

By: Senator(s) Sojourner

To: Elections

SENATE BILL NO. 2509

1 AN ACT TO PROVIDE THAT ONLY REGISTERED VOTERS AFFILIATED WITH  
2 A POLITICAL PARTY MAY VOTE IN THE PARTY'S PRIMARY ELECTION; TO  
3 PROVIDE THAT REGISTERED VOTERS NOT AFFILIATED WITH A POLITICAL  
4 PARTY MAY VOTE IN ANY NONPARTISAN ELECTION HELD IN CONJUNCTION  
5 WITH A PARTY PRIMARY ELECTION; TO REQUIRE THE STATE EXECUTIVE  
6 COMMITTEE OF A POLITICAL PARTY TO DESIGNATE ANNUALLY ANY  
7 QUALIFICATIONS FOR ELECTORS TO BE ELIGIBLE TO VOTE IN THE PARTY'S  
8 PRIMARY ELECTION; TO AUTHORIZE THE SECRETARY OF STATE TO PRESCRIBE  
9 BY RULE A UNIFORM STATEWIDE VOTER REGISTRATION APPLICATION THAT  
10 SHALL BE USED TO DESIGNATE AN ELECTOR'S PARTY AFFILIATION; TO  
11 AMEND SECTIONS 23-15-575 AND 23-15-753, MISSISSIPPI CODE OF 1972,  
12 TO PROVIDE THAT ANY PERSON WHO VOTES IN A POLITICAL PARTY PRIMARY  
13 OTHER THAN THAT IN WHICH THE PERSON IS REGISTERED SHALL BE GUILTY  
14 OF VOTE FRAUD; TO AMEND SECTIONS 23-15-33, 23-15-35, 23-15-37,  
15 23-15-39, 23-15-41 AND 23-15-47, MISSISSIPPI CODE OF 1972, TO  
16 AUTHORIZE CIRCUIT AND MUNICIPAL CLERKS TO ENTER INTO THE STATEWIDE  
17 ELECTIONS MANAGEMENT SYSTEM AN ELECTOR'S PARTY AFFILIATION AS  
18 DESIGNATED ON THE ELECTOR'S UNIFORM STATEWIDE VOTER REGISTRATION  
19 APPLICATION; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) Electors who are registered to vote may  
22 select a party affiliation in any of the following ways:

23 (a) Fill out a uniform statewide voter registration  
24 application;

25 (b) Declare at the election August 4, 2023, by casting  
26 a ballot in the primary of one (1) political party.



27           (2) On or before October 1, 2023, the registrar shall record  
28 an elector's party affiliation in the Statewide Elections  
29 Management System. Electors who do not vote in the August 4,  
30 2023, election or who have not selected a party affiliation on the  
31 uniform statewide voter registration application shall be  
32 designated as "unaffiliated" in the system.

33           (a) All registered voters not affiliated with a  
34 political party may vote in any nonpartisan election held in  
35 conjunction with a party primary election.

36           (b) All registered voters affiliated with a political  
37 party may vote in the party primary election designated in the  
38 voter's registration.

39           (3) From and after October 2, 2023, any qualified elector  
40 may update or change the voter's party affiliation by mailing or  
41 delivering a completed uniform voter registration application to  
42 his county registrar at least thirty (30) days prior to any  
43 election except as provided in this subsection. The date of party  
44 registration shall be either the date of the elector's personal  
45 delivery to the county registrar or the postmark date of a mailed  
46 application unless:

47           (a) The election is for the purpose of nominating a  
48 political party nominee, in which case the update or change shall  
49 be effective for the purpose of subsequent elections.



50 (b) For the purpose of this subsection, any first  
51 primary followed by a second or subsequent run-off primary  
52 election constitutes one (1) election.

53 **SECTION 2.** On or before January 1, 2024, and each year  
54 thereafter, the state executive committee of each political party  
55 shall notify the Secretary of State of any qualifications, not  
56 inconsistent with the laws of this state, for electors to be  
57 eligible to vote in the party's primary election.

58 **SECTION 3.** (1) The Secretary of State shall prescribe by  
59 rule a uniform statewide voter registration application for use in  
60 this state.

61 (2) The uniform statewide voter registration application  
62 must be accepted for any one or more of the following purposes:

- 63 (a) Initial registration.
- 64 (b) Change of address.
- 65 (c) Change of party affiliation.
- 66 (d) Change of name.
- 67 (e) Replacement of a voter information card.
- 68 (f) Signature update.

