

By: Representative Scott

To: Apportionment and
Elections; Rules

HOUSE BILL NO. 1459

1 AN ACT TO PROVIDE THAT A QUALIFIED ELECTOR WHO WISHES TO
 2 REGISTER TO VOTE MAY REGISTER ON THE DAY OF THE ELECTION AND THEN
 3 PROCEED TO CAST HIS OR HER VOTE AT THE PROPER POLLING PLACE; TO
 4 PROVIDE THE LOCATION TO CONDUCT THE REGISTRATION ON ELECTION DAY;
 5 TO PROVIDE THE IDENTIFICATION REQUIRED TO BE PRESENTED IN ORDER TO
 6 REGISTER TO VOTE ON ELECTION DAY; TO PROVIDE THE PROCEDURES THAT
 7 POLL MANAGERS SHALL IMPLEMENT WHEN A PERSON REGISTERS TO VOTE ON
 8 ELECTION DAY; TO PROVIDE THAT ELECTION DAY REGISTRATION BALLOTS
 9 SHALL BE TREATED THE SAME AS ABSENTEE BALLOTS FOR CERTAIN
 10 PURPOSES; TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE THE
 11 NECESSARY RULES AND REGULATIONS TO EFFECTUATE SAME DAY VOTER
 12 REGISTRATION; TO AMEND SECTIONS 23-15-11, 23-15-13, 23-15-35,
 13 23-15-37, 23-15-39, 23-15-41 AND 23-15-125, MISSISSIPPI CODE OF
 14 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 15 PURPOSES.

16 WHEREAS, according to the National Conference of State
 17 Legislators (NCSL), as of 2022, a total of twenty-three (23)
 18 states and the District of Columbia have enacted same day voter
 19 registration, which allows any qualified resident of the state to
 20 go to register to vote and cast a ballot all in that same day; and

21 WHEREAS, based on research from the NCSL, there is strong
 22 evidence that same day voter registration increases voter turnout,
 23 and same day voter registration states tend to outperform other
 24 states in terms of turnout percentages; and



25 WHEREAS, according to NCSL, all states that implement same
26 day voter registration employ various measures to ensure the
27 security of same day voter registration in order to uphold the
28 integrity of the election; NOW, THEREFORE,

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

30 **SECTION 1.** (1) Notwithstanding any other provision of law
31 to the contrary, a qualified elector who wishes to register to
32 vote may register on the day of the election and then proceed to
33 cast his or her vote at the proper polling place.

34 (2) The election commissioners of each county may designate
35 a location for the completion and processing of election day
36 registration applications through the Statewide Elections
37 Management System. The election commissioners shall be authorized
38 to appoint one or more additional poll managers to serve at the
39 designated location and accept and process registration
40 applications. The election commissioners shall supervise such
41 poll managers and train them as necessary for the registration of
42 voters as otherwise provided by law. Such additional poll
43 managers shall be compensated as otherwise provided by law.

44 (3) (a) Any person applying to register on election day
45 under the provisions of this section shall appear in person at a
46 location designated by the election commissioners for election day
47 registration and declare under oath that the person has not
48 previously voted in the election.



49 (b) Such applicant shall present the photo
50 identification required in Section 23-15-563 to the poll managers
51 at the location. If this identification does not include proof of
52 the applicant's residential address, the applicant shall also
53 submit identification that shows the applicant's bona fide
54 residence address, including, but not limited to, a utility bill
55 that has the applicant's name and current address and that has a
56 due date that is not later than thirty (30) days after the
57 election.

58 (c) If the poll managers determine that an applicant
59 has satisfied all of the provisions of this section and Section
60 23-15-11, the election commissioners shall check the Statewide
61 Elections Management System before entering such applicant as an
62 elector.

63 (d) If the poll managers determine that the applicant
64 has satisfied all of the provisions of this section and Section
65 23-15-11, and the applicant is not already registered as an
66 elector as determined by the Statewide Elections Management
67 System, the poll managers shall admit the applicant as a qualified
68 elector and all of the privileges of a qualified elector shall
69 attach immediately.

