

By: Representative Scott

To: Apportionment and  
Elections; Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 33

1       AN ACT TO AMEND SECTION 23-15-49, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE ONLINE VOTER REGISTRATION FOR FIRST-TIME VOTERS; TO  
3 AMEND SECTIONS 23-15-13, 23-15-35, 23-15-37, 23-15-39, 23-15-41  
4 AND 23-15-79, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
5 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 23-15-45,  
6 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
7 AND FOR RELATED PURPOSES.

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

9       **SECTION 1.** Section 23-15-49, Mississippi Code of 1972, is  
10 amended as follows:

11       23-15-49. (1) A person may register to vote under this  
12 section if the person is:

13           (a) Eligible to register to vote under Section  
14 23-15-11; and

15           (b) Has a current and valid Mississippi driver's  
16 license or photo identification card issued by the Mississippi  
17 Department of Public Safety.

18       (2) A person described in subsection (1) of this section may  
19 submit a voter registration application using the procedures set  
20 forth in this section.

21           (\* \* \*3) (a) The Secretary of State shall, with the  
22 support of the Mississippi Department of Public Safety, establish  
23 a secure Internet website to permit \* \* \* persons described in  
24 subsection (1) of this section to submit voter registration  
25 applications. The form of the online application must be  
26 established by rule duly adopted by the Secretary of State.

27           (b) The secure website established under this  
28 subsection must allow a person described in subsection (1) of this  
29 section to submit an application:

30           (i) For registration as a first-time voter in  
31 Mississippi; or

32           (ii) To change the applicant's name, address or  
33 other information set forth in the applicant's existing voter  
34 registration record.

35           (\* \* \*c) Upon the \* \* \* submission of an application  
36 through the secure website, the software used by the Secretary of  
37 State for processing applications through the website shall  
38 provide for verification that:

39           (i) The \* \* \* applicant has a current and valid  
40 Mississippi driver's license or photo identification card issued  
41 by the Mississippi Department of Public Safety and the number for  
42 that driver's license or photo identification card provided by the  
43 applicant matches the number for the \* \* \* applicant's driver's  
44 license or photo identification card that is on file with the  
45 Mississippi Department of Public Safety;



46 (ii) The name and date of birth provided by  
47 the \* \* \* applicant matches the name and date of birth that is on  
48 file with the Mississippi Department of Public Safety; and  
49 (iii) The applicant is a citizen of the State of  
50 Mississippi and of the United States and the information provided  
51 by the \* \* \* applicant matches the information on file with the  
52 Mississippi Department of Public Safety.

53       The application must be reviewed by the county registrar of  
54       the applicant's county of residence. If any of the required  
55       information does not match that on file with the Mississippi  
56       Department of Public Safety, or if the application is incomplete,  
57       the \* \* \* registration shall be rejected with the specific reason  
58       or reasons for the rejection noted. The applicant shall have the  
59       same right to automatic review of the rejected application as  
60       provided in Sections 23-15-61 through 23-15-79 and must be  
61       notified of such review as provided in Section 23-15-45.

62           (\* \* \*4) Any person who attempts to \* \* \* register to vote  
63 under this section shall be subject to the penalties for false  
64 registration provided for in Section 97-13-25.

65                   (\* \* \*5) The Secretary of State and the Department of  
66 Public Safety shall enter into a memorandum of understanding  
67 providing for the sharing of information required to facilitate  
68 the requirements of this section.

69           **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is  
70       amended as follows:



71           23-15-13. (1) An elector who moves from one (1) ward or  
72 voting precinct to another ward within the same municipality or  
73 voting precinct within the same county shall not be disqualified  
74 to vote, but he or she shall be entitled to have his or her  
75 registration transferred to his or her new ward or voting precinct  
76 upon making a written or online request therefor at any time up to  
77 thirty (30) days before the election at which he or she offers to  
78 vote, and if the removal occurs within thirty (30) days of such  
79 election he or she shall be entitled to vote in his or her new  
80 ward or voting precinct by affidavit ballot as provided in Section  
81 23-15-573. If the thirtieth day to transfer the elector's  
82 registration before an election falls on a Sunday or legal  
83 holiday, the transfer of the elector's registration submitted on  
84 the business day immediately following the Sunday or legal holiday  
85 shall be accepted and entered into the Statewide Elections  
86 Management System for the purpose of enabling voters to vote in  
87 the next election.

88           (2) If an elector requests a change in his or her address  
89 under Section 23-15-49 and the address is located in a precinct in  
90 the county or municipality that differs from the precinct as  
91 reflected in the then current registration records, the request  
92 shall be treated in the same manner as a written request to  
93 transfer the elector's registration under subsection (1) of this  
94 section.

95           **SECTION 3.** Section 23-15-35, Mississippi Code of 1972, is

96 amended as follows:

97           23-15-35. (1) The clerk of the municipality shall be the  
98 registrar of voters of the municipality, and shall take the oath  
99 of office prescribed by Section 268 of the Constitution. The  
100 municipal registration shall conform to the county registration  
101 which shall be a part of the official record of registered voters  
102 as contained in the Statewide Elections Management System. The  
103 municipal clerk shall comply with all the provisions of law  
104 regarding the registration of voters, including the use of the  
105 voter registration applications used by county registrars and  
106 prescribed by the Secretary of State under Sections 23-15-39 and  
107 23-15-47 and online voter registration prescribed in Section  
108 23-15-49.

