

By: Representative Rotenberry

To: Apportionment and
Elections

HOUSE BILL NO. 535

1 AN ACT TO AMEND SECTION 23-15-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE APPLICATION FOR REGISTRATION OF ELECTORS
3 CONTAIN AN APPLICANT'S SOCIAL SECURITY NUMBER; TO BRING FORWARD
4 SECTION 23-15-47, MISSISSIPPI CODE OF 1972, RELATING TO MAIL-IN
5 APPLICATIONS FOR VOTER REGISTRATION, FOR PURPOSES OF AMENDMENT;
6 AND FOR RELATED 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 form that requires an applicant's
14 social security number and established by rule duly adopted by the
15 Secretary of State.

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

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

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

30 voter's previous state of residence if the Statewide Elections
31 Management System has that capability.

32 (5) The county registrar shall provide to the person making
33 the application a copy of the application upon which has been
34 written the county voting precinct and municipal voting precinct,
35 if any, in which the person shall vote. Upon entry of the voter
36 registration information into the Statewide Elections Management
37 System, the system shall assign a voter registration number to the
38 person.

39 (6) Any person desiring an application for registration may
40 secure an application from the registrar of the county of which he
41 is a resident and may take the application with him and secure
42 assistance in completing the application from any person of the
43 applicant's choice. It shall be the duty of all registrars to
44 furnish applications for registration to all persons requesting
45 them, and it shall likewise be his duty to furnish aid and
46 assistance in the completing of the application when requested by
47 an applicant. The application for registration shall be sworn to
48 and subscribed before the registrar or deputy registrar at the
49 municipal clerk's office, the county registrar's office or any
50 other location where the applicant is allowed to register to vote.
51 No fee or cost shall be charged the applicant by the registrar for
52 accepting the application or administering the oath or for any
53 other duty imposed by law regarding the registration of electors.

54 (7) If the person making the application is unable to read
55 or write, for reason of disability or otherwise, he shall not be
56 required to personally complete the application in writing and
57 execute the oath. In such cases, the registrar or deputy
58 registrar shall read to the person the application and oath and
59 the person's answers thereto shall be recorded by the registrar or
60 his deputy. The person shall be registered as an elector if he
61 otherwise meets the requirements to be registered as an elector.
62 The registrar shall record the responses of the person and the

63 recorded responses shall be retained permanently by the registrar.
64 The registrar shall enter the voter registration information into
65 the Statewide Elections Management System and designate the entry
66 as an assisted filing.

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

71 (9) In any case in which a municipality expands its
72 corporate boundaries by annexation or redistricts all or a part of
73 the municipality, the municipal clerk shall within ten (10) days
74 after the effective date of the annexation or after preclearance
75 of the redistricting plan under Section 5 of the Voting Rights Act
76 of 1965, provide the county registrar with conforming geographic
77 data that is compatible with the Statewide Elections Management
78 System. The data shall be developed by the municipality's use of
79 a standardized format specified by the Statewide Elections
80 Management System. The county registrar shall update the
81 municipal boundary information or redistricting information into
82 the Statewide Elections Management System. The Statewide
83 Elections Management System shall update the voter registration
84 records to include the new municipal electors who have resided
85 within the annexed area for at least thirty (30) days after
86 annexation and assign the electors to the municipal voting
87 precincts. The county registrar shall forward to the municipal
88 clerk written notification of the additions and changes, and the
89 municipal clerk shall forward to the new municipal electors
90 written notification of the additions and changes. The Statewide
91 Elections Management System shall correctly place municipal
92 electors within districts whose boundaries were altered by any
93 redistricting conducted within the municipality and assign such
94 electors to the correct municipal voting precincts.

95 **SECTION 2.** Section 23-15-47, Mississippi Code of 1972, is
96 brought forward as follows:

97 23-15-47. (1) Any person who is qualified to register to
98 vote in the State of Mississippi may register to vote by mail-in
99 application in the manner prescribed in this section.

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

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

107 (b) Upon receipt of a mail-in application, the county
108 registrar shall stamp the application with the date of receipt,
109 and shall verify the application by contacting the applicant by
110 telephone, by personal contact with the applicant, or by any other
111 method approved by the Secretary of State. Within twenty-five
112 (25) days of receipt of a mail-in application, the county
113 registrar shall complete action on the application, including any
114 attempts to notify the applicant of the status of his application.

