

By: Representatives Summers, Nelson

To: Apportionment and Elections

HOUSE BILL NO. 106

1 AN ACT TO AMEND SECTION 23-15-49, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE ONLINE VOTER REGISTRATION FOR FIRST-TIME VOTERS; TO  
3 PROVIDE THE TIME REQUIRED TO COMPLETE AN ONLINE VOTER REGISTRATION  
4 APPLICATION; TO PROVIDE THE PROCESS FOR SUBMITTING AN ONLINE VOTER  
5 APPLICATION; TO PROVIDE THAT THE COUNTY REGISTRAR SHALL REVIEW THE  
6 ONLINE VOTER APPLICATION TO DETERMINE IF THE APPLICANT IS  
7 QUALIFIED TO VOTE AND IF THE APPLICATION IS COMPLETE; TO PROVIDE  
8 WHEN AN ONLINE VOTER APPLICATION MAY BE REJECTED; TO AMEND  
9 SECTIONS 23-15-13, 23-15-35, 23-15-37 AND 23-15-79, MISSISSIPPI  
10 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-49, Mississippi Code of 1972, is  
13 amended as follows:

14 23-15-49. (1) Any person who is qualified to register to  
15 vote in the State of Mississippi may register to vote by online  
16 application in the manner prescribed in this section.

17 (2) A qualified elector may register to vote under this  
18 section if the person:

19 (a) Is eligible to register to vote under Section  
20 23-15-11;



21           (b) Has a current and valid Mississippi driver's  
22 license or photo identification card issued by the Mississippi  
23 Department of Public Safety; and

24           (c) Completes the online application to vote at least  
25 thirty (30) days before any election; however, if the thirtieth  
26 day to register before an election falls on a Sunday or legal  
27 holiday, the online registration application shall remain open on  
28 the business day immediately following the Sunday or legal holiday  
29 and shall be accepted and entered into the Statewide Elections  
30 Management System for the purpose of enabling voters to vote in  
31 the next election. The online submission date of an online  
32 application shall be the applicant's date of registration.

33           ( \* \* \*3) (a) The Secretary of State shall, with the  
34 support of the Mississippi Department of Public Safety, establish  
35 a secure Internet website to permit registration as a first-time  
36 voter in Mississippi and to permit registered electors to change  
37 their name, address or other information set forth in the  
38 elector's existing voter registration record.

39           (b) Upon the request of an elector through the secure  
40 website, the software used by the Secretary of State for  
41 processing applications through the website shall provide for  
42 verification that:

43           (i) The elector has a current and valid  
44 Mississippi driver's license or photo identification card issued  
45 by the Mississippi Department of Public Safety and the number for



46 that driver's license or photo identification card provided by the  
47 applicant matches the number for the elector's driver's license or  
48 photo identification card that is on file with the Mississippi  
49 Department of Public Safety;

50 (ii) The name and date of birth provided by the  
51 voter matches the name and date of birth that is on file with the  
52 Mississippi Department of Public Safety; \* \* \*

53 (iii) The information provided by the elector  
54 matches the information on file with the Mississippi Department of  
55 Public Safety \* \* \*; and

56 (iv) The elector is eligible to register to vote  
57 under Section 23-15-11.

58 (4) If any of the information does not match that on file  
59 with the Mississippi Department of Public Safety, the changes  
60 shall be rejected.

61 (5) (a) The form of the online application to vote shall be  
62 established by rule duly adopted by the Secretary of State. Once  
63 a qualified elector has completed the online application to vote,  
64 the application shall be reviewed by the county registrar of the  
65 applicant's county of residence.

66 (b) The county registrar of the applicant's county of  
67 residence shall verify the application either by matching the  
68 applicant's Mississippi driver's license number through the  
69 Mississippi Department of Public Safety or by matching the  
70 applicant's social security number through the American



71 Association of Motor Vehicle Administrators. Within fourteen (14)  
72 days of submission of an online voter registration application,  
73 the county registrar shall complete action on the application,  
74 including any attempts to notify the applicant of the status of  
75 his or her application.

