

By: Representative Banks

To: Apportionment and  
Elections

## HOUSE BILL NO. 1411

1 AN ACT TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE MAIL-IN VOTER REGISTRATION APPLICATIONS TO BE PLACED IN  
3 ALL POLLING PLACES ON AN ELECTION DAY; TO PROVIDE THAT ANY PERSON  
4 OBTAINING AND COMPLETING A MAIL-IN VOTER REGISTRATION APPLICATION  
5 MUST MAIL THE APPLICATION TO HIS COUNTY REGISTRAR BEFORE HE WILL  
6 BE REGISTERED TO VOTE; TO AMEND SECTION 23-15-245, MISSISSIPPI  
7 CODE OF 1972, TO PROVIDE THAT PERSONS WANTING TO OBTAIN A MAIL-IN  
8 VOTER REGISTRATION APPLICATION SHALL BE ALLOWED TO ENTER THE  
9 POLLING PLACE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-47, Mississippi Code of 1972, is  
12 amended as follows:

13 **[Until January 1, 2006, this section shall read as follows:]**

14 23-15-47. (1) Any person who is qualified to register to  
15 vote in the State of Mississippi may register to vote by mail-in  
16 application in the manner prescribed in this section.

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

19 (a) Any qualified elector may register to vote by  
20 mailing or delivering a completed mail-in application to his  
21 county registrar at least thirty (30) days prior to any election.  
22 The postmark date of a mailed application shall be the date of  
23 registration.

24 (b) Upon receipt of a mail-in application, the county  
25 registrar shall stamp such application with the date of receipt  
26 and shall verify the application by contacting the applicant by  
27 telephone, by personal contact with the applicant, or by any other  
28 method approved by the Secretary of State. Within twenty-five  
29 (25) days of receipt of a mail-in application, the county

30 registrar shall complete action on the application, including any  
31 attempts to notify the applicant of the status of his application.

32 (c) If the county registrar determines that the  
33 applicant is qualified and his application is legible and  
34 complete, he shall mail the applicant written notification that  
35 the application has been approved, specifying the county voting  
36 precinct, polling place and supervisor district in which such  
37 person shall vote. This written notification of approval  
38 containing the specified information shall be the voter's  
39 registration card. The registration cards shall be provided by  
40 the county registrar. The registrar shall assign a voter  
41 registration number to such person, which shall be that person's  
42 social security number if such a number is provided, and the voter  
43 registration number shall be clearly shown on the application and  
44 on the written notification of approval. In mailing such written  
45 notification, the county registrar shall note the following on the  
46 envelope: "DO NOT FORWARD". If any registration notification  
47 form is returned as undeliverable, voter's registration shall be  
48 void.

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

51 (i) An incomplete portion of the application which  
52 makes it impossible for the registrar to determine the eligibility  
53 of the applicant to register;

54 (ii) A portion of the application which is  
55 illegible in the opinion of the county registrar and makes it  
56 impossible to determine the eligibility of the applicant to  
57 register;

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

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

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

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

68                   (e) If the mail-in application of a person is subject  
69 to rejection for any of the reasons set forth in paragraph (d)(i)  
70 through (iii) of this subsection, and it appears to the registrar  
71 that the defect or omission is of such a minor nature and that any  
72 necessary additional information may be supplied by the applicant  
73 over the telephone or by further correspondence, the registrar may  
74 write or call the applicant at the telephone number provided on  
75 the application. If the registrar is able to contact the  
76 applicant by mail or telephone, he shall attempt to ascertain the  
77 necessary information and if this information is sufficient for  
78 the registrar to complete the application, the applicant shall be  
79 registered. If the necessary information cannot be obtained by  
80 mail or telephone or is not sufficient, the registrar shall give  
81 the applicant written notice of the rejection and provide the  
82 reason for the rejection. The registrar shall further inform the  
83 applicant that he has a right to attempt to register by appearing  
84 in person or by filing another mail-in application.

85                   (f) If a mail-in application is subject to rejection  
86 for the reason stated in paragraph (d)(v) of this subsection and  
87 the "present home address" portion of the application is different  
88 from the residence address for the applicant found in the  
89 registration book, the mail-in application shall be deemed a  
90 written request to transfer registration pursuant to Section  
91 23-15-13. Subject to the time limits and other provisions of  
92 Section 23-15-13, the registrar or the election commissioners  
93 shall note the new residence address on his records and, if  
94 necessary, transfer the applicant to his new precinct, advise the

95 applicant of his new precinct, polling place and supervisor  
96 district, and notify the municipal clerk of any such changes on a  
97 monthly basis.

