

By: Representative Rotenberry

To: Apportionment and Elections

HOUSE BILL NO. 765

1 AN ACT TO AMEND SECTIONS 23-15-39, 23-15-47, 23-15-139 AND
2 23-15-140, MISSISSIPPI CODE OF 1972, TO REQUIRE THE USE OF SOCIAL
3 SECURITY NUMBERS WHEN REGISTERING TO VOTE; TO USE SOCIAL SECURITY
4 NUMBERS IN THE STATEWIDE VOTER REGISTRATION RECORD; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-39, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-39. (1) Applications for registration as electors of
10 this state, which are sworn to and subscribed before the registrar
11 or deputy registrar authorized by law and which are not made by
12 mail, shall be made upon a triplicate form in the following words
13 and figures:

14 "APPLICATION FOR REGISTRATION

15 (You may receive assistance in filling out this form from any
16 person of your choosing. It is not necessary that this form be
17 filled out in the presence of the registrar, however, the oath
18 must be executed in the presence of the registrar or his deputy.)

19 1. What is your full name, including maiden name, if you
20 have one? _____

21 2. What is your social security number? _____

22 3. What is your date of birth? _____

23 4. Are you a citizen of the United States? _____

24 5. What is your present residence address and each place you
25 have resided during the past year, stating when you lived at each
26 place, and specifying the municipality or community, the street
27 name and number and/or any other designation which accurately



28 describes the geographic location of your present residence
29 address?

30 (a) Present address: _____

31 From _____ (month) to date.

32 (b) Previous address: _____

33 From _____ (month) to _____ (month).

34 (c) Previous address: _____

35 From _____ (month) to _____ (month).

36 (If you need additional space, use the back side of this
37 form.)

38 6. What is your present mailing address? _____

39 7. Are you now a resident of this state and county? _____

40 8. Do you now reside within the city limits of a city or
41 town located within this county? _____

42 9. Have you ever registered to vote before in any other
43 county or state? If so, give the last place or last two (2)
44 places if registered more than once. _____

45 10. Have you ever been convicted of the crime of murder,
46 rape, bribery, theft, arson, obtaining money or goods under false
47 pretenses, perjury, forgery, embezzlement or bigamy? _____

48 11. The following questions may be answered by you at your
49 option and are solely for the purpose of aiding in registering you
50 in the proper precinct:

51 (a) Are there any registered voters living at your
52 present residence? _____ If so, give the name of each such
53 person. _____

54 (b) Do you have a telephone at your present residence?

55 _____ If so, give the telephone number of such telephone.

56 _____ Please give your work telephone number. _____

57 After you have answered 1 through 11 above, sign or make your
58 mark on the following oath in the presence of the registrar or
59 deputy registrar.

60 STATE OF MISSISSIPPI



61 COUNTY OF _____

62 I do solemnly swear (or affirm) that I am at least eighteen
63 (18) years old (or I will be before the next general election in
64 this county), and that I am now in good faith a resident of this
65 state and of _____ Election Precinct in this county, and that I
66 am not disqualified from voting by reason of having been convicted
67 of any crime listed in Question 10 of the application; that I have
68 truly answered all questions propounded to me in the foregoing
69 application for registration, and that I will faithfully support
70 the Constitutions of the United States and of the State of
71 Mississippi, and will bear true faith and allegiance to the same.
72 So help me God.

73 Applicant sign here: _____

74 SWORN TO AND SUBSCRIBED before me, this the _____ day of
75 _____, 2____.

76 _____ (Registrar)

77 By _____ (Deputy Registrar)"

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

81 (3) If the reply to Question 8 above is affirmative, the
82 county registrar shall forward notice of registration, a copy of
83 the application for registration, and any changes to such
84 registration when they occur, either by certified mail to the
85 clerk of the municipality indicated in the present residence
86 address stated in answer to Question 5(a) above or by personal
87 delivery to such clerk provided that a numbered receipt is signed
88 by such clerk in return for the described documents. Upon receipt
89 of the copy of the application for registration or changes to such
90 registration, and if a review of same indicates that the applicant
91 meets all the criteria necessary to qualify as a municipal
92 elector, then the clerk of said municipality shall make a
93 determination of the municipal voting precinct in which the person



94 making the application shall be required to vote. The clerk shall
95 send this municipal voting precinct information by United States
96 first-class mail, postage prepaid, to such person at the address
97 provided on the application. Any and all mailing costs incurred
98 by the county registrar or the clerk of the municipality in
99 effectuating this subsection shall be paid by the governing
100 authority of such municipality. If a review of the copy of the
101 application for registration or changes to such registration
102 indicates that the applicant is not qualified to vote in said
103 municipality, the clerk of said municipality shall challenge such
104 application. The municipal election commissioners responsible for
105 said municipality shall review any such challenge or
106 disqualification after having notified the applicant by certified
107 mail of such challenge or disqualification.

