

By: Representative Currie

To: Apportionment and
Elections

HOUSE BILL NO. 561

1 AN ACT TO PROVIDE THAT BEFORE ANY VOTER REGISTRATION
2 APPLICATION MAY BE ACCEPTED, EACH APPLICANT WHO REGISTERS IN
3 PERSON OR BY MAIL, AND WHO IS NOT ELIGIBLE TO REGISTER USING A
4 FEDERAL POST CARD APPLICATION, SHALL PROVIDE AN IDENTIFYING
5 DOCUMENT THAT ESTABLISHES HIS OR HER PROOF OF RESIDENCE; TO
6 PROVIDE WHAT THE IDENTIFYING DOCUMENTS MAY BE; TO AMEND SECTIONS
7 23-15-35, 23-15-39 AND 23-15-47, MISSISSIPPI CODE OF 1972, TO
8 CONFORM; TO BRING FORWARD SECTIONS 23-15-13 AND 23-15-573,
9 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) (a) Before any voter registration
13 application may be accepted, each applicant who registers
14 in-person or by mail, and who is not eligible to register using a
15 Federal Post Card Application under Section 23-15-677, shall
16 provide an identifying document that establishes his or her proof
17 of residence under subsection (2). Any voter registration
18 application that is not accompanied by a required identifying
19 document shall be rejected after ten (10) days of receipt.

20 (b) An applicant who updates their voter registration
21 information pursuant to Section 23-15-49 shall not be required to
22 provide proof of residence under subsection (2) but shall not be



23 allowed to complete an update through the secure Internet website
24 if the new residential address entered on the secure Internet
25 website does not match the residential address on file with the
26 Department of Public Safety.

27 (2) (a) An identifying document used to establish proof of
28 an applicant's residence under subsection (1) shall contain the
29 information required under paragraph (b) of this subsection and is
30 limited to one of the following:

31 (i) A current and valid driver's license issued
32 under Section 63-1-1 et seq.

33 (ii) A current and valid identification card
34 issued under Section 45-35-1 et seq.

35 (iii) Any other official identification card or
36 license issued by a Mississippi governmental body or unit.

37 (iv) An official identification card or license
38 issued by an employer in the normal course of business that
39 contains a photograph of the cardholder or license holder, but not
40 including a business card.

41 (v) A real property tax bill or receipt for the
42 current year or the year preceding the date of the election.

43 (vi) A residential lease.

44 (vii) Any of the following documents without the
45 address specified in paragraph (b) of this subsection:

46 1. A university, college or technical college
47 identification card that contains a photograph of the cardholder



48 together with a document issued to the cardholder by the
49 university, college or technical college dated within six (6)
50 months of registration stating the cardholder is a student
51 residing at institution-provided housing.

52 2. An identification card issued by a
53 university, college or technical college that contains a
54 photograph of the cardholder if the university, college or
55 technical college that issued the card provides a certified and
56 current list of students who reside in housing sponsored by the
57 university, college or technical college and who are United States
58 citizens to the registrar before the election showing the current
59 address of the students and the registrar verifies that the
60 student presenting the card is included on the list.

61 (viii) A utility bill for the period commencing
62 not earlier than ninety (90) days before the day registration is
63 made.

64 (ix) A bank statement.

65 (x) A paycheck.

66 (xi) A check or other document issued by a unit of
67 government.

68 (xii) For an occupant of a residential care
69 facility, for the purpose of registering at the facility, a
70 contract or intake document prepared by the residential care
71 facility specifying the occupant currently resides in the



72 facility. The contract or intake document may also identify the
73 room or unit in which the occupant resides.

74 (xiii) An identification card issued by a
75 federally recognized Indian tribe in this state.

76 (b) The identifying documents prescribed in paragraph
77 (a) of this subsection shall contain all of the following in order
78 to be considered proof of residence:

79 (i) A current and complete name, including both
80 the given and family name.

81 (ii) A current and complete residential address,
82 including a numbered street address, if any.