70 (e) (i) If a qualified elector registers to vote on
71 election day as provided in this section, the poll managers shall
72 provide the elector an election day registration ballot and an
73 election day registration envelope and make a record of such



74 issuance. The ballot shall be clearly marked that it is an
75 election day registration ballot and shall be in the same form as
76 other ballots for the election and the back of the election day
77 registration envelope shall be imprinted with an affirmation that
78 the elector shall declare under oath that he or she has not
79 previously voted in the election. The affirmation shall be in the
80 form substantially as follows and signed by the elector:

81 "AFFIRMATION

82 I, the undersigned, do hereby state, under penalty of false
83 statement, (perjury) that:

84 1. I am the person admitted here as an elector in the
85 precinct indicated.

86 2. I am eligible to vote in the election indicated for
87 today in the precinct indicated.

88 3. The information I have presented as identification
89 is correct and complete.

90 4. I reside at the address that I have given to the
91 poll managers.

92 5. If previously registered at another location, I have
93 provided such address to the poll managers and hereby request
94 cancellation of such prior registration.

95 6. I have not voted in person or by absentee ballot and
96 I will not vote otherwise than by this ballot at this election.



122 class mail with instructions on the envelope that it be returned
123 if not deliverable at the address shown on the envelope.

124 (6) Notwithstanding the provisions of any laws or parts of
125 laws in conflict with this section, the provisions of this section
126 shall be controlling to the extent of the conflict.

127 (7) The Secretary of State shall promulgate rules and
128 regulations necessary to effectuate same day voter registration,
129 including measures to inform the public about the availability of
130 same day voter registration.

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

133 23-15-11. Every inhabitant of this state, except persons
134 adjudicated to be non compos mentis, who is a citizen of the
135 United States of America, eighteen (18) years old and upwards, who
136 has resided in this state for thirty (30) days and for thirty (30)
137 days in the county in which he or she seeks to vote, and for
138 thirty (30) days in the incorporated municipality in which he or
139 she seeks to vote, and who has been duly registered as an elector
140 under Section 23-15-33, and who has never been convicted of vote
141 fraud or of any crime listed in Section 241, Mississippi
142 Constitution of 1890, shall be a qualified elector in and for the
143 county, municipality and voting precinct of his or her residence,
144 and shall be entitled to vote at any election upon compliance with
145 Section 23-15-563. * * * Except as otherwise provided in Section
146 1 of this act, any person who will be eighteen (18) years of age



147 or older on or before the date of the general election and who is
148 duly registered to vote not less than thirty (30) days before the
149 primary election associated with the general election, may vote in
150 the primary election even though the person has not reached his or
151 her eighteenth birthday at the time that the person seeks to vote
152 at the primary election. Except as otherwise provided in Section
153 1 of this act, no others than those specified in this section
154 shall be entitled, or shall be allowed, to vote at any election.

155 **SECTION 3.** Section 23-15-13, Mississippi Code of 1972, is
156 amended as follows:

157 23-15-13. (1) An elector who moves from one (1) ward or
158 voting precinct to another ward within the same municipality or
159 voting precinct within the same county shall not be disqualified
160 to vote, but he or she shall be entitled to have his or her
161 registration transferred to his or her new ward or voting precinct
162 upon making a written request therefor at any time up to * * * the
163 day of the election at which he or she offers to vote * * *.

164 (2) If an elector requests a change in his or her address
165 under Section 23-15-49 and the address is located in a precinct in
166 the county or municipality that differs from the precinct as
167 reflected in the then current registration records, the request
168 shall be treated in the same manner as a written request to
169 transfer the elector's registration under subsection (1) of this
170 section.



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

173 23-15-35. (1) The clerk of the municipality shall be the
174 registrar of voters of the municipality, and shall take the oath
175 of office prescribed by Section 268 of the Constitution. The
176 municipal registration shall conform to the county registration
177 which shall be a part of the official record of registered voters
178 as contained in the Statewide Elections Management System. The
179 municipal clerk shall comply with all the provisions of law
180 regarding the registration of voters, including the use of the
181 voter registration applications used by county registrars and
182 prescribed by the Secretary of State under Sections 23-15-39 and
183 23-15-47 and the provisions of Section 1 of this act.