69 **SECTION 4.** Section 23-15-575, Mississippi Code of 1972, is  
70 amended as follows:

71 23-15-575. No person shall be eligible to participate in any  
72 party primary unless he or she is a registered member of that  
73 party. No person shall vote or attempt to vote in the primary  
74 election of one (1) party when he or she has voted on the same



75 date in the primary election of another party. No person shall  
76 vote or attempt to vote in the second primary election of one (1)  
77 party when he or she has voted in the first primary election of  
78 another party. Any person who votes in a primary for a candidate  
79 running for nomination for a party other than that in which the  
80 person is registered shall be subject to the penalties for vote  
81 fraud provided for in Section 23-15-753.

82 **SECTION 5.** Section 23-15-33, Mississippi Code of 1972, is  
83 amended as follows:

84 23-15-33. (1) Every person entitled to be registered as an  
85 elector in compliance with the laws of this state and who has  
86 signed his or her name on and properly completed the uniform  
87 statewide application for registration to vote shall be registered  
88 by the county registrar in the voting precinct of the residence of  
89 such person through the Statewide Elections Management System.

90 (2) Every person entitled to be registered as an elector in  
91 compliance with the laws of this state and who registers to vote  
92 pursuant to the National Voter Registration Act of 1993 shall be  
93 registered by the county registrar in the voting precinct of the  
94 residence of such person through the Statewide Elections  
95 Management System.

96 **SECTION 6.** Section 23-15-35, Mississippi Code of 1972, is  
97 amended as follows:

98 23-15-35. (1) The clerk of the municipality shall be the  
99 registrar of voters of the municipality, and shall take the oath



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

109 (2) The municipal clerk shall be authorized to register  
110 applicants as county electors and to complete any changes to the  
111 elector's registration. The municipal clerk shall forward notice  
112 of registration, a copy of the application for registration, and  
113 any changes to the registration when they occur, either by  
114 certified mail to the county registrar or by personal delivery to  
115 the county registrar provided that a numbered receipt is signed by  
116 the county registrar in return for the described documents. Upon  
117 receipt of the copy of the application for registration or changes  
118 to the registration, and if a review of the application indicates  
119 that the applicant meets all the criteria necessary to qualify as  
120 a county elector, then the county registrar shall make a  
121 determination of the county voting precinct in which the person  
122 making the application shall be required to vote. The county  
123 registrar shall send this county voting precinct information by  
124 United States first-class mail, postage prepaid, to the person at



125 the address provided on the application. Any mailing costs  
126 incurred by the municipal clerk or the county registrar in  
127 effectuating this subsection (2) shall be paid by the county board  
128 of supervisors. If a review of the copy of the application for  
129 registration or changes to the registration indicates that the  
130 applicant is not qualified to vote in the county, the county  
131 registrar shall challenge the application. The county election  
132 commissioners shall review any challenge or disqualification,  
133 after having notified the applicant by certified mail of the  
134 challenge or disqualification.

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

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

144 (5) The municipal clerk of each municipality shall provide  
145 the county registrar in which the municipality is located the  
146 information necessary to conform the municipal registration to the  
147 county registration which shall be a part of the official record  
148 of registered voters as contained in the Statewide Elections  
149 Management System. If any changes to the information occur as a



150 result of redistricting, annexation or other reason, it shall be  
151 the responsibility of the municipal clerk to timely provide the  
152 changes to the county registrar.

153         **SECTION 7.** Section 23-15-37, Mississippi Code of 1972, is  
154 amended as follows:

155             23-15-37. (1) The registrar shall register the electors of  
156 his or her county at any time during regular office hours.

157             (2) The county registrar may keep his or her office open to  
158 register voters by accepting uniform statewide voter registration  
159 applications from 8:00 a.m. until 7:00 p.m., including the noon  
160 hour, for the five (5) business days immediately preceding the  
161 thirtieth day before any regularly scheduled primary or general  
162 election. The county registrar shall also keep his or her office  
163 open from 8:00 a.m. until 12:00 noon on the Saturday immediately  
164 preceding the thirtieth day before any regularly scheduled primary  
165 or general election, unless that Saturday falls on a legal  
166 holiday, in which case registration applications submitted on the  
167 Monday immediately following the legal holiday shall be accepted  
168 and entered in the Statewide Elections Management System for the  
169 purpose of enabling such voters to vote in the next primary or  
170 general election.

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



175 of registering voters by accepting uniform statewide voter  
176 registration applications.

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

187 (5) (a) In the fall and spring of each year the registrar  
188 of each county shall furnish all public schools with mail-in  
189 uniform statewide voter registration applications. The  
190 applications shall be provided in a reasonable time to enable  
191 those students who will be eighteen (18) years of age before a  
192 general election to be able to vote in the primary and general  
193 elections.

