Section
148 241, Mississippi Constitution of 1890, shall be a qualified
149 elector in and for the county, municipality and voting precinct of



150 his or her residence, and shall be entitled to vote at any
151 election upon compliance with Section 23-15-563. If the thirtieth
152 day to register before an election falls on a Sunday or legal
153 holiday, the registration applications submitted on the business
154 day immediately following the Sunday or legal holiday shall be
155 accepted and entered in the Statewide Elections Management System
156 for the purpose of enabling voters to vote in the next election.
157 Any person who will be eighteen (18) years of age or older on or
158 before the date of the general election and who is duly registered
159 to vote not less than thirty (30) days before the primary election
160 associated with the general election, may vote in the primary
161 election even though the person has not reached his or her
162 eighteenth birthday at the time that the person seeks to vote at
163 the primary election. No others than those specified in this
164 section shall be entitled, or shall be allowed, to vote at any
165 election.

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

168 23-15-33. (1) Every person entitled to be registered as an
169 elector in compliance with the laws of this state and who has
170 signed his or her name on and properly completed the application
171 for registration to vote shall be registered by the county
172 registrar in the voting precinct of the residence of such person
173 through the Statewide Elections Management System.



174 (2) Every person entitled to be registered as an elector in
175 compliance with the laws of this state and who registers to vote
176 pursuant to the National Voter Registration Act of 1993 shall be
177 registered by the county registrar in the voting precinct of the
178 residence of such person through the Statewide Elections
179 Management System.

180 (3) Every person entitled to be registered as an elector in
181 compliance with the laws of this state and who registers to vote
182 pursuant to Section 1 of this act shall be registered by the
183 registrar in the voting precinct of the residence of such person
184 through the Statewide Elections Management System.

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

187 23-15-35. (1) The clerk of the municipality shall be the
188 registrar of voters of the municipality, and shall take the oath
189 of office prescribed by Section 268 of the Constitution. The
190 municipal registration shall conform to the county registration
191 which shall be a part of the official record of registered voters
192 as contained in the Statewide Elections Management System. The
193 municipal clerk shall comply with all the provisions of law
194 regarding the registration of voters, including the use of the
195 voter registration applications used by county registrars and
196 prescribed by the Secretary of State under Sections 23-15-39 and
197 23-15-47 and under the provisions of Section 1 of this act.



198 (2) The municipal clerk shall be authorized to register
199 applicants as county electors. The municipal clerk shall forward
200 notice of registration, a copy of the application for
201 registration, and any changes to the registration when they occur,
202 either by certified mail to the county registrar or by personal
203 delivery to the county registrar provided that a numbered receipt
204 is signed by the county registrar in return for the described
205 documents. Upon receipt of the copy of the application for
206 registration or changes to the registration, and if a review of
207 the application indicates that the applicant meets all the
208 criteria necessary to qualify as a county elector, then the county
209 registrar shall make a determination of the county voting precinct
210 in which the person making the application shall be required to
211 vote. The county registrar shall send this county voting precinct
212 information by United States first-class mail, postage prepaid, to
213 the person at the address provided on the application. Any
214 mailing costs incurred by the municipal clerk or the county
215 registrar in effectuating this subsection (2) shall be paid by the
216 county board of supervisors. If a review of the copy of the
217 application for registration or changes to the registration
218 indicates that the applicant is not qualified to vote in the
219 county, the county registrar shall challenge the application. The
220 county election commissioners shall review any challenge or
221 disqualification, after having notified the applicant by certified
222 mail of the challenge or disqualification.



223 (3) The municipal clerk shall issue to the person making the
224 application a copy of the application and the county registrar
225 shall process the application in accordance with the law regarding
226 the handling of voter registration applications.

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

232 (5) The municipal clerk of each municipality shall provide
233 the county registrar in which the municipality is located the
234 information necessary to conform the municipal registration to the
235 county registration which shall be a part of the official record
236 of registered voters as contained in the Statewide Elections
237 Management System. If any changes to the information occur as a
238 result of redistricting, annexation or other reason, it shall be
239 the responsibility of the municipal clerk to timely provide the
240 changes to the county registrar.