83 (c) Identifying documents specified in paragraph (a)
84 that are valid for use during a specified period must be valid on
85 the day that an elector makes application for registration in
86 order to constitute the applicant's proof of residence.

87 **SECTION 2.** Section 23-15-35, Mississippi Code of 1972, is
88 amended as follows:

89 23-15-35. (1) The clerk of the municipality shall be the
90 registrar of voters of the municipality, and shall take the oath
91 of office prescribed by Section 268 of the Constitution. The
92 municipal registration shall conform to the county registration
93 which shall be a part of the official record of registered voters
94 as contained in the Statewide Elections Management System. The
95 municipal clerk shall comply with all the provisions of law
96 regarding the registration of voters, including the use of the



97 voter registration applications used by county registrars and
98 prescribed by the Secretary of State under Sections 23-15-39 and
99 23-15-47 and the requirements of Section 1 of this act.

100 (2) The municipal clerk shall be authorized to register
101 applicants as county electors. The municipal clerk shall forward
102 notice of registration, a copy of the application for registration
103 and the information required to be provided under Section 1 of
104 this act, and any changes to the registration when they occur,
105 either by certified mail to the county registrar or by personal
106 delivery to the county registrar provided that a numbered receipt
107 is signed by the county registrar in return for the described
108 documents. Upon receipt of the copy of the application for
109 registration and other required information or changes to the
110 registration, and if a review of the application indicates that
111 the applicant meets all the criteria necessary to qualify as a
112 county elector, then the county registrar shall make a
113 determination of the county voting precinct in which the person
114 making the application shall be required to vote. The county
115 registrar shall send this county voting precinct information by
116 United States first-class mail, postage prepaid, to the person at
117 the address provided on the application. Any mailing costs
118 incurred by the municipal clerk or the county registrar in
119 effectuating this subsection (2) shall be paid by the county board
120 of supervisors. If a review of the copy of the application for
121 registration or changes to the registration indicates that the



applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

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

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

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

SECTION 3. Section 23-15-39, Mississippi Code of 1972, is amended as follows:



23-15-39. (1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State. Such applications shall be accompanied by the information required to be provided under Section 1 of this act.

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

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

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

(5) The county registrar shall provide to the person making the application a copy of the application upon which has been



172 written the county voting precinct and municipal voting precinct,
173 if any, in which the person shall vote. Upon entry of the voter
174 registration information into the Statewide Elections Management
175 System, the system shall assign a voter registration number to the
176 person, and the county registrar shall mail the applicant a voter
177 registration card to the mailing address provided on the
178 application.

179 (6) Any person desiring an application for registration may
180 secure an application from the registrar of the county of which he
181 or she is a resident and may take the application with him or her
182 and secure assistance in completing the application from any
183 person of the applicant's choice. It shall be the duty of all
184 registrars to furnish applications for registration to all persons
185 requesting them, and it shall likewise be the registrar's duty to
186 furnish aid and assistance in the completing of the application
187 when requested by an applicant. The application for registration
188 shall be sworn to and subscribed before the registrar or deputy
189 registrar at the municipal clerk's office, the county registrar's
190 office or any other location where the applicant is allowed to
191 register to vote. The registrar shall not charge a fee or cost to
192 the applicant for accepting the application or administering the
193 oath or for any other duty imposed by law regarding the
194 registration of electors.

195 (7) If the person making the application is unable to read
196 or write, for reason of disability or otherwise, he or she shall



not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read the application and oath to the person and the person's answers thereto shall be recorded by the registrar or the registrar's deputy. The person shall be registered as an elector if he or she otherwise meets the requirements to be registered as an elector. The registrar shall record the responses of the person and the recorded responses shall be retained permanently by the registrar. The county registrar shall enter the voter registration information into the Statewide Elections Management System and designate the entry as an assisted filing.