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

198 **SECTION 8.** Section 23-15-39, Mississippi Code of 1972, is  
199 amended as follows:





200           23-15-39. (1) Applications for registration as electors of  
201 this state, which are sworn to and subscribed before the registrar  
202 or deputy registrar authorized by law and which are not made by  
203 mail, shall be made upon a uniform statewide voter registration  
204 form established by rule duly adopted by the Secretary of State.

205           (2) The boards of supervisors shall make proper allowances  
206 for office supplies reasonably necessitated by the registration of  
207 county electors.

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

213           (4) If the applicant indicates on the application that he or  
214 she has previously registered to vote in another county of this  
215 state or another state, notice to the voter's previous county of  
216 registration in this state shall be provided by the Statewide  
217 Elections Management System. If the voter's previous place of  
218 registration was in another state, notice shall be provided to the  
219 voter's previous state of residence if the Statewide Elections  
220 Management System has that capability.

221           (5) The county registrar shall provide to the person making  
222 the application a copy of the application upon which has been  
223 written the county voting precinct and municipal voting precinct,  
224 if any, in which the person shall vote. Upon entry of the voter



225 registration information into the Statewide Elections Management  
226 System, the system shall assign a voter registration number to the  
227 person, and the county registrar shall mail the applicant a voter  
228 registration card to the mailing address provided on the  
229 application.

230 (6) Any person desiring \* \* \* a uniform statewide voter  
231 application for registration may secure an application from the  
232 registrar of the county of which he or she is a resident and may  
233 take the application with him or her and secure assistance in  
234 completing the application from any person of the applicant's  
235 choice. It shall be the duty of all registrars to furnish  
236 applications for registration to all persons requesting them, and  
237 it shall likewise be the registrar's duty to furnish aid and  
238 assistance in the completing of the application when requested by  
239 an applicant. The application for registration shall be sworn to  
240 and subscribed before the registrar or deputy registrar at the  
241 municipal clerk's office, the county registrar's office or any  
242 other location where the applicant is allowed to register to vote.  
243 The registrar shall not charge a fee or cost to the applicant for  
244 accepting the application or administering the oath or for any  
245 other duty imposed by law regarding the registration of electors.

246 (7) If the person making the application is unable to read  
247 or write, for reason of disability or otherwise, he or she shall  
248 not be required to personally complete the application in writing  
249 and execute the oath. In such cases, the registrar or deputy



250 registrar shall read the application and oath to the person and  
251 the person's answers thereto shall be recorded by the registrar or  
252 the registrar's deputy. The person shall be registered as an  
253 elector if he or she otherwise meets the requirements to be  
254 registered as an elector. The registrar shall record the  
255 responses of the person and the recorded responses shall be  
256 retained permanently by the registrar. The county registrar shall  
257 enter the voter registration information into the Statewide  
258 Elections Management System and designate the entry as an assisted  
259 filing.

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

264 (9) In any case in which the corporate boundaries of a  
265 municipality change, whether by annexation or redistricting, the  
266 municipal clerk shall, within ten (10) days after approval of the  
267 change in corporate boundaries, provide to the county registrar  
268 conforming geographic data that is compatible with the Statewide  
269 Elections Management System. The data shall be developed by the  
270 municipality's use of a standardized format specified by the  
271 Statewide Elections Management System. The county registrar,  
272 county election commissioner or other county official, who has  
273 completed an annual training seminar sponsored by the Secretary of  
274 State pertaining to the implementation of new boundary lines in



275 the Statewide Elections Management System and received  
276 certification for that training, shall update the municipal  
277 boundary information into the Statewide Elections Management  
278 System. The Statewide Elections Management System updates the  
279 municipal voter registration records and assigns electors to their  
280 municipal voting precincts. The county registrar shall forward to  
281 the municipal clerk written notification of the additions and  
282 changes, and the municipal clerk shall forward to the affected  
283 municipal electors written notification of the additions and  
284 changes.

285       **SECTION 9.** Section 23-15-41, Mississippi Code of 1972, is  
286 amended as follows:

287       23-15-41. (1) When an applicant to register to vote has  
288 completed the application form as prescribed by administrative  
289 rule, the county registrar shall enter the applicant's information  
290 into the Statewide Elections Management System where the  
291 applicant's status will be marked as "ACTIVE," "PENDING" or  
292 "REJECTED," and the applicant shall be entitled to register upon  
293 his or her request for registration made in person to the  
294 registrar, or deputy registrar if a deputy registrar has been  
295 appointed. No person other than the registrar, or a deputy  
296 registrar, shall register any applicant. An applicant who fails  
297 to designate a party affiliation must be registered without party  
298 affiliation. The registrar must notify the voter by mail that the



299 voter has been registered without party affiliation and the voter  
300 may change party affiliation as provided in Section 1 of this act.