76 (c) If the county registrar determines that the  
77 applicant is qualified and his or her application is complete, the  
78 county registrar shall mail the applicant written notification  
79 that the application has been approved, specifying the county  
80 voting precinct, municipal voting precinct, if any, polling place  
81 and supervisor district in which the person shall vote. This  
82 written notification of approval containing the specified  
83 information shall be the voter's registration card. The  
84 registration card shall be provided by the county registrar to the  
85 applicant in accordance with Section 23-15-39. Upon entry of the  
86 voter registration information into the Statewide Elections  
87 Management System, the system shall assign a voter registration  
88 number to the applicant. The assigned voter registration number  
89 shall be clearly shown on the written notification of approval.  
90 In mailing the written notification, the county registrar shall  
91 note the following on the envelope: "DO NOT FORWARD". If any  
92 registration notification form is returned as undeliverable, the  
93 voter's registration shall be void.

94 (d) An online voter application shall be rejected for  
95 any of the following reasons:



96                   (i) An incomplete portion of the application makes  
97 it impossible for the registrar to determine the eligibility of  
98 the applicant to register;

99                   (ii) The county registrar is unable to determine,  
100 from the address and information stated on the application, the  
101 precinct in which the voter should be assigned or the supervisor  
102 district in which he or she is entitled to vote;

103                   (iii) The applicant is not qualified to register  
104 to vote pursuant to Section 23-15-11;

105                   (iv) The county registrar determines that the  
106 applicant is already registered as a qualified elector of the  
107 county;

108                   (v) The county registrar is unable to verify the  
109 application by matching the applicant's Mississippi driver's  
110 license number through the Mississippi Department of Public Safety  
111 or by matching the applicant's social security number through the  
112 American Association of Motor Vehicle Administrators.

113                   (e) If the online voter application of a person is  
114 subject to rejection for any of the reasons set forth in paragraph  
115 (d)(i) or (ii) of this subsection, and it appears to the county  
116 registrar that the defect or omission is of such a minor nature  
117 that any necessary additional information may be supplied by the  
118 applicant over the telephone or by further correspondence, the  
119 county registrar may write or call the applicant at the telephone  
120 number or address, or both, provided on the application. If the



121 county registrar is able to contact the applicant by mail or  
122 telephone, the county registrar shall attempt to ascertain the  
123 necessary information, and if this information is sufficient for  
124 the registrar to complete the application, the applicant shall be  
125 registered. If the necessary information cannot be obtained by  
126 mail or telephone, or is not sufficient to complete the  
127 application within fourteen (14) days of receipt, the county  
128 registrar shall give the applicant written notice of the rejection  
129 and provide the reason for the rejection. The county registrar  
130 shall further inform the applicant that he or she has a right to  
131 attempt to register by appearing in person or by filing another  
132 online application.

133 (f) If an online application is subject to rejection  
134 for the reason stated in paragraph (d)(iv) of this subsection and  
135 the "present home address" portion of the application is different  
136 from the residence address for the applicant found in the  
137 Statewide Elections Management System, the online application  
138 shall be deemed an online request to update the voter's  
139 registration pursuant to Section 23-15-13. The county registrar  
140 or the election commissioners shall update the voter's residence  
141 address in the Statewide Elections Management System and, if  
142 necessary, advise the voter of a change in the location of his or  
143 her county or municipal polling place by mailing the voter a new  
144 voter registration card.



145 ( \* \* \* 6) Any person who attempts to change registration  
146 information or register to vote under this section shall be  
147 subject to the penalties for false registration provided for in  
148 Section 97-13-25.

149 ( \* \* \* 7) The Secretary of State and the Department of  
150 Public Safety shall enter into a memorandum of understanding  
151 providing for the sharing of information required to facilitate  
152 the requirements of this section.

