

By: Representatives Rotenberry, Robinson
(84th), Snowden

To: Apportionment and
Elections

HOUSE BILL NO. 801

1 AN ACT TO AMEND SECTIONS 23-15-39, 23-15-47 AND 23-15-165,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THE USE OF SOCIAL SECURITY
3 NUMBERS WHEN REGISTERING TO VOTE; TO REQUIRE THE CENTRALIZED
4 DATABASE OF REGISTERED VOTERS TO INCLUDE THE SOCIAL SECURITY
5 NUMBER OF EACH REGISTERED VOTER IN THE STATE; AND FOR RELATED
6 PURPOSES.

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

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

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

15 "APPLICATION FOR REGISTRATION

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

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

22 2. What is your social security number. _____

23 3. What is your date of birth? _____

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

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



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

31 (a) Present address: _____
32 From _____ (month) to date.

33 (b) Previous address: _____
34 From _____ (month) to _____ (month).

35 (c) Previous address: _____
36 From _____ (month) to _____ (month).

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

39 6. What is your present mailing address? _____

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

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

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

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

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

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

55 (b) Do you have a telephone at your present residence?
56 _____ If so, give the telephone number of such telephone.

57 _____ Please give your work telephone number. _____

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

61 STATE OF MISSISSIPPI



62 COUNTY OF _____

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

74 Applicant sign here: _____

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

77 _____ (Registrar)

78 By _____ (Deputy Registrar)"

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

289 **STATE OF MISSISSIPPI**

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



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



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

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

331 11. Applicant Signature and Certification:

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

339 Applicant sign here: _____

340 Date: _____

341 12. Witness Signature and Certification:

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

355 Witness sign here: _____

356 Full name and address of witness (Print):

357 Name: _____



358 Address: _____ (Street and Number)

359 _____ (City, State, Zip)

360 Telephone number, if available:

361 Home telephone number _____

362 Daytime or work telephone number _____"

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

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

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

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

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



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

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

419 **SECTION 3.** Section 23-15-165, Mississippi Code of 1972, is
420 amended as follows:

421 23-15-165. (1) From and after July 1, 2002, the Office of
422 the Secretary of State, in cooperation with the local registrars
423 and election commissioners, shall begin to procure, implement and



424 maintain an electronic information processing system and programs
425 capable of maintaining a centralized database of all registered
426 voters in the state. The database shall include the social
427 security number of each registered voter in the state. The system
428 shall encompass software and hardware, at both the state and
429 county level, software development training, conversion and
430 support and maintenance for the system. This system shall be
431 known as the "Statewide Centralized Voter System" and shall
432 constitute the official record of registered voters in every
433 county of the state.

434 (2) The Office of the Secretary of State shall develop and
435 implement the Statewide Centralized Voter System so that the
436 registrar and election commissioners of each county shall:

437 (a) Verify that an applicant that is registering to
438 vote in such county is not registered to vote in another county;

439 (b) Be notified automatically that a registered voter
440 in its county has registered to vote in another county;

441 (c) Receive regular reports of death, changes of
442 address and convictions for disenfranchising crimes that apply to
443 voters registered in the county; and

444 (d) Retain all present functionality related to, but
445 not limited to, the use of voter roll data and to implement such
446 other functionality as the law requires to enhance the maintenance
447 of accurate county voter records and related jury selection and
448 redistricting programs.

449 (3) As a part of the procurement and implementation of the
450 system, the Office of the Secretary of State shall, with the
451 assistance of the advisory committee, procure services necessary
452 to convert current voter registration records in the counties into
453 a standard, industry accepted file format that can be used on the
454 Statewide Centralized Voter System. Thereafter, all official
455 voter information shall be maintained on the Statewide Centralized
456 Voter System. The standard industry accepted format of data shall



457 be reviewed and approved by a majority of the advisory committee
458 created in subsection (5) of this section after consultation with
459 the Circuit Clerks Association and the format may not be changed
460 without majority approval of the advisory committee and without
461 consulting the Circuit Clerks Association.

462 (4) The Secretary of State may, with the assistance of the
463 advisory committee, adopt rules and regulations necessary to
464 administer the Statewide Centralized Voter System. Such rules and
465 regulations shall at least:

466 (a) Provide for the establishment and maintenance of a
467 centralized database for all voter registration information in the
468 state;

469 (b) Provide procedures for integrating data into the
470 centralized database;

471 (c) Provide security to insure that only the registrar,
472 or his designee or other appropriate official, as the law may
473 require, can add information to, delete information from and
474 modify information in the system;

475 (d) Provide the registrar or his designee or other
476 appropriate official, as the law may require, access to the system
477 at all times, including the ability to download copies of the
478 industry standard file, for all purposes related to their official
479 duties, including, but not limited to, exclusive access for the
480 purpose of printing of all local pollbooks;

481 (e) Provide security and protection of all information
482 in the system and monitor the system to ensure that unauthorized
483 access is not allowed;

484 (f) Provide a procedure that will allow the registrar,
485 or his designee or other appropriate official, as the law may
486 require, to identify the precinct and subprecinct to which a voter
487 should be assigned; and



488 (g) Provide a procedure for phasing in or converting
489 existing manual and computerized voter registration systems in
490 counties to the Statewide Centralized Voter System.

491 (5) The Secretary of State shall establish an advisory
492 committee to assist in developing system specifications,
493 procurement, implementation and maintenance of the Statewide
494 Centralized Voter System. The committee shall include two (2)
495 representatives from the Circuit Clerks Association, appointed by
496 the association; two (2) representatives from the Election
497 Commissioners Association of Mississippi, appointed by the
498 association; one (1) member of the Mississippi Association of
499 Supervisors, or its staff, appointed by the association; the
500 Director of the Stennis Institute of Government at Mississippi
501 State University, or his designee; the Executive Director of the
502 Department of Information Technology Services, or his designee;
503 two (2) persons knowledgeable about elections and information
504 technology appointed by the Secretary of State; and the Secretary
505 of State, who shall serve as the chairman of the advisory
506 committee.

507 (6) (a) Social security numbers, telephone numbers and date
508 of birth and age information in statewide, district, county and
509 municipal voter registration files shall be exempt from and shall
510 not be subject to inspection, examination, copying or reproduction
511 under the Mississippi Public Records Act of 1983.

512 (b) Copies of statewide, district, county or municipal
513 voter registration files, excluding social security numbers,
514 telephone numbers and date of birth and age information, shall be
515 provided to any person in accordance with the Mississippi Public
516 Records Act of 1983 at a cost not to exceed the actual cost of
517 production.

518 **SECTION 4.** The Attorney General of the State of Mississippi
519 shall submit this act, immediately upon approval by the Governor,
520 or upon approval by the Legislature subsequent to a veto, to the



521 Attorney General of the United States or to the United States
522 District Court for the District of Columbia in accordance with the
523 provisions of the Voting Rights Act of 1965, as amended and
524 extended.

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