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

307 **SECTION 10.** Section 23-15-47, Mississippi Code of 1972, is  
308 amended as follows:

309 23-15-47. (1) Any person who is qualified to register to  
310 vote in the State of Mississippi may register to vote by mail-in  
311 application in the manner prescribed in this section.

312 (2) The following procedure shall be used in the  
313 registration of electors or update his or her registration  
314 information by mail:

315 (a) Any qualified elector may register to vote or  
316 update voter his or her voter information by mailing or delivering  
317 a completed uniform voter registration mail-in application to his  
318 or her county registrar at least thirty (30) days before any  
319 election; however, if the thirtieth day to register before an  
320 election falls on a Sunday or legal holiday, the registration  
321 applications submitted on the business day immediately following  
322 the Sunday or legal holiday shall be accepted and entered into the  
323 Statewide Elections Management System for the purpose of enabling



324 voters to vote in the next election. The postmark date of a  
325 mailed application shall be the applicant's date of registration.

326 (b) Upon receipt of a mail-in application, the county  
327 registrar shall stamp the application with the date of receipt,  
328 and shall verify the application either by matching the  
329 applicant's Mississippi driver's license number through the  
330 Mississippi Department of Public Safety or by matching the  
331 applicant's social security number through the American  
332 Association of Motor Vehicle Administrators. Within fourteen (14)  
333 days of receipt of a mail-in registration application, the county  
334 registrar shall complete action on the application, including any  
335 attempts to notify the applicant of the status of his or her  
336 application.

337 (c) If the county registrar determines that the  
338 applicant is qualified and his or her application is legible and  
339 complete, the county registrar shall mail the applicant written  
340 notification that the application has been approved or that his  
341 information has been updated, specifying the county voting  
342 precinct, municipal voting precinct, if any, polling place and  
343 supervisor district in which the person shall vote. This written  
344 notification of approval containing the specified information  
345 shall be the voter's registration card. The registration card  
346 shall be provided by the county registrar to the applicant in  
347 accordance with Section 23-15-39. Upon entry of the voter  
348 registration information into the Statewide Elections Management



349 System, the system shall assign a voter registration number to the  
350 applicant. The assigned voter registration number shall be  
351 clearly shown on the written notification of approval. In mailing  
352 the written notification, the county registrar shall note the  
353 following on the envelope: "DO NOT FORWARD". If any registration  
354 notification form is returned as undeliverable, the voter's  
355 registration shall be void.

356 (d) A mail-in application shall be rejected for any of  
357 the following reasons:

358 (i) An incomplete portion of the application makes  
359 it impossible for the registrar to determine the eligibility of  
360 the applicant to register;

361 (ii) A portion of the application is illegible in  
362 the opinion of the county registrar and makes it impossible to  
363 determine the eligibility of the applicant to register;

364 (iii) The county registrar is unable to determine,  
365 from the address and information stated on the application, the  
366 precinct in which the voter should be assigned or the supervisor  
367 district in which he or she is entitled to vote;

368 (iv) The applicant is not qualified to register to  
369 vote pursuant to Section 23-15-11;

370 (v) The county registrar determines that the  
371 applicant is already registered as a qualified elector of the  
372 county;



373 (vi) The county registrar is unable to verify the  
374 application pursuant to subsection (2)(b) of this section.

375 (e) If the mail-in application of a person is subject  
376 to rejection for any of the reasons set forth in paragraph (d)(i)  
377 through (iii) of this subsection, and it appears to the county  
378 registrar that the defect or omission is of such a minor nature  
379 and that any necessary additional information may be supplied by  
380 the applicant over the telephone or by further correspondence, the  
381 county registrar may write or call the applicant at the telephone  
382 number or address, or both, provided on the application. If the  
383 county registrar is able to contact the applicant by mail or  
384 telephone, the county registrar shall attempt to ascertain the  
385 necessary information, and if this information is sufficient for  
386 the registrar to complete the application, the applicant shall be  
387 registered. If the necessary information cannot be obtained by  
388 mail or telephone, or is not sufficient to complete the  
389 application within fourteen (14) days of receipt, the county  
390 registrar shall give the applicant written notice of the rejection  
391 and provide the reason for the rejection. The county registrar  
392 shall further inform the applicant that he or she has a right to  
393 attempt to register by appearing in person or by filing another  
394 mail-in application.