108 (4) If the reply to Question 9 above is affirmative, the
109 registrar or clerk shall on a monthly basis send notice of this
110 new registration to the registrar or clerk of the county stated in
111 Question 9 as the voter's previous place of registration. The
112 election commission of the voter's previous place of registration
113 shall be responsible for having such voter's name erased from the
114 appropriate registration book and pollbook.

115 (5) The registrar shall issue to the person making the
116 application a copy of such application upon which has been written
117 the county voting precinct in which said person shall vote. The
118 registrar shall assign a voter registration number to such person,
119 which shall be that person's social security number if such a
120 number is provided, and said voter registration number shall be
121 clearly shown on the application.

122 (6) Any person desiring an application for registration may
123 secure the same from the registrar of the county of which he is a
124 resident and may take said form with him and secure assistance in
125 completing said form from any person of the applicant's choice.
126 It shall be the duty of all registrars to furnish forms for



127 registering to all persons requesting the same, and it shall
128 likewise be his duty to furnish aid and assistance in the
129 completing of said forms when requested by an applicant. The
130 application for registration shall be sworn to and subscribed
131 before the registrar or deputy registrar at the municipal clerk's
132 office, the county registrar's office or any other location where
133 the applicant is allowed to register to vote. No fee or cost
134 shall be charged the applicant by the registrar for accepting the
135 application or administering the oath or for any other duty
136 imposed by law regarding the registration of electors.

137 (7) If the person making the application is unable to read
138 or write, for reason of disability or otherwise, he shall not be
139 required to personally complete the application in writing and
140 execute the oath. In such cases, the registrar or deputy
141 registrar shall read to such person the application and oath and
142 such person's answers thereto shall be recorded by the registrar
143 or his deputy. The person shall be registered as an elector if he
144 otherwise meets the requirements to be registered as such. The
145 registrar shall record the responses of such person and such
146 recorded responses shall be retained permanently by the registrar.
147 The registrar shall forward a copy of all such recorded responses
148 to the Secretary of State and shall indicate which were approved
149 for registration.

150 (8) The receipt of a copy of the application for
151 registration sent pursuant to Section 23-15-35(2) shall be
152 sufficient to allow the applicant to be registered as an elector
153 of this state, provided that such application is not challenged as
154 provided for therein.

155 (9) In any case in which a municipality expands its
156 corporate boundaries by annexation, the municipal clerk shall,
157 within ten (10) days after the effective date of such annexation,
158 forward to the county registrar a map which accurately depicts the
159 annexed area. The county registrar shall, within ten (10) days



160 after the receipt of such map, forward to the municipal clerk a
161 copy of the most recent county precinct or subprecinct pollbook
162 for the county precincts in which such annexed area is included,
163 or equivalent computer data or information as will permit the
164 identification of county electors who reside in the annexed area.
165 The municipal clerk shall add those county electors who have
166 resided in the annexed area for at least thirty (30) days after
167 annexation to the municipal registration books as registered
168 voters of the municipality and shall forward to such persons
169 written notification of such addition and of the municipal
170 precinct or ward in which such persons reside.

171 **SECTION 2.** Section 23-15-47, Mississippi Code of 1972, is
172 amended as follows:

173 23-15-47. (1) Any person who is qualified to register to
174 vote in the State of Mississippi may register to vote by mail-in
175 application in the manner prescribed in this section.

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

178 (a) Any qualified elector may register to vote by
179 mailing or delivering a completed mail-in application to his
180 county registrar at least thirty (30) days prior to any election.
181 The postmark date of a mailed application shall be the date of
182 registration. The application shall be witnessed by one (1)
183 qualified elector in the county of the applicant's residence. The
184 name, address and, if available, the daytime telephone number of
185 the person witnessing the application must be legibly written or
186 printed on the application. The witness shall not be a candidate
187 for public office as of the date of the execution of the
188 application. Any applicant or witness is subject to the penalties
189 provided in Section 23-15-17 for false registration. Any person
190 who willfully swears falsely to any material matter on a mail-in
191 application is guilty of perjury and, upon conviction thereof,
192 shall be punished as provided in Section 97-9-61.