115 (c) If the county registrar determines that the
116 applicant is qualified and his application is legible and
117 complete, he shall mail the applicant written notification that
118 the application has been approved, specifying the county voting
119 precinct, municipal voting precinct, if any, polling place and
120 supervisor district in which the person shall vote. This written
121 notification of approval containing the specified information
122 shall be the voter's registration card. The registration cards
123 shall be provided by the county registrar. Upon entry of the
124 voter registration information into the Statewide Elections
125 Management System, the system shall assign a voter registration
126 number to the person. The assigned voter registration number
127 shall be clearly shown on the written notification of approval.

128 In mailing the written notification, the county registrar shall
129 note the following on the envelope: "DO NOT FORWARD". If any
130 registration notification form is returned as undeliverable, the
131 voter's registration shall be void.

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

134 (i) An incomplete portion of the application which
135 makes it impossible for the registrar to determine the eligibility
136 of the applicant to register;

137 (ii) A portion of the application which is
138 illegible in the opinion of the county registrar and makes it
139 impossible to determine the eligibility of the applicant to
140 register;

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

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

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

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

151 (e) If the mail-in application of a person is subject
152 to rejection for any of the reasons set forth in paragraph (d)(i)
153 through (iii) of this subsection, and it appears to the registrar
154 that the defect or omission is of such a minor nature and that any
155 necessary additional information may be supplied by the applicant
156 over the telephone or by further correspondence, the registrar may
157 write or call the applicant at the telephone number provided on
158 the application. If the registrar is able to contact the
159 applicant by mail or telephone, he shall attempt to ascertain the
160 necessary information and if this information is sufficient for

161 the registrar to complete the application, the applicant shall be
162 registered. If the necessary information cannot be obtained by
163 mail or telephone or is not sufficient, the registrar shall give
164 the applicant written notice of the rejection and provide the
165 reason for the rejection. The registrar shall further inform the
166 applicant that he has a right to attempt to register by appearing
167 in person or by filing another mail-in application.

168 (f) If a mail-in application is subject to rejection
169 for the reason stated in paragraph (d)(v) of this subsection and
170 the "present home address" portion of the application is different
171 from the residence address for the applicant found in the
172 registration book, the mail-in application shall be deemed a
173 written request to transfer registration pursuant to Section
174 23-15-13. Subject to the time limits and other provisions of
175 Section 23-15-13, the registrar or the election commissioners
176 shall note the new residence address on his records and, if
177 necessary, transfer the applicant to his new county precinct or
178 municipal precinct, if any, advise the applicant of his new county
179 precinct or municipal precinct, if any, polling place and
180 supervisor district.

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

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

189 (b) The Secretary of State shall distribute without
190 charge sufficient forms for application for voter registration by
191 mail to the Commissioner of Public Safety, who shall distribute
192 such forms to each driver's license examining and renewal station

193 in the state, and shall ensure that the forms are regularly
194 available to the public at such stations.

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

201 (5) The originals of completed mail-in applications shall
202 remain on file in the office of the county registrar in accordance
203 with Section 23-15-113. Nothing in this section shall preclude
204 having applications on microfilm, microfiche or as an electronic
205 image.

206 (6) If the applicant indicates on the application that he
207 resides within the city limits of a city or town in the county of
208 registration, the county registrar shall enter the information
209 into the Statewide Elections Management System. The county
210 registrar shall send municipal voting precinct information by
211 United States first-class mail, postage prepaid, to the person at
212 the address provided on the application. Any and all mailing
213 costs incurred by the county registrar or the clerk of the
214 municipality in effectuating this subsection shall be paid by the
215 governing authority of the municipality. If a review of the
216 application for registration or changes to the registration
217 indicates that the applicant is not qualified to vote in the
218 municipality, the registrar shall notify the applicant of the
219 correct county precinct.

220 (7) If the applicant indicates on the application that he
221 has previously registered to vote in another county of this state
222 or another state, notice to the voter's previous county of
223 registration in this state shall be provided by the Statewide
224 Elections Management System. If the voter's previous place of
225 registration was in another state, notice shall be provided to the

226 voter's previous state of residence if the Statewide Elections
227 Management System has that capability.

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

231 **SECTION 3.** The Attorney General of the State of Mississippi
232 shall submit this act, immediately upon approval by the Governor,
233 or upon approval by the Legislature subsequent to a veto, to the
234 Attorney General of the United States or to the United States
235 District Court for the District of Columbia in accordance with the
236 provisions of the Voting Rights Act of 1965, as amended and
237 extended.

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