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

(9) In any case in which the corporate boundaries of a municipality change, whether by annexation or redistricting, the municipal clerk shall, within ten (10) days after approval of the change in corporate boundaries, provide to the county registrar conforming geographic data that is compatible with the Statewide Elections Management System. The data shall be developed by the municipality's use of a standardized format specified by the Statewide Elections Management System. The county registrar,



222 county election commissioner or other county official, who has
223 completed an annual training seminar sponsored by the Secretary of
224 State pertaining to the implementation of new boundary lines in
225 the Statewide Elections Management System and received
226 certification for that training, shall update the municipal
227 boundary information into the Statewide Elections Management
228 System. The Statewide Elections Management System updates the
229 municipal voter registration records and assigns electors to their
230 municipal voting precincts. The county registrar shall forward to
231 the municipal clerk written notification of the additions and
232 changes, and the municipal clerk shall forward to the affected
233 municipal electors written notification of the additions and
234 changes.

235 **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is
236 amended as follows:

237 23-15-47. (1) Any person who is qualified to register to
238 vote in the State of Mississippi may register to vote by mail-in
239 application in the manner prescribed in this section.

240 (2) The following procedure shall be used in the
241 registration of electors by mail:

242 (a) Any qualified elector may register to vote by
243 mailing or delivering a completed mail-in application and the
244 information required to be provided under Section 1 of this act to
245 his or her county registrar at least thirty (30) days before any
246 election; however, if the thirtieth day to register before an



election falls on a Sunday or legal holiday, the registration applications and other information submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. The postmark date of a mailed application shall be the applicant's date of registration.

(b) Upon receipt of a mail-in application and the information required to be provided under Section 1 of this act, the county registrar shall stamp the application with the date of receipt, and shall verify the application either by matching the applicant's Mississippi driver's license number through the Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators. Within fourteen (14) days of receipt of a mail-in registration application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his or her application.

(c) If the county registrar determines that the applicant is qualified * * *, his or her application is legible and complete and he or she submitted the information required to be provided under Section 1 of this act, the county registrar shall mail the applicant written notification that the application has been approved, specifying the county voting precinct,



272 municipal voting precinct, if any, polling place and supervisor
273 district in which the person shall vote. This written
274 notification of approval containing the specified information
275 shall be the voter's registration card. The registration card
276 shall be provided by the county registrar to the applicant in
277 accordance with Section 23-15-39. Upon entry of the voter
278 registration information into the Statewide Elections Management
279 System, the system shall assign a voter registration number to the
280 applicant. The assigned voter registration number shall be
281 clearly shown on the written notification of approval. In mailing
282 the written notification, the county registrar shall note the
283 following on the envelope: "DO NOT FORWARD". If any registration
284 notification form is returned as undeliverable, the voter's
285 registration shall be void.

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

288 (i) An incomplete portion of the application makes
289 it impossible for the registrar to determine the eligibility of
290 the applicant to register;

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

294 (iii) The county registrar is unable to determine,
295 from the address and information stated on the application, the



precinct in which the voter should be assigned or the supervisor district in which he or she is entitled to vote;

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

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

(vi) The county registrar is unable to verify the application pursuant to subsection (2)(b) of this section * * *;

(vii) The information required to be submitted under Section 1 of this act was not submitted.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d)(i) through (iii) of this subsection, and it appears to the county registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the county registrar may write or call the applicant at the telephone number or address, or both, provided on the application. If the county registrar is able to contact the applicant by mail or telephone, the county registrar shall attempt to ascertain the necessary information, and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone, or is not sufficient to complete the



321 application within fourteen (14) days of receipt, the county
322 registrar shall give the applicant written notice of the rejection
323 and provide the reason for the rejection. The county registrar
324 shall further inform the applicant that he or she has a right to
325 attempt to register by appearing in person or by filing another
326 mail-in application.

