MISSISSIPPI LEGISLATURE REGULAR SESSION 2011

By: Senator(s) Burton To: Elections

# SENATE BILL NO. 2012

AN ACT TO REQUIRE EVERY PERSON OR ORGANIZATION THAT SOLICITS OR COLLECTS VOTER REGISTRATION APPLICATIONS FROM APPLICANTS FOR VOTER REGISTRATION IN THIS STATE, UNLESS DESIGNATED AS A VOTER REGISTRAR BY LAW, TO FILE AN ANNUAL REGISTRATION STATEMENT WITH THE SECRETARY OF STATE PRIOR TO ENGAGING IN ANY VOTER REGISTRATION ACTIVITIES; TO REQUIRE CERTAIN INFORMATION BE INCLUDED IN SUCH STATEMENTS; TO PROVIDE THAT THERE SHALL BE NO REGISTRATION FEE; TO AUTHORIZE THE SECRETARY OF STATE TO ASSESS FINES FOR FAILURE TO FILE REGISTRATION STATEMENTS PRIOR TO PARTICIPATING IN VOTER REGISTRATION ACTIVITIES; TO REQUIRE ALL PERSONS OR ORGANIZATIONS REGISTERED PURSUANT TO THIS ACT TO FILE AN ANNUAL REPORT WITH THE SECRETARY OF STATE CONTAINING A LIST OF ALL APPLICATIONS FOR VOTER REGISTRATION SOLICITED OR COLLECTED DURING THE PRECEDING 12 CALENDAR MONTHS AND CERTAIN OTHER INFORMATION; TO AUTHORIZE THE SECRETARY OF STATE TO FINE A REGISTERED INDIVIDUAL OR ORGANIZATION FOR FAILURE TO SUBMIT APPLICATIONS TO THE APPROPRIATE REGISTRAR; TO AUTHORIZE THE SECRETARY OF STATE TO FINE A REGISTERED ORGANIZATION FOR FAILURE TO SUBMIT AN ANNUAL REPORT; TO PROVIDE THAT NO PERSON SHALL RECEIVE COMPENSATION BASED ON THE NUMBER OF APPLICATIONS SOLICITED OR COLLECTED OR ON ANY OTHER VOLUME BASIS; TO PROVIDE THAT NO ORGANIZATION MAY PAY COMPENSATION BASED ON THE NUMBER OF APPLICATIONS SOLICITED OR COLLECTED OR ON ANY OTHER VOLUME BASIS; TO PROVIDE THAT ALL VOTER APPLICATIONS SOLICITED OR COLLECTED SHALL BE DELIVERED TO THE APPROPRIATE REGISTRAR WITHIN A CERTAIN AMOUNT OF TIME; TO AUTHORIZE THE SECRETARY OF STATE TO IMPOSE FINES FOR FAILURE TO TIMELY DELIVER APPLICATIONS TO THE APPROPRIATE REGISTRAR; TO PROVIDE FOR REGISTRATION OF PERSONS WHOSE APPLICATIONS ARE DELIVERED TO THE SECRETARY OF STATE BY A REGISTERED PERSON OR ORGANIZATION; TO AMEND SECTION 23-15-47, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) Every person or organization that solicits or collects voter registration applications from applicants for voter registration in this state, unless designated as a voter registrar by law, shall file an annual registration statement with the Secretary of State prior to engaging in any voter registration activities. The person or organization shall not be deemed a voter registrar under state or federal law. An individual

associated with an organization for the purposes of voter registration activities shall not be required to register with the Secretary of State; however, the organization shall list that individual as an agent in its registration statement.

(2) The registration statement shall include the following:

(a) A statement from every individual involved in voter registration activities that such individual personally swears or affirms under the penalties of perjury that he will comply with all federal and state laws applicable to voter registration activities and understands the penalties for false voter registration;

(b) The name, address, occupation and phone number of every individual engaged in voter registration activities; and

(c) If applicable, the name, telephone number, address and principal place of business of the organization, including the name, telephone number and address of at least one (1) officer of the organization.

(3) The Secretary of State shall prescribe and make available appropriate forms necessary to implement the reporting requirements under this act.

(4) There shall be no fee charged to register with the Secretary of State as required by this act. Registration shall be valid for not longer than one (1) calendar year, commencing on January 1. Every registration shall end on December 31. If a registration occurs after January 1, the registration shall be effective upon actual receipt of the registration statement by the Secretary of State.