109           (2) The municipal clerk shall be authorized to register  
110 applicants as county electors. The municipal clerk shall forward  
111 notice of registration, a copy of the application for  
112 registration, and any changes to the registration when they occur,  
113 either by certified mail to the county registrar or by personal  
114 delivery to the county registrar provided that a numbered receipt  
115 is signed by the county registrar in return for the described  
116 documents. Upon receipt of the copy of the application for  
117 registration or changes to the registration, and if a review of  
118 the application indicates that the applicant meets all the  
119 criteria necessary to qualify as a county elector, then the county



120      registrar shall make a determination of the county voting precinct  
121      in which the person making the application shall be required to  
122      vote. The county registrar shall send this county voting precinct  
123      information by United States first-class mail, postage prepaid, to  
124      the person at the address provided on the application. Any  
125      mailing costs incurred by the municipal clerk or the county  
126      registrar in effectuating this subsection (2) shall be paid by the  
127      county board of supervisors. If a review of the copy of the  
128      application for registration or changes to the registration  
129      indicates that the applicant is not qualified to vote in the  
130      county, the county registrar shall challenge the application. The  
131      county election commissioners shall review any challenge or  
132      disqualification, after having notified the applicant by certified  
133      mail of the challenge or disqualification.

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

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

143                (5) The municipal clerk of each municipality shall provide  
144      the county registrar in which the municipality is located the

145 information necessary to conform the municipal registration to the  
146 county registration which shall be a part of the official record  
147 of registered voters as contained in the Statewide Elections  
148 Management System. If any changes to the information occur as a  
149 result of redistricting, annexation or other reason, it shall be  
150 the responsibility of the municipal clerk to timely provide the  
151 changes to the county registrar. The location of a polling place  
152 shall not be altered within sixty (60) days of any primary,  
153 general, runoff or special election unless exigent circumstances  
154 exist. If the governing authorities find that exigent  
155 circumstances exist where a polling place needs to be altered  
156 within sixty (60) days of an election, then their reasons for  
157 making that decision shall be spread upon the minutes at their  
158 next scheduled meeting. When the location of a polling place is  
159 altered within sixty (60) days of an election, public notice of  
160 the change shall be posted at city hall, the courthouse, the  
161 registrar's office, the previous polling place location if it is a  
162 public building, and for three (3) consecutive weeks, or each week  
163 before the election if the alteration happens within three (3)  
164 weeks of the election, in a newspaper that is circulated in the  
165 area.

166       **SECTION 4.** Section 23-15-37, Mississippi Code of 1972, is  
167 amended as follows:

168       23-15-37. (1) The registrar shall register the electors of  
169 his or her county at any time during regular office hours.



(2) The county registrar may keep his or her office open to register voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day before any regularly scheduled primary or general election. The county registrar shall also keep his or her office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day before any regularly scheduled primary or general election, unless that Saturday falls on a legal holiday, in which case registration applications submitted on the Monday immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling such voters to vote in the next primary or general election.

183 (3) The registrar, or any deputy registrar duly appointed by  
184 law, may visit and spend such time as he or she may deem necessary  
185 at any location in his or her county, selected by the registrar  
186 not less than thirty (30) days before an election, for the purpose  
187 of registering voters.

188 (4) A person who is physically disabled and unable to visit  
189 the office of the registrar to register to vote due to such  
190 disability may contact the registrar and request that the  
191 registrar or the registrar's deputy visit him or her for the  
192 purpose of registering such person to vote. The registrar or the  
193 registrar's deputy shall visit that person as soon as possible  
194 after such request and provide the person with an application for



195 registration, if necessary. The completed application for  
196 registration shall be executed in the presence of the registrar or  
197 the registrar's deputy.

198 (5) (a) In the fall and spring of each year the registrar  
199 of each county shall furnish all public schools with instructions  
200 for submitting an online voter registration application as well as  
201 mail-in voter registration applications. The instructions and  
202 applications shall be provided in a reasonable time to enable  
203 those students who will be eighteen (18) years of age before a  
204 general election to be able to vote in the primary and general  
205 elections.

206 (b) Each public school district shall permit access to  
207 all public schools of this state for the county registrar or the  
208 county registrar's deputy to register persons who are eligible to  
209 vote and to provide voter education.

210 **SECTION 5.** Section 23-15-39, Mississippi Code of 1972, is  
211 amended as follows:

212 23-15-39. (1) Applications for registration as electors of  
213 this state, which are submitted online as provided in Section  
214 23-15-49 or sworn to and subscribed before the registrar or deputy  
215 registrar authorized by law and which are not made by mail, shall  
216 be made upon a form established by rule duly adopted by the  
217 Secretary of State.