327 (f) If a mail-in application is subject to rejection
328 for the reason stated in paragraph (d)(v) of this subsection and
329 the "present home address" portion of the application is different
330 from the residence address for the applicant found in the
331 Statewide Elections Management System, the mail-in application
332 shall be deemed a written request to update the voter's
333 registration pursuant to Section 23-15-13. The county registrar
334 or the election commissioners shall update the voter's residence
335 address in the Statewide Elections Management System and, if
336 necessary, advise the voter of a change in the location of his or
337 her county or municipal polling place by mailing the voter a new
338 voter registration card.

339 (3) The instructions and the application form for voter
340 registration by mail shall be in a form established by rule duly
341 adopted by the Secretary of State.

342 (4) (a) The Secretary of State shall prepare and furnish
343 without charge the necessary forms for application for voter
344 registration by mail to each county registrar, municipal clerk,



all public schools, each private school that requests such applications, and all public libraries.

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

(c) Bulk quantities of forms for application for voter registration by mail shall be furnished by the Secretary of State to any person or organization. The Secretary of State shall charge a person or organization the actual cost he or she incurs in providing bulk quantities of forms for application for voter registration to such person or organization.

(5) The originals of completed mail-in applications and the information required to be submitted under Section 1 of this act shall remain on file in the office of the county registrar with copies retained in the Statewide Elections Management System.

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

(7) If the applicant indicates on the application that he or she has previously registered to vote in another county of this state or another state, notice to the voter's previous county of



370 registration in this state shall be provided through the Statewide
371 Elections Management System. If the voter's previous place of
372 registration was in another state, notice shall be provided to the
373 voter's previous state of residence.

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

377 **SECTION 5.** Section 23-15-13, Mississippi Code of 1972, is
378 brought forward as follows:

379 23-15-13. (1) An elector who moves from one (1) ward or
380 voting precinct to another ward within the same municipality or
381 voting precinct within the same county shall not be disqualified
382 to vote, but he or she shall be entitled to have his or her
383 registration transferred to his or her new ward or voting precinct
384 upon making written request therefor at any time up to thirty (30)
385 days before the election at which he or she offers to vote, and if
386 the removal occurs within thirty (30) days of such election he or
387 she shall be entitled to vote in his or her new ward or voting
388 precinct by affidavit ballot as provided in Section 23-15-573. If
389 the thirtieth day to transfer the elector's registration before an
390 election falls on a Sunday or legal holiday, the transfer of the
391 elector's registration submitted on the business day immediately
392 following the Sunday or legal holiday shall be accepted and
393 entered into the Statewide Elections Management System for the
394 purpose of enabling voters to vote in the next election.



395 (2) If an elector requests a change in his or her address
396 under Section 23-15-49 and the address is located in a precinct in
397 the county or municipality that differs from the precinct as
398 reflected in the then current registration records, the request
399 shall be treated in the same manner as a written request to
400 transfer the elector's registration under subsection (1) of this
401 section.

402 **SECTION 6.** Section 23-15-573, Mississippi Code of 1972, is
403 brought forward as follows:

404 23-15-573. (1) If any person declares that he or she is a
405 registered voter in the jurisdiction in which he or she offers to
406 vote and that he or she is eligible to vote in the election, but
407 his or her name does not appear upon the pollbooks, or that he or
408 she is not able to cast a regular election day ballot under a
409 provision of state or federal law but is otherwise qualified to
410 vote, or that he or she has been illegally denied registration, or
411 that he or she is unable to present an acceptable form of photo
412 identification:

413 (a) A poll manager shall notify the person that he or
414 she may cast an affidavit ballot at the election.

415 (b) The person shall be permitted to cast an affidavit
416 ballot at the polling place upon execution of a written affidavit
417 before one (1) of the poll managers stating that the individual:



418 (i) Believes he or she is a registered voter in
419 the jurisdiction in which he or she desires to vote and is
420 eligible to vote in the election; or

421 (ii) Is not able to cast a regular election day
422 ballot under a provision of state or federal law but is otherwise
423 qualified to vote; or

424 (iii) Believes that he or she has been illegally
425 denied registration; or

426 (iv) Is unable to present an acceptable form of
427 photo identification.