153 **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is  
154 amended as follows:

155 23-15-13. (1) An elector who moves from one (1) ward or  
156 voting precinct to another ward within the same municipality or  
157 voting precinct within the same county shall not be disqualified  
158 to vote, but he or she shall be entitled to have his or her  
159 registration transferred to his or her new ward or voting precinct  
160 upon making a written or online request therefor at any time up to  
161 thirty (30) days before the election at which he or she offers to  
162 vote, and if the removal occurs within thirty (30) days of such  
163 election he or she shall be entitled to vote in his or her new  
164 ward or voting precinct by affidavit ballot as provided in Section  
165 23-15-573. If the thirtieth day to transfer the elector's  
166 registration before an election falls on a Sunday or legal  
167 holiday, the transfer of the elector's registration submitted on  
168 the business day immediately following the Sunday or legal holiday  
169 shall be accepted and entered into the Statewide Elections



170 Management System for the purpose of enabling voters to vote in  
171 the next election.

172 (2) If an elector requests a change in his or her address  
173 under Section 23-15-49 and the address is located in a precinct in  
174 the county or municipality that differs from the precinct as  
175 reflected in the then current registration records, the request  
176 shall be treated in the same manner as a written request to  
177 transfer the elector's registration under subsection (1) of this  
178 section.

179 **SECTION 3.** Section 23-15-35, Mississippi Code of 1972, is  
180 amended as follows:

181 23-15-35. (1) The clerk of the municipality shall be the  
182 registrar of voters of the municipality, and shall take the oath  
183 of office prescribed by Section 268 of the Constitution. The  
184 municipal registration shall conform to the county registration  
185 which shall be a part of the official record of registered voters  
186 as contained in the Statewide Elections Management System. The  
187 municipal clerk shall comply with all the provisions of law  
188 regarding the registration of voters, including the use of the  
189 voter registration applications used by county registrars and  
190 prescribed by the Secretary of State under Sections 23-15-39 and  
191 23-15-47 and the use of online voter registration applications  
192 provided in Section 23-15-49.

193 (2) The municipal clerk shall be authorized to register  
194 applicants as county electors. The municipal clerk shall forward





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

218 (3) The municipal clerk shall issue to the person making the  
219 application a copy of the application and the county registrar



220 shall process the application in accordance with the law regarding  
221 the handling of voter registration applications.

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

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

236 **SECTION 4.** Section 23-15-37, Mississippi Code of 1972, is  
237 amended as follows:

238 23-15-37. (1) The registrar shall register the electors of  
239 his or her county at any time during regular office hours.

240 (2) The county registrar may keep his or her office open to  
241 register voters from 8:00 a.m. until 7:00 p.m., including the noon  
242 hour, for the five (5) business days immediately preceding the  
243 thirtieth day before any regularly scheduled primary or general  
244 election. The county registrar shall also keep his or her office



245 open from 8:00 a.m. until 12:00 noon on the Saturday immediately  
246 preceding the thirtieth day before any regularly scheduled primary  
247 or general election, unless that Saturday falls on a legal  
248 holiday, in which case registration applications submitted on the  
249 Monday immediately following the legal holiday shall be accepted  
250 and entered in the Statewide Elections Management System for the  
251 purpose of enabling such voters to vote in the next primary or  
252 general election.

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

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

268 (5) (a) In the fall and spring of each year the registrar  
269 of each county shall furnish all public schools with instructions



270 for submitting an online voter registration application and  
271 mail-in voter registration applications. The instructions and  
272 applications shall be provided in a reasonable time to enable  
273 those students who will be eighteen (18) years of age before a  
274 general election to be able to vote in the primary and general  
275 elections.

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

280 **SECTION 5.** Section 23-15-79, Mississippi Code of 1972, is  
281 amended as follows:

282 23-15-79. (1) Unless the application for registration was  
283 made pursuant to Section 23-15-47 or Section 23-15-49, the date of  
284 registration to vote shall be the date the application for  
285 registration to vote was initially received by the registrar or,  
286 if submitted by mail, the postmark date, regardless of the date on  
287 which the county election commission, circuit court or Supreme  
288 Court, as the case may be, makes its final determination allowing  
289 the registration.

290 (2) In the case of an application for registration that has  
291 been made pursuant to Section 23-15-47, the date of registration  
292 to vote shall be the date the complete and legible application  
293 form is received by the county registrar, or, if mailed, the  
294 postmark date of the complete and legible application.



295           (3) In the case of an application for registration that has  
296 been made pursuant to Section 23-15-49, the date of registration  
297 to vote shall be the online submission date of the online  
298 application.

299           **SECTION 6.** This act shall take effect and be in force from  
300 and after July 1, 2024.