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

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

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

234                   (5) The county registrar shall provide to the person making  
235 the application a copy of the application upon which has been  
236 written the county voting precinct and municipal voting precinct,  
237 if any, in which the person shall vote. Upon entry of the voter  
238 registration information into the Statewide Elections Management  
239 System, the system shall assign a voter registration number to the  
240 person, and the county registrar shall mail the applicant a voter  
241 registration card to the mailing address provided on the  
242 application.



(6) Any person desiring \* \* \* to apply for registration may apply through the online voter registration process established in Section 23-15-49 or may secure an application from the registrar of the county of which he or she is a resident and may take the application with him or her and secure assistance in completing the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be the registrar's duty to furnish aid and assistance in the completing of the application when requested by an applicant.

Unless the application for registration is completed online, the application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. The registrar shall not charge a fee or cost to the applicant for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

261 (7) If the person making the application is unable to read  
262 or write, for reason of disability or otherwise, he or she shall  
263 not be required to personally complete the application in writing  
264 and execute the oath. In such cases, the registrar or deputy  
265 registrar shall read the application and oath to the person and  
266 the person's answers thereto shall be recorded by the registrar or  
267 the registrar's deputy. The person shall be registered as an



268 elector if he or she otherwise meets the requirements to be  
269 registered as an elector. The registrar shall record the  
270 responses of the person and the recorded responses shall be  
271 retained permanently by the registrar. The county registrar shall  
272 enter the voter registration information into the Statewide  
273 Elections Management System and designate the entry as an assisted  
274 filing.

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

279 (9) In any case in which the corporate boundaries of a  
280 municipality change, whether by annexation or redistricting, the  
281 municipal clerk shall, within ten (10) days after approval of the  
282 change in corporate boundaries, provide to the county registrar  
283 conforming geographic data that is compatible with the Statewide  
284 Elections Management System. The data shall be developed by the  
285 municipality's use of a standardized format specified by the  
286 Statewide Elections Management System. The county registrar,  
287 county election commissioner or other county official, who has  
288 completed an annual training seminar sponsored by the Secretary of  
289 State pertaining to the implementation of new boundary lines in  
290 the Statewide Elections Management System and received  
291 certification for that training, shall update the municipal  
292 boundary information into the Statewide Elections Management



293 System. The Statewide Elections Management System updates the  
294 municipal voter registration records and assigns electors to their  
295 municipal voting precincts. The county registrar shall forward to  
296 the municipal clerk written notification of the additions and  
297 changes, and the municipal clerk shall forward to the affected  
298 municipal electors written notification of the additions and  
299 changes.

300 **SECTION 6.** Section 23-15-41, Mississippi Code of 1972, is  
301 amended as follows:

302 23-15-41. (1) When an applicant to register to vote has  
303 completed the application form as prescribed by administrative  
304 rule or Section 23-15-49, the county registrar shall enter the  
305 applicant's information into the Statewide Elections Management  
306 System where the applicant's status will be marked as "ACTIVE,"  
307 "PENDING" or "REJECTED," and the applicant shall be entitled to  
308 register upon his or her request for registration made online as  
309 provided in Section 23-15-49 or in person to the registrar, or  
310 deputy registrar if a deputy registrar has been appointed. No  
311 person other than the registrar, or a deputy registrar, shall  
312 register any applicant.

313 (2) If an applicant is not qualified to register to vote,  
314 then the registrar shall enter the applicant's information into  
315 the Statewide Elections Management System and mark the applicant's  
316 status as "PENDING" or "REJECTED," with the specific reason or



317 reasons for that status noted. The registrar shall notify the  
318 election commission of those applicants rejected.

319       **SECTION 7.** Section 23-15-79, Mississippi Code of 1972, is  
320 amended as follows:

321       23-15-79. (1) Unless the application for registration was  
322 made pursuant to Section 23-15-47 or Section 23-15-49, the date of  
323 registration to vote shall be the date the application for  
324 registration to vote was initially received by the registrar or,  
325 if submitted by mail, the postmark date, regardless of the date on  
326 which the county election commission, circuit court or Supreme  
327 Court, as the case may be, makes its final determination allowing  
328 the registration.

329       (2) In the case of an application for registration that has  
330 been made pursuant to Section 23-15-47, the date of registration  
331 to vote shall be the date the complete and legible application  
332 form is received by the county registrar, or, if mailed, the  
333 postmark date of the complete and legible application.

334       (3) In the case of an application for registration which has  
335 been made pursuant to Section 23-15-49, the date of registration  
336 to vote is the date the completed application is submitted to the  
337 secure Internet website established in Section 23-15-49.

338       **SECTION 8.** Section 23-15-45, Mississippi Code of 1972, is  
339 brought forward as follows:

340       23-15-45. In the event that registration is denied pending  
341 automatic review by the county election commissioners, the



342      registrar shall immediately inform the applicant that the  
343      registration is denied and advise the applicant of the date, time  
344      and place of the next meeting of the county election  
345      commissioners, at which time the applicant may present such  
346      evidence either in person or in writing as he deems pertinent to  
347      the question of residency.

348            **SECTION 9.** This act shall take effect and be in force from  
349      and after July 1, 2026.