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

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

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

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

118 (5) The originals of completed mail-in applications shall  
119 remain on file in the office of the county registrar in accordance  
120 with Section 23-15-113. Nothing in this section shall preclude  
121 having applications on microfilm, microfiche or as an electronic  
122 image.

123 (6) If the applicant indicates on the application that he  
124 resides within the city limits of a city or town in the county  
125 registration, the county registrar shall forward notice of  
126 registration, a duplicate copy of the application for  
127 registration, and any changes to the registration when they occur,

128 either by certified mail to the clerk of the municipality  
129 indicated in the present residence address stated in the  
130 application or by personal delivery to the municipal clerk,  
131 provided that a numbered receipt is signed by the clerk in return  
132 for the described documents. Upon receipt of the copy of the  
133 application for registration or changes to the registration, and  
134 if a review indicates that the applicant meets all the criteria  
135 necessary to qualify as a municipal elector, then the clerk of the  
136 municipality shall register the applicant as a municipal elector  
137 and make a determination of the municipal voting precinct in which  
138 the person making the application shall be required to vote. The  
139 clerk shall send this municipal voting precinct information by  
140 United States first-class mail, postage prepaid, to the person at  
141 the address provided on the application. Any and all mailing  
142 costs incurred by the county registrar or the clerk of the  
143 municipality in effectuating this subsection shall be paid by the  
144 governing authority of the municipality. If a review of the copy  
145 of the application for registration or changes to the registration  
146 indicates that the applicant is not qualified to vote in the  
147 municipality, the clerk of the municipality shall deny the  
148 application and notify applicant.

149 (7) If the applicant indicates on the application that he  
150 has previously registered to vote in another county of this state  
151 or another state, the registrar or clerk shall send written notice  
152 of this new registration by regular United States mail to the  
153 registrar or clerk of the county in this state or any other state  
154 that is indicated in the application as the voter's previous place  
155 of registration. The information shall include the complete name,  
156 address and age of the voter and shall include the current and  
157 valid Mississippi driver's license of the voter, if provided, or  
158 the social security number of the voter, if provided. The  
159 election commission of the voter's previous place of registration

160 shall be responsible for having the voter's name erased from the  
161 appropriate registration book and pollbook.

162 (8) Mail-in voter registration applications shall be placed  
163 in all polling places on an election day and shall be distributed  
164 to any person requesting a mail-in voter registration application.  
165 Persons obtaining a mail-in voter registration application must  
166 mail the application to his county registrar as provided in  
167 subsection (2)(a) of this section before he will be registered to  
168 vote.

169 **[From and after January 1, 2006, this section shall read as**  
170 **follows:]**

171 23-15-47. (1) Any person who is qualified to register to  
172 vote in the State of Mississippi may register to vote by mail-in  
173 application in the manner prescribed in this section.

174 (2) The following procedure shall be used in the 818  
175 registration of electors by mail:

176 (a) Any qualified elector may register to vote by  
177 mailing or delivering a completed mail-in application to his  
178 county registrar at least thirty (30) days prior to any election.  
179 The postmark date of a mailed application shall be the date of  
180 registration.

181 (b) Upon receipt of a mail-in application, the county  
182 registrar shall stamp the application with the date of receipt,  
183 and shall verify the application by contacting the applicant by  
184 telephone, by personal contact with the applicant, or by any other  
185 method approved by the Secretary of State. Within twenty-five  
186 (25) days of receipt of a mail-in application, the county  
187 registrar shall complete action on the application, including any  
188 attempts to notify the applicant of the status of his application.

189 (c) If the county registrar determines that the  
190 applicant is qualified and his application is legible and  
191 complete, he shall mail the applicant written notification that  
192 the application has been approved, specifying the county voting

193 precinct, municipal voting precinct, if any, polling place and  
194 supervisor district in which such person shall vote. This written  
195 notification of approval containing the specified information  
196 shall be the voter's registration card. The registration cards  
197 shall be provided by the county registrar. Upon entry of the  
198 voter registration information into the Statewide Centralized  
199 Voter System, the system shall assign a voter registration number  
200 to the person, which shall be that person's current and valid  
201 Mississippi driver's license number, or if the person does not  
202 possess a current and valid Mississippi driver's license, the last  
203 four (4) digits of the person's social security number, if the  
204 number is provided. If the person does not have a current and  
205 valid Mississippi driver's license number and does not provide the  
206 last four (4) digits of his social security number, the Statewide  
207 Centralized Voter System shall assign the person a unique  
208 registration number. The assigned voter registration number shall  
209 be clearly shown on the application and on the written  
210 notification of approval. In mailing the written notification,  
211 the county registrar shall note the following on the envelope:  
212 "DO NOT FORWARD". If any registration notification form is  
213 returned as undeliverable, the voter's registration shall be void.