184 (2) The municipal clerk shall be authorized to register
185 applicants as county electors. The municipal clerk shall forward
186 notice of registration, a copy of the application for
187 registration, and any changes to the registration when they occur,
188 either by certified mail to the county registrar or by personal
189 delivery to the county registrar provided that a numbered receipt
190 is signed by the county registrar in return for the described
191 documents. Upon receipt of the copy of the application for
192 registration or changes to the registration, and if a review of
193 the application indicates that the applicant meets all the
194 criteria necessary to qualify as a county elector, then the county
195 registrar shall make a determination of the county voting precinct



196 in which the person making the application shall be required to
197 vote. The county registrar shall send this county voting precinct
198 information by United States first-class mail, postage prepaid, to
199 the person at the address provided on the application. Any
200 mailing costs incurred by the municipal clerk or the county
201 registrar in effectuating this subsection (2) shall be paid by the
202 county board of supervisors. If a review of the copy of the
203 application for registration or changes to the registration
204 indicates that the applicant is not qualified to vote in the
205 county, the county registrar shall challenge the application. The
206 county election commissioners shall review any challenge or
207 disqualification, after having notified the applicant by certified
208 mail of the challenge or disqualification.

209 (3) The municipal clerk shall issue to the person making the
210 application a copy of the application and the county registrar
211 shall process the application in accordance with the law regarding
212 the handling of voter registration applications.

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

218 (5) The municipal clerk of each municipality shall provide
219 the county registrar in which the municipality is located the
220 information necessary to conform the municipal registration to the



221 county registration which shall be a part of the official record
222 of registered voters as contained in the Statewide Elections
223 Management System. If any changes to the information occur as a
224 result of redistricting, annexation or other reason, it shall be
225 the responsibility of the municipal clerk to timely provide the
226 changes to the county registrar.

227 **SECTION 5.** Section 23-15-37, Mississippi Code of 1972, is
228 amended as follows:

229 23-15-37. (1) The registrar shall register the electors of
230 his or her county at any time during regular office hours and on
231 election day as provided in Section 1 of this act.

232 (2) The county registrar may keep his or her office open to
233 register voters from 8:00 a.m. until 7:00 p.m., including the noon
234 hour, for the five (5) business days immediately preceding the
235 thirtieth day before any regularly scheduled primary or general
236 election. The county registrar shall also keep his or her office
237 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
238 preceding the thirtieth day before any regularly scheduled primary
239 or general election, unless that Saturday falls on a legal
240 holiday, in which case registration applications submitted on the
241 Monday immediately following the legal holiday shall be accepted
242 and entered in the Statewide Elections Management System for the
243 purpose of enabling such voters to vote in the next primary or
244 general election. Qualified electors shall be allowed to register



245 to vote and cast a ballot on election day as provided in Section 1
246 of this act.

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

252 (4) A person who is physically disabled and unable to visit
253 the office of the registrar to register to vote due to such
254 disability may contact the registrar and request that the
255 registrar or the registrar's deputy visit him or her for the
256 purpose of registering such person to vote. The registrar or the
257 registrar's deputy shall visit that person as soon as possible
258 after such request and provide the person with an application for
259 registration, if necessary. The completed application for
260 registration shall be executed in the presence of the registrar or
261 the registrar's deputy.

262 (5) (a) In the fall and spring of each year the registrar
263 of each county shall furnish all public schools with mail-in voter
264 registration applications. The applications shall be provided in
265 a reasonable time to enable those students who will be eighteen
266 (18) years of age before a general election to be able to vote in
267 the primary and general elections.

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



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

272 **SECTION 6.** Section 23-15-39, Mississippi Code of 1972, is
273 amended as follows:

274 23-15-39. (1) (a) Applications for registration as
275 electors of this state, which are sworn to and subscribed before
276 the registrar or deputy registrar authorized by law and which are
277 not made by mail, shall be made upon a form established by rule
278 duly adopted by the Secretary of State.

279 (b) Applications for registration on election day as
280 provided in Section 1 of this act shall be made upon a form
281 established by rule duly adopted by the Secretary of State and as
282 provided in Section 1 of this act.

283 (2) The boards of supervisors shall make proper allowances
284 for office supplies reasonably necessitated by the registration of
285 county electors.

286 (3) If the applicant indicates on the application that he or
287 she resides within the city limits of a city or town in the county
288 of registration, the county registrar shall process the
289 application for registration or changes to the registration as
290 provided by law.

291 (4) If the applicant indicates on the application that he or
292 she has previously registered to vote in another county of this
293 state or another state, notice to the voter's previous county of
294 registration in this state shall be provided by the Statewide



295 Elections Management System. If the voter's previous place of
296 registration was in another state, notice shall be provided to the
297 voter's previous state of residence if the Statewide Elections
298 Management System has that capability.