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

243 23-15-39. (1) Applications for registration as electors of
244 this state, which are sworn to and subscribed before the registrar
245 or deputy registrar authorized by law and which are not made by
246 mail or pursuant to the provisions of Section 1 of this act, shall



247 be made upon a form established by rule duly adopted by the
248 Secretary of State.

249 (2) The boards of supervisors shall make proper allowances
250 for office supplies reasonably necessitated by the registration of
251 county electors.

252 (3) If the applicant indicates on the application that he or
253 she resides within the city limits of a city or town in the county
254 of registration, the county registrar shall process the
255 application for registration or changes to the registration as
256 provided by law.

257 (4) If the applicant indicates on the application that he or
258 she has previously registered to vote in another county of this
259 state or another state, notice to the voter's previous county of
260 registration in this state shall be provided by the Statewide
261 Elections Management System. If the voter's previous place of
262 registration was in another state, notice shall be provided to the
263 voter's previous state of residence if the Statewide Elections
264 Management System has that capability.

265 (5) The county registrar shall provide to the person making
266 the application a copy of the application upon which has been
267 written the county voting precinct and municipal voting precinct,
268 if any, in which the person shall vote. Upon entry of the voter
269 registration information into the Statewide Elections Management
270 System, the system shall assign a voter registration number to the
271 person, and the county registrar shall mail the applicant a voter



272 registration card to the mailing address provided on the
273 application.

274 (6) Any person desiring an application for registration may
275 secure an application from the registrar of the county of which he
276 or she is a resident and may take the application with him or her
277 and secure assistance in completing the application from any
278 person of the applicant's choice. It shall be the duty of all
279 registrars to furnish applications for registration to all persons
280 requesting them, and it shall likewise be the registrar's duty to
281 furnish aid and assistance in the completing of the application
282 when requested by an applicant. The application for registration
283 shall be sworn to and subscribed before the registrar or deputy
284 registrar at the municipal clerk's office, the county registrar's
285 office or any other location where the applicant is allowed to
286 register to vote. The registrar shall not charge a fee or cost to
287 the applicant for accepting the application or administering the
288 oath or for any other duty imposed by law regarding the
289 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 6.** 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 pursuant to Section 1 of this act, the county registrar
334 shall enter the applicant's information into the Statewide
335 Elections Management System where the applicant's status will be
336 marked as "ACTIVE," "PENDING" or "REJECTED," and the applicant
337 shall be entitled to register upon his or her request for
338 registration made in person to the registrar, or deputy registrar
339 if a deputy registrar has been appointed. Except as otherwise
340 provided in Section 1 of this act, no person other than the
341 registrar, or a deputy registrar, shall 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 7.** 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 1 of this act, the
352 date of 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 that has
364 been made pursuant to Section 1 of this act, the date of
365 registration to vote shall be the date the person applying for the
366 issuance, renewal or change of address of a motor vehicle driver's
367 license or official identification card in the manner prescribed
368 in Section 1 of this act completes and signs the form.

369 **SECTION 8.** Section 23-15-95, Mississippi Code of 1972, is
370 amended as follows:



371 23-15-95. In addition to the penalties set forth in Section
372 23-15-93, any applicant aggrieved by any registrar * * *,
373 election commissioner or the Mississippi Department of Public
374 Safety because of their refusal or neglect to perform any of the
375 duties prescribed by this chapter regarding the registration of
376 electors may petition the chancery court of the county of the
377 registrar or election commissioner for an injunction or mandate to
378 enforce the performance of such duties and to secure to that
379 applicant the rights to which he or she may be entitled under the
380 provisions of the sections.