428 (c) The poll manager shall allow the individual to mark
429 a paper ballot properly endorsed by the initialing poll manager or
430 alternate initialing poll manager in accordance with Section
431 23-15-541, which shall be delivered by him or her to the proper
432 election official who shall enclose it in an affidavit ballot
433 envelope, with the written and signed affidavit of the voter
434 affixed to the envelope, seal the envelope and mark plainly upon
435 it the name of the person offering to vote.

436 (2) The affidavit ballot envelope shall include:

437 (a) The complete name of the voter;

438 (b) A present and previous physical and mailing address
439 of the voter;

440 (c) Telephone numbers where the voter may be contacted;



441 (d) A statement that the affiant believes he or she is
442 registered to vote in the jurisdiction in which he or she offers
443 to vote;

444 (e) The signature of the affiant; and

445 (f) The signature of the poll manager at the polling
446 place at which the affiant offers to vote.

447 (3) (a) A separate receipt book shall be maintained for
448 affidavit voters and the affidavit voters shall sign the receipt
449 book upon completing the affidavit ballot.

450 (b) If the affidavit voter is casting an affidavit
451 ballot because the voter is unable to present an acceptable form
452 of photo identification and the voter's name appears in the
453 pollbook, then the poll manager shall write "NO ID" across from
454 the voter's name and in the appropriate column in the pollbook.

455 (c) In canvassing the returns of the election, the
456 executive committee in primary elections, or the election
457 commissioners in other elections, shall examine the records and
458 allow the ballot to be counted, or not counted as it appears
459 legal.

460 (d) An affidavit ballot of a voter who was unable to
461 present an acceptable form of photo identification shall not be
462 rejected for this reason if the voter does either of the
463 following:

464 (i) Returns to the circuit clerk's office, or to
465 the municipal clerk's office for municipal elections, within five



(5) business days after the date of the election and presents an acceptable form of photo identification;

(ii) Returns to the circuit clerk's office within five (5) business days after the date of the election to obtain the Mississippi Voter Identification Card, or in municipal election, returns to the municipal clerk's office within five (5) business days after the date of the election to present his or her Mississippi Voter Identification Card or Temporary Mississippi Voter Identification Card; or

(iii) Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date of the election to execute a separate Affidavit of Religious Objection.

(4) When a person is offered the opportunity to vote by affidavit ballot, he or she shall be provided with written information that informs the person how to ascertain whether his or her affidavit ballot was counted and, if the vote was not counted, the reasons the vote was not counted.

(5) The officials in charge of the election shall process all affidavit ballots by using the Statewide Elections Management System. The officials in charge of the election shall account for all affidavit ballots cast in each election, categorizing the affidavit ballots cast by reason and recording the total number of affidavit ballots counted and not counted in each such category in the Statewide Elections Management System.



491 (6) The Secretary of State shall, by rule duly adopted,
492 establish a uniform affidavit ballot envelope that shall be used
493 in all elections in this state. The Secretary of State shall
494 print and distribute a sufficient number of affidavit ballot
495 envelopes to the registrar of each county for use in elections.
496 The registrar shall distribute the affidavit ballot envelopes to
497 municipal and county executive committees for use in primary
498 elections and to municipal and county election commissioners for
499 use in all other elections.

500 (7) County registrars and municipal registrars shall
501 maintain a secure free access system that complies with the Help
502 America Vote Act of 2002, by which persons who vote by affidavit
503 ballot may determine if their ballots were counted, and if not,
504 the reasons the ballot was not counted.

505 (8) Any person who votes in any election as a result of a
506 federal or state court order or other order extending the time
507 established by law for closing the polls on an election day, may
508 only vote by affidavit ballot. Any affidavit ballot cast under
509 this subsection shall be separated and kept apart from other
510 affidavit ballots cast by voters not affected by the order.

511 **SECTION 7.** This act shall take effect and be in force from
512 and after July 1, 2025.