(5) The Secretary of State shall assess a fine in an amount of not more than One Thousand Dollars ($1,000.00) against each person or organization that fails to register with the Secretary of State prior to soliciting or collecting voter registration applications.

**SECTION 2.** Every person or organization registered pursuant to this act shall file an annual report with the Secretary of State on November 15 of each year listing all applicants for voter registration solicited or collected during the preceding twelve (12) calendar months. An organization shall list in its annual report all third-party individuals working with that organization during the preceding twelve (12) calendar months. The annual report shall list the date the registration application was collected from each applicant, the date of delivery of the registration application to a registrar and the name of the registrar to whom the application was delivered. The Secretary of State shall fine each registered individual or organization an amount not to exceed Fifty Dollars ($50.00) for each application not submitted to the appropriate voter registrar. The Secretary of State shall fine any registered individual or organization an amount not to exceed Five Hundred Dollars ($500.00) for failure to submit an annual report to the Secretary of State as required by this section.

**SECTION 3.** No person shall receive compensation based on the number of applications solicited or collected or any other volume basis. No organization may pay compensation based on the number of applications solicited or collected or any other volume basis. A person may lawfully receive compensation on the basis of time worked for participating in voter registration activities. The Secretary of State shall assess to any person or organization a fine of not more than Five Hundred Dollars ($500.00) for each violation of this section.

**SECTION 4.** (1) Any person who collects or solicits any voter registration applications shall ensure that the voter registration application entrusted to that person, irrespective of party affiliation, race, ethnicity or gender of the applicant, shall be promptly delivered to the appropriate registrar within

ten (10) days after the applicant delivered the completed voter registration application to the individual or organization.

(2) Any individual or organization that solicits or collects voter registration applications must ensure that all applications are delivered to the appropriate voter registrar as required in subsection (1) of this section.

(3) All applications solicited or collected prior to forty (40) days before the thirtieth day before an election must be hand delivered to the appropriate registrar or, if mailed, postmarked no later than forty (40) days prior to the thirtieth day before that election, and in no event shall any application be held longer than ten (10) days as required in subsection (1) of this section.

(4) All applications solicited or collected between the fortieth day and the thirtieth day before an election must be hand delivered to the appropriate registrar or, if mailed, postmarked on the same day of collection.

(3) If a voter registration application is not timely delivered to the appropriate registrar, the individual or organization shall be fined by the Secretary of State as follows:

(a) A fine of not more than Fifty Dollars ($50.00) for each application received by the appropriate registrar more than ten (10) days after the applicant delivered the completed voter registration application to the individual or organization acting on his behalf; or

(b) A fine of not more than Five Hundred Dollars ($500.00) for each application solicited or collected by an individual or organization in a manner which results in the disenfranchisement of that applicant.

**SECTION 5.** An application for voter registration submitted by a third party to a registrar shall be placed in "pending" status for fifteen (15) days from the effective date of the application. The registrar shall send a voter registration card

to each applicant. If the voter registration card is returned to the registrar as a result of an incorrect address, the application shall be rejected and the applicant shall not be registered to vote. If the voter registration card is not returned to the registrar within fifteen (15) days from the effective date of registration, the applicant shall be registered to vote. The effective date of registration is the date the application is received by the registrar.

**SECTION 6.** The Secretary of State may adopt administrative rules to administer this act.

**SECTION 7.** Section 23-15-47, Mississippi Code of 1972, is amended as follows:

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

(2) Except as otherwise provided in Section 5 of this act, the following procedure shall be used in the registration of electors by mail:

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

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

(c) If the county registrar determines that the applicant is qualified and his application is legible and

complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, municipal voting precinct, if any, polling place and supervisor district in which the person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration cards shall be provided by the county registrar. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the person. The assigned voter registration number shall be clearly shown on the written notification of approval. In mailing the written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD". If any registration notification form is returned as undeliverable, the voter's registration shall be void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) If the applicant indicates on the application that he resides within the city limits of a city or town in the county of registration, the county registrar shall enter the information into the Statewide Elections Management System. The county registrar shall send municipal voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the

municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the municipality, the registrar shall notify the applicant of the correct county precinct.

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

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

**SECTION 8.** The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

**SECTION 9.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.