

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.



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

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

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

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

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

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



(ii) The name and date of birth provided by the * * * applicant matches the name and date of birth that is on file with the Mississippi Department of Public Safety; and

(iii) The applicant is a citizen of the State of Mississippi and of the United States and the information provided by the * * * applicant matches the information on file with the Mississippi Department of Public Safety.

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

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

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

SECTION 2. Section 23-15-13, Mississippi Code of 1972, is 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



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

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

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



170 (2) The county registrar may keep his or her office open to
171 register voters from 8:00 a.m. until 7:00 p.m., including the noon
172 hour, for the five (5) business days immediately preceding the
173 thirtieth day before any regularly scheduled primary or general
174 election. The county registrar shall also keep his or her office
175 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
176 preceding the thirtieth day before any regularly scheduled primary
177 or general election, unless that Saturday falls on a legal
178 holiday, in which case registration applications submitted on the
179 Monday immediately following the legal holiday shall be accepted
180 and entered in the Statewide Elections Management System for the
181 purpose of enabling such voters to vote in the next primary or
182 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.



243 (6) Any person desiring * * * to apply for registration may
244 apply through the online voter registration process established in
245 Section 23-15-49 or may secure an application from the registrar
246 of the county of which he or she is a resident and may take the
247 application with him or her and secure assistance in completing
248 the application from any person of the applicant's choice. It
249 shall be the duty of all registrars to furnish applications for
250 registration to all persons requesting them, and it shall likewise
251 be the registrar's duty to furnish aid and assistance in the
252 completing of the application when requested by an applicant.
253 Unless the application for registration is completed online, the
254 application for registration shall be sworn to and subscribed
255 before the registrar or deputy registrar at the municipal clerk's
256 office, the county registrar's office or any other location where
257 the applicant is allowed to register to vote. The registrar shall
258 not charge a fee or cost to the applicant for accepting the
259 application or administering the oath or for any other duty
260 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



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

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

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



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

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

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

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



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

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

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

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

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

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

23-15-45. In the event that registration is denied pending 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.