193 (b) Upon receipt of a mail-in application, the county
194 registrar shall stamp such application with the date of receipt,
195 and shall verify the application by contacting the applicant by
196 telephone, by personal contact with the applicant, or by any other
197 method approved by the Secretary of State. Within twenty-five
198 (25) days of receipt of a mail-in application, the county
199 registrar shall complete action on the application, including any
200 attempts to notify the applicant of the status of his application.

201 (c) If the county registrar determines that the
202 applicant is qualified and his application is legible and
203 complete, he shall mail the applicant written notification that
204 the application has been approved, specifying the county voting
205 precinct, polling place and supervisor district in which such
206 person shall vote. This written notification of approval
207 containing the specified information shall be the voter's
208 registration card. Said registration cards shall be provided by
209 the county registrar. The registrar shall assign a voter
210 registration number to such person, which shall be that person's
211 social security number if such a number is provided, and said
212 voter registration number shall be clearly shown on the
213 application and on the written notification of approval. In
214 mailing such written notification, the county registrar shall note
215 the following on the envelope: "DO NOT FORWARD." If any
216 registration notification form is returned as undeliverable, the
217 voter's registration shall be void.

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

220 (i) An incomplete portion of the application which
221 makes it impossible for the registrar to determine the eligibility
222 of the applicant to register;

223 (ii) A portion of the application which is
224 illegible in the opinion of the county registrar and makes it



225 impossible to determine the eligibility of the applicant to
226 register;

227 (iii) The county registrar is unable to determine,
228 from the address and information stated on the application, the
229 precinct in which the voter should be assigned or the supervisor
230 district in which he is entitled to vote;

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

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

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

237 (e) If the mail-in application of a person is subject
238 to rejection for any of the reasons set forth in paragraphs (d)(i)
239 through (iii) of this subsection, and it appears to the registrar
240 that the defect or omission is of such a minor nature and that any
241 necessary additional information may be supplied by the applicant
242 over the telephone or by further correspondence, the registrar may
243 write or call the applicant at the telephone number provided on
244 the application. If the registrar is able to contact the
245 applicant by mail or telephone, he shall attempt to ascertain the
246 necessary information and if this information is sufficient for
247 the registrar to complete the application, the applicant shall be
248 registered. If the necessary information cannot be obtained by
249 mail or telephone or is not sufficient, the registrar shall give
250 the applicant written notice of the rejection and provide the
251 reason for such rejection. The registrar shall further inform the
252 applicant that he has a right to attempt to register by appearing
253 in person or by filing another mail-in application.

254 (f) If a mail-in application is subject to rejection
255 for the reason stated in paragraph (d)(v) of this subsection and
256 the "present home address" portion of the application is different
257 from the residence address for the applicant found in the



258 registration book, the mail-in application shall be deemed a
259 written request to transfer registration pursuant to Section
260 23-15-13. Subject to the time limits and other provisions of
261 Section 23-15-13, the registrar or the election commissioners
262 shall note the new residence address on his records and, if
263 necessary, transfer the applicant to his new precinct, advise the
264 applicant of his new precinct, polling place and supervisor
265 district, and notify the municipal clerk of any such changes on a
266 monthly basis.

267 (3) The instructions and the application form for voter
268 registration by mail shall be in the following form and shall
269 contain the following information:

270 **"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION**

271 1. Anyone may assist you in completing the enclosed
272 application.

273 2. A registered voter of your county who is not now a
274 candidate for public office must complete and sign the 'Witness
275 Signature and Certification' portion of the enclosed application.

276 3. All required information must be supplied in legible
277 form.

278 4. The completed application must be mailed or delivered to
279 the registrar of your county at least thirty (30) days before an
280 election in order for you to be registered for that election.
281 Applications which are mailed must be postmarked thirty (30) days
282 prior to any election.

283 5. The penalty for conviction of false registration is a
284 felony punishable by a fine of not more than Five Thousand Dollars
285 (\$5,000.00) or imprisonment for not more than five (5) years, or
286 both."