381 **SECTION 9.** Section 63-1-19, Mississippi Code of 1972, is
382 amended as follows:

383 63-1-19. (1) (a) Every applicant for a license or permit
384 issued pursuant to this article, or for renewal of such license or
385 permit, shall file an application for * * * the license, permit or
386 renewal, on a form provided by the Department of Public Safety,
387 with the commissioner or an official license examiner of the
388 department. All persons not holding valid, unexpired licenses
389 issued in this state shall be required to secure an original
390 license, except those specifically exempted from licensing under
391 Section 63-1-7. In addition to the application requirements
392 provided in Section 1 of this act, the application shall state the
393 name, date of birth, the social security number of the applicant
394 unless the applicant is not a United States citizen and does not
395 possess a social security number issued by the United States



396 government, sex, race, color of eyes, color of hair, weight,
397 height and residence address, and whether or not the applicant's
398 privilege to drive has been suspended or revoked at any time, and,
399 if so, when, by whom, and for what cause, and whether any previous
400 application by him or her has been denied, and whether he or she
401 has any physical defects * * * that would interfere with his or
402 her operating a motor vehicle safely upon the highways.

403 (b) Every applicant for an original license shall show
404 proof of domicile in this state. The commissioner shall
405 promulgate any rules and regulations necessary to enforce this
406 requirement and shall prescribe the means by which an applicant
407 for an original license may show domicile in this state. Proof of
408 domicile shall not be required of applicants under eighteen (18)
409 years of age.

410 (c) Unless the applicant is not a United States citizen
411 and does not possess a social security number issued by the United
412 States government, each application or filing made under this
413 section shall include the social security number(s) of the
414 applicant in accordance with Section 93-11-64 * * *.

415 (2) No person who is illegally in the United States or
416 Mississippi shall be issued a license. The application of a
417 person who is not a United States citizen and who does not possess
418 a social security number issued by the United States government
419 shall state the name, date of birth, sex, race, color of eyes,
420 color of hair, weight, height and residence address, and whether



421 or not the applicant's privilege to drive has been suspended or
422 revoked at any time, and, if so, when, by whom, and for what
423 cause, and whether any previous application by him or her has been
424 denied, and whether he or she has any physical defects * * * that
425 would interfere with his or her operating a motor vehicle safely
426 upon the highways. The commissioner shall adopt and promulgate
427 such rules and regulations as he or she deems appropriate
428 requiring additional documents, materials, information or physical
429 evidence to be provided by the applicant as may be necessary to
430 establish the identity of the applicant and that the applicant is
431 not present in the United States or the State of Mississippi
432 illegally.

433 (3) Whenever a person who has applied for or who has been
434 issued a license or permit under this article moves from the
435 address listed in the application or on the permit or license, or
436 whenever the name of a licensee changes by marriage or otherwise,
437 such person, within thirty (30) days thereafter, shall notify, in
438 writing, the Department of Public Safety, Driver Services
439 Division, and inform the department of his or her previous address
440 and new address and of his or her former name and new name. The
441 department shall not change the name of a licensee or permittee on
442 his or her license or permit unless the applicant appears in
443 person at an office of the department and provides a certified
444 copy of his or her marriage license, court order, birth



445 certificate or divorce decree changing the licensee's or
446 permittee's name.

447 (4) (a) Any male who is at least eighteen (18) years of age
448 but less than twenty-six (26) years of age and who applies for a
449 permit or license or a renewal of a permit or license under this
450 chapter shall be registered in compliance with the requirements of
451 Section 3 of the Military Selective Service Act, 50 USCS Section
452 3802, as amended.

453 (b) The department shall forward in an electronic
454 format the necessary personal information of the applicant to the
455 Selective Service System. The applicant's submission of the
456 application shall serve as an indication that the applicant either
457 has already registered with the Selective Service System or that
458 he is authorizing the department to forward to the Selective
459 Service System the necessary information for registration. The
460 commissioner shall notify the applicant on, or as a part of, the
461 application that his submission of the application will serve as
462 his consent to registration with the Selective Service System, if
463 so required. The commissioner also shall notify any male
464 applicant under the age of eighteen (18) that he will be
465 registered upon turning age eighteen (18) as required by federal
466 law.

467 **SECTION 10.** Section 1 of this act shall be codified as a new
468 section in Chapter 15, Title 23, Mississippi Code of 1972.



469 **SECTION 11.** This act shall take effect and be in force from
470 and after July 1, 2023.