395 (f) If a mail-in application is subject to rejection  
396 for the reason stated in paragraph (d)(v) of this subsection and  
397 the "present home address" portion of the application is different





398 from the residence address for the applicant found in the  
399 Statewide Elections Management System, the mail-in application  
400 shall be deemed a written request to update the voter's  
401 registration pursuant to Section 23-15-13. The county registrar  
402 or the election commissioners shall update the voter's residence  
403 address in the Statewide Elections Management System and, if  
404 necessary, advise the voter of a change in the location of his or  
405 her county or municipal polling place by mailing the voter a new  
406 voter registration card.

407 (3) The instructions and the uniform voter registration  
408 application form for voter registration by mail shall be in a form  
409 established by rule duly adopted by the Secretary of State.

410 (4) (a) The Secretary of State shall prepare and furnish  
411 without charge the necessary forms for application for voter  
412 registration by mail to each county registrar, municipal clerk,  
413 all public schools, each private school that requests such  
414 applications, and all public libraries.

415 (b) The Secretary of State shall distribute without  
416 charge sufficient forms for application for voter registration by  
417 mail to the Commissioner of Public Safety, who shall distribute  
418 the forms to each driver's license examining and renewal station  
419 in the state, and shall ensure that the forms are regularly  
420 available to the public at such stations.

421 (c) Bulk quantities of forms for application for voter  
422 registration by mail shall be furnished by the Secretary of State



423 to any person or organization. The Secretary of State shall  
424 charge a person or organization the actual cost he or she incurs  
425 in providing bulk quantities of forms for application for voter  
426 registration to such person or organization.

427 (5) The originals of completed mail-in applications shall  
428 remain on file in the office of the county registrar with copies  
429 retained in the Statewide Elections Management System.

430 (6) If the applicant indicates on the application that he or  
431 she resides within the city limits of a city or town in the county  
432 of registration, the county registrar shall enter the information  
433 into the Statewide Elections Management System.

434 (7) If the applicant indicates on the application that he or  
435 she has previously registered to vote in another county of this  
436 state or another state, notice to the voter's previous county of  
437 registration in this state shall be provided through the Statewide  
438 Elections Management System. If the voter's previous place of  
439 registration was in another state, notice shall be provided to the  
440 voter's previous state of residence.

441 (8) Any person who attempts to register to vote by mail  
442 shall be subject to the penalties for false registration provided  
443 for in Section 23-15-17.

444 **SECTION 11.** Section 23-15-753, Mississippi Code of 1972, is  
445 amended as follows:

446 23-15-753. (1) Any person who willfully, unlawfully and  
447 feloniously procures, seeks to procure, or seeks to influence the



448 vote of any person voting by absentee ballot, by the payment of  
449 money, the promise of payment of money, or by the delivery of any  
450 other item of value or promise to give the voter any item of  
451 value, or by promising or giving the voter any favor or reward in  
452 an effort to influence his vote, or any person who aids, abets,  
453 assists, encourages, helps, or causes any person voting an  
454 absentee ballot to violate any provision of law pertaining to  
455 absentee voting, or any person who sells his vote for money,  
456 favor, or reward, has been paid or promised money, a reward, a  
457 favor or favors, or any other item of value, or any person who  
458 shall willfully swear falsely to any affidavit provided for in  
459 Sections 23-15-621 through 23-15-735, or any person who shall vote  
460 in a party primary for any candidate running for nomination for a  
461 party other than that in which the person is registered, shall be  
462 guilty of the crime of "vote fraud" and, upon conviction, shall be  
463 sentenced to pay a fine of not less than Five Hundred Dollars  
464 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by  
465 imprisonment in the county jail for no more than one (1) year, or  
466 by both fine and imprisonment, or by being sentenced to the State  
467 Penitentiary for not less than one (1) year nor more than five (5)  
468 years.

469 (2) It shall be unlawful for any person who pays or  
470 compensates another person for assisting voters in marking their  
471 absentee ballots to base the pay or compensation on the number of  
472 absentee voters assisted or the number of absentee ballots cast by



473 persons who have received the assistance. Any person who violates  
474 this section, upon conviction, shall \* \* \* be fined not less than  
475 One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
476 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less  
477 than one (1) year nor more than five (5) years, or both.

478         **SECTION 12.** This act shall take effect and be in force from  
479 and after its passage.