299 (5) The county registrar shall provide to the person making
300 the application a copy of the application upon which has been
301 written the county voting precinct and municipal voting precinct,
302 if any, in which the person shall vote. Upon entry of the voter
303 registration information into the Statewide Elections Management
304 System, the system shall assign a voter registration number to the
305 person, and the county registrar shall mail the applicant a voter
306 registration card to the mailing address provided on the
307 application.

308 (6) Any person desiring an application for registration may
309 secure an application from the registrar of the county of which he
310 or she is a resident and may take the application with him or her
311 and secure assistance in completing the application from any
312 person of the applicant's choice. It shall be the duty of all
313 registrars to furnish applications for registration to all persons
314 requesting them, and it shall likewise be the registrar's duty to
315 furnish aid and assistance in the completing of the application
316 when requested by an applicant. The application for registration
317 shall be sworn to and subscribed before the registrar or deputy
318 registrar at the municipal clerk's office, the county registrar's
319 office or any other location where the applicant is allowed to



320 register to vote. The registrar shall not charge a fee or cost to
321 the applicant for accepting the application or administering the
322 oath or for any other duty imposed by law regarding the
323 registration of electors.

324 (7) If the person making the application is unable to read
325 or write, for reason of disability or otherwise, he or she shall
326 not be required to personally complete the application in writing
327 and execute the oath. In such cases, the registrar or deputy
328 registrar shall read the application and oath to the person and
329 the person's answers thereto shall be recorded by the registrar or
330 the registrar's deputy. The person shall be registered as an
331 elector if he or she otherwise meets the requirements to be
332 registered as an elector. The registrar shall record the
333 responses of the person and the recorded responses shall be
334 retained permanently by the registrar. The county registrar shall
335 enter the voter registration information into the Statewide
336 Elections Management System and designate the entry as an assisted
337 filing.

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

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



345 change in corporate boundaries, provide to the county registrar
346 conforming geographic data that is compatible with the Statewide
347 Elections Management System. The data shall be developed by the
348 municipality's use of a standardized format specified by the
349 Statewide Elections Management System. The county registrar,
350 county election commissioner or other county official, who has
351 completed an annual training seminar sponsored by the Secretary of
352 State pertaining to the implementation of new boundary lines in
353 the Statewide Elections Management System and received
354 certification for that training, shall update the municipal
355 boundary information into the Statewide Elections Management
356 System. The Statewide Elections Management System updates the
357 municipal voter registration records and assigns electors to their
358 municipal voting precincts. The county registrar shall forward to
359 the municipal clerk written notification of the additions and
360 changes, and the municipal clerk shall forward to the affected
361 municipal electors written notification of the additions and
362 changes.

363 **SECTION 7.** Section 23-15-41, Mississippi Code of 1972, is
364 amended as follows:

365 23-15-41. (1) When an applicant to register to vote has
366 completed the application form as prescribed by administrative
367 rule, the county registrar shall enter the applicant's information
368 into the Statewide Elections Management System where the
369 applicant's status will be marked as "ACTIVE," "PENDING" or



370 "REJECTED," and the applicant shall be entitled to register upon
371 his or her request for registration made in person to the
372 registrar, or deputy registrar if a deputy registrar has been
373 appointed. Except as otherwise provided in Section 1 of this act,
374 no person other than the registrar, or a deputy registrar, shall
375 register any applicant.

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

382 **SECTION 8.** Section 23-15-125, Mississippi Code of 1972, is
383 amended as follows:

384 23-15-125. The pollbook of each voting precinct shall
385 designate the voting precinct for which it is to be used, and
386 shall be ruled in appropriate columns, with printed or written
387 headings, as follows: date of registration; voter registration
388 number; name of electors; date of birth; and a number of blank
389 columns for the dates of elections. All qualified applicants who
390 register with the registrar shall be entered in the Statewide
391 Elections Management System. * * * When county election
392 commissioners determine that any elector is disqualified from
393 voting, by reason of death, conviction of a disenfranchising
394 crime, removal from the jurisdiction, or other legal cause, that



395 fact shall be noted in the Statewide Elections Management System
396 and the voter's name shall be removed from the Statewide Elections
397 Management System, the state's voter roll and the county's
398 pollbooks. Nothing in this section shall preclude the use of
399 electronic pollbooks.

400 **SECTION 9.** Section 1 of this act shall be codified as a new
401 section in Article 3, Chapter 15, Title 23, Mississippi Code of
402 1972.

403 **SECTION 10.** This act shall take effect and be in force from
404 and after July 1, 2023.