287 **"APPLICATION FOR VOTER REGISTRATION BY MAIL**

288 **STATE OF MISSISSIPPI**

289 I, _____, hereby apply for registration as a
290 voter of _____ County, Mississippi.



291 1. Full Name, including maiden name if you have one:
292 _____ (First, Middle and/or Maiden, Last)
293 2. Male ___ Female ___
294 3. * * * Social Security Number: _____
295 4. Date of Birth: _____ 4a. Age: _____
296 5. Present Home Address:
297 (a) _____ (Street and Number)
298 _____ (City, State, Zip)
299 (b) How long have you lived there?
300 From _____ (month/year) to present.
301 (c) Do you now live in a city or town of this
302 county? _____ If so, which? _____
303 (d) Telephone number, if available:
304 (i) Home telephone number _____
305 (ii) Daytime or work telephone number _____
306 6. Mailing Address: Give your current mailing address if
307 different from your present home address:
308 _____ (Box or Street and Number)
309 _____ (City, State, Zip)
310 7. Previous Address: List your most recent address before
311 your present address:
312 _____ (Box or Street and Number)
313 _____ (City, State, Zip)
314 From _____ (month/year) to _____ (month/year)
315 8. Last Registration: Have you ever registered to vote
316 before in any other county in Mississippi or in any other state?
317 _____ If yes, give the last place you were registered:
318 _____ (City, County, State)
319 9. Citizenship, Residence, Prior Convictions:
320 (a) Are you a citizen of the United States? _____
321 (b) Are you a resident of this state and county? _____
322 (c) Have you ever been convicted of the crime of murder,
323 rape, bribery, theft, arson, obtaining money or goods under false



324 pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so,
325 what State _____, County _____? Date of conviction_____.

326 10. Will you need assistance on election day? _____. If
327 yes, for which of the following reasons: permanently physically
328 disabled _____; other (please describe) _____
329 _____.

330 11. Applicant Signature and Certification:

331 I certify that I am at least eighteen (18) years old (or I
332 will be before the next general election), that the above
333 information given by me is true and correct and that I have truly
334 answered all questions in the foregoing application for
335 registration, and that I will faithfully support the Constitution
336 of the United States and of the State of Mississippi, and will
337 bear true faith and allegiance to the same.

338 Applicant sign here: _____

339 Date: _____

340 12. Witness Signature and Certification:

341 I certify that I am a registered voter in _____
342 County, Mississippi, that I am not now a candidate for public
343 office, and that the above named applicant signed this application
344 for registration in my presence. I further certify that I have
345 read the above application, and that the facts stated therein are
346 true and correct to the best of my knowledge. I personally know
347 the person who appeared before me or I have seen the person's
348 identification. I understand that the penalty for knowingly
349 procuring a person's registration who is not entitled to be
350 registered, or is registered under a false name or in any other
351 voting precinct than that in which he resides, is a fine of not
352 more than Five Thousand Dollars (\$5,000.00) or imprisonment for
353 not more than five (5) years, or both.

354 Witness sign here: _____

355 Full name and address of witness (Print):

356 Name: _____



357 Address: _____ (Street and Number)

358 _____ (City, State, Zip)

359 Telephone number, if available:

360 Home telephone number _____

361 Daytime or work telephone number _____"

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

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

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

379 (5) The originals of completed mail-in applications shall
380 remain on file in the office of the county registrar in accordance
381 with Section 23-15-113. Nothing in this section shall preclude
382 having applications on microfilm or microfiche.

383 (6) If the reply to question 5(c) above is affirmative, the
384 county registrar shall forward notice of registration, a duplicate
385 copy of the application for registration, and any changes to such
386 registration when they occur, either by certified mail to the
387 clerk of the municipality indicated in the present residence
388 address stated in answer to Question 5(c) above or by personal
389 delivery to such clerk, provided that a numbered receipt is signed



390 by such clerk in return for the described documents. Upon receipt
391 of the copy of the application for registration or changes to such
392 registration, and if a review of same indicates that the applicant
393 meets all the criteria necessary to qualify as a municipal
394 elector, then the clerk of said municipality shall register the
395 applicant as a municipal elector and make a determination of the
396 municipal voting precinct in which the person making the
397 application shall be required to vote. The clerk shall send this
398 municipal voting precinct information by United States first-class
399 mail, postage prepaid, to such person at the address provided on
400 the application. Any and all mailing costs incurred by the county
401 registrar or the clerk of the municipality in effectuating this
402 subsection shall be paid by the governing authority of such
403 municipality. If a review of the copy of the application for
404 registration or changes to such registration indicates that the
405 applicant is not qualified to vote in said municipality, the clerk
406 of said municipality shall deny such application and notify
407 applicant.