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

216 (i) An incomplete portion of the application which  
217 makes it impossible for the registrar to determine the eligibility  
218 of the applicant to register;

219 (ii) A portion of the application which is  
220 illegible in the opinion of the county registrar and makes it  
221 impossible to determine the eligibility of the applicant to  
222 register;

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

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

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

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

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

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

250 (f) If a mail-in application is subject to rejection  
251 for the reason stated in paragraph (d)(v) of this subsection and  
252 the "present home address" portion of the application is different  
253 from the residence address for the applicant found in the  
254 registration book, the mail-in application shall be deemed a  
255 written request to transfer registration pursuant to Section  
256 23-15-13. Subject to the time limits and other provisions of  
257 Section 23-15-13, the registrar or the election commissioners

258 shall note the new residence address on his records and, if  
259 necessary, transfer the applicant to his new county precinct or  
260 municipal precinct, if any, advise the applicant of his new county  
261 precinct or municipal precinct, if any, polling place and  
262 supervisor district.

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

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

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

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

283 (5) The originals of completed mail-in applications shall  
284 remain on file in the office of the county registrar in accordance  
285 with Section 23-15-113. Nothing in this section shall preclude  
286 having applications on microfilm, microfiche or as an electronic  
287 image.

288 (6) If the applicant indicates on the application that he  
289 resides within the city limits of a city or town in the county of  
290 registration, the county registrar shall enter the information

291 into the Statewide Centralized Voter System. The county registrar  
292 shall send municipal voting precinct information by United States  
293 first-class mail, postage prepaid, to the person at the address  
294 provided on the application. Any and all mailing costs incurred  
295 by the county registrar or the clerk of the municipality in  
296 effectuating this subsection shall be paid by the governing  
297 authority of the municipality. If a review of the application for  
298 registration or changes to the registration indicates that the  
299 applicant is not qualified to vote in the municipality, the  
300 registrar shall notify the applicant of the correct county  
301 precinct.

302 (7) If the applicant indicates on the application that he  
303 has previously registered to vote in another county of this state  
304 or another state, notice to the voter's previous county of  
305 registration in this state shall be provided by the Statewide  
306 Centralized Voter System. If the voter's previous place of  
307 registration was in another state, notice shall be provided to the  
308 voter's previous state of residence if the Statewide Centralized  
309 Voter System has that capability.

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

313 (9) Mail-in voter registration applications shall be placed  
314 in all polling places on an election day and shall be distributed  
315 to any person requesting a mail-in voter registration application.  
316 Persons obtaining a mail-in voter registration application must  
317 mail the application to his county registrar as provided in  
318 subsection (2)(a) of this section before he will be registered to  
319 vote.

320 **SECTION 2.** Section 23-15-245, Mississippi Code of 1972, is  
321 amended as follows:

322 23-15-245. (1) It shall be the duty of the manager  
323 designated as bailiff to be present at the voting place, and to

324 take such steps as will accomplish the purpose of his appointment,  
325 and he shall have full power to do so, and he may summon to his  
326 aid all persons present at the voting place. A space thirty (30)  
327 feet in every direction from the polls, or the room in which the  
328 election is held, shall be kept open and clear of all persons  
329 except the election officers and two (2) challengers of good  
330 conduct and behavior, selected by each party to detect and  
331 challenge illegal voters; and the electors shall approach the  
332 polls from one direction, line, door or passage, and depart in  
333 another as nearly opposite as convenient.

334 (2) Any person wanting to obtain a mail-in voter  
335 registration application shall be allowed to enter the polling  
336 place to obtain a mail-in voter registration application, and  
337 after he has obtained an application, he shall depart immediately  
338 from the polling place. The mail-in voter registration  
339 applications shall be distributed by the manager. Mail-in voter  
340 registration applications shall be placed in all polling places on  
341 an election day and shall be distributed as authorized in Section  
342 23-15-47(8).

343 **SECTION 3.** The Attorney General of the State of Mississippi  
344 shall submit this act, immediately upon approval by the Governor,  
345 or upon approval by the Legislature subsequent to a veto, to the  
346 Attorney General of the United States or to the United States  
347 District Court for the District of Columbia in accordance with the  
348 provisions of the Voting Rights Act of 1965, as amended and  
349 extended.

350 **SECTION 4.** This act shall take effect and be in force from  
351 and after the date it is effectuated under Section 5 of the Voting  
352 Rights Act of 1965, as amended and extended.