408 (7) If the reply to Question 8 above is affirmative, the
409 registrar or clerk shall send written notice of this new
410 registration by regular United States mail to the registrar or
411 clerk of the county stated in Question 8 as the voter's previous
412 place of registration. The information shall include the complete
413 name, address and age of the voter and shall include the social
414 security number of such voter if it has been previously supplied.
415 The election commission of the voter's previous place of
416 registration shall be responsible for having such voter's name
417 erased from the appropriate registration book and pollbook.

418 **SECTION 3.** Section 23-15-139, Mississippi Code of 1972, is
419 amended as follows:

420 23-15-139. (1) From and after July 1, 1998, the Office of
421 the Secretary of State shall maintain a statewide voter
422 registration record listing all qualified electors in the State of



423 Mississippi. The statewide voter registration record shall be
424 compiled by the Secretary of State from the records of voter
425 registration submitted by each county registrar of this state and
426 shall consist of a copy of the computer record maintained by each
427 registrar pursuant to Section 23-15-114. Voters registered under
428 the Federal Motor Voter Law shall be included in such list.

429 (2) The Secretary of State shall utilize the statewide voter
430 registration record for the purpose of identifying voters who may
431 have moved from or within a county to another jurisdiction,
432 identifying the names and social security numbers of voters who
433 may be deceased and identifying the names of voters who may be
434 registered in more than one (1) county. Any such information
435 secured by the Secretary of State in accordance with this act
436 indicating the possible need for revising a county's voter
437 registration records shall be forwarded to the county and
438 municipal election commissions and the county and municipal
439 registrars on a periodic basis, upon receipt of which the
440 appropriate election commission shall revise the voter
441 registration records, in accordance with applicable state and
442 federal law.

443 **SECTION 4.** Section 23-15-140, Mississippi Code of 1972, is
444 amended as follows:

445 23-15-140. (1) The Secretary of State shall prescribe a
446 generally accepted industry standard file format for the
447 electronic transmission of county voter registration data to the
448 Secretary of State. The data shall include, but not be limited
449 to, the voter's full name, social security number, present address
450 including apartment number and zip code, date of birth, former
451 names registered under including maiden name, and previous address
452 where the voter was registered under those names, his social
453 security number and all additions, deletions and revisions to the
454 voter registration rolls. Voter registration data shall be
455 transmitted electronically via computer, or floppy disks in the



456 correct format or a hard copy, if the data contains not more than
457 one hundred (100) names, may be mailed. This information must be
458 mailed on a periodic basis by county voter registrars in
459 accordance with procedures prescribed by the Secretary of State.

460 (2) When a registered voter moves from one county to another
461 within the state and registers in the county of his or her new
462 residence, the registrar of the county of the voter's former
463 residence shall remove the voter's name from the registration
464 records of the county of the voter's former residence. The county
465 registrars shall notify the municipal registrars of all additions,
466 changes and deletions to the voter rolls.

467 (3) Social security numbers, telephone numbers, and date of
468 birth and age information retained in statewide, district, county
469 and municipal voter registration files shall be exempt from and
470 shall not be subject to inspection, examination, copying or
471 reproduction under the Mississippi Public Records Act of 1983.

472 Copies of statewide, district, county or municipal voter
473 registration files, excluding social security numbers, telephone
474 numbers, and dates of birth and age information, shall be provided
475 to any person, in the order the requests are received, in
476 accordance with the Public Records Act of 1983 at a cost not to
477 exceed the actual cost of reproduction.

478 **SECTION 5.** The Attorney General of the State of Mississippi
479 shall submit this act, immediately upon approval by the Governor,
480 or upon approval by the Legislature subsequent to a veto, to the
481 Attorney General of the United States or to the United States
482 District Court for the District of Columbia in accordance with the
483 provisions of the Voting Rights Act of 1965, as amended and
484 extended.

485 **SECTION 6.** This act shall take effect and be in force from
486 and after the date it is effectuated under Section 5 of the Voting
487 Rights Act of 1965, as amended and extended.

