MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Williams-Barnes

To: Apportionment and Elections

HOUSE BILL NO. 690

AN ACT TO AUTHORIZE ANY PERSON WHO IS QUALIFIED TO REGISTER TO VOTE IN THE STATE OF MISSISSIPPI TO REGISTER TO VOTE WHEN THAT PERSON APPLIES FOR THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO OBTAIN CERTAIN INFORMATION FROM A PERSON WHO DESIRES TO REGISTER TO VOTE WHILE APPLYING FOR THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO PROVIDE AN OPT-OUT PROCEDURE FOR PERSONS WHO CHOOSE NOT TO REGISTER TO VOTE WHILE APPLYING FOR THE ISSUANCE, RENEWAL OR CHANGE OF ADDRESS OF A MOTOR VEHICLE DRIVER'S LICENSE OR OFFICIAL IDENTIFICATION CARD; TO PROVIDE FOR THE FORWARDING OF VOTER REGISTRATION APPLICATIONS TO THE PERSON'S COUNTY OF RESIDENCE; TO AMEND SECTIONS 23-15-11, 23-15-33, 23-15-35, 23-15-39, 23-15-41, 23-15-79, 23-15-95 AND 63-1-19, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote when that person applies for the issuance, renewal or change of address of a motor vehicle driver's license or official identification card in the manner prescribed in this section.

(2) The Mississippi Department of Public Safety shall, with the support of the Secretary of State, obtain, as an integral and simultaneous part of every process of application for the

issuance, renewal or change of address of a motor vehicle driver's license or official identification card pursuant to Sections 45-35-1 through 45-35-67, the following information from each applicant:

(a) Full name, including first, middle, last and any premarital names;

(b) Date of birth;

(c) Residence address and mailing address, if different;

(d) The applicant's electronic signature;

(e) Telephone number, if available;

(f) Email address, if available;

(g) Driver's license number and last four (4) digits of social security number;

(h) A written statement made under the penalty of perjury that the applicant:

(i) Is a citizen of the United States of America;

(ii) Is eighteen (18) years of age or older, or will be eighteen (18) years of age or older on or before the date of the general election and is duly registered to vote not less than thirty (30) days before the primary election associated with the general election;

(iii) Has resided in this state for thirty (30) days and for thirty (30) days in the county in which he or she

seeks to vote, and for thirty (30) days in the incorporated municipality in which he or she seeks to vote;

(iv) Has been duly registered as an elector under Section 23-15-33; and

(v) Has never been convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890;

(i) Whether the applicant affirmatively declined to become registered to vote during the transaction with the Mississippi Department of Public Safety;

(j) Date of application; and

(k) Any other information in the rules adopted by the Mississippi Department of Public Safety and the Secretary of State to implement this section.

(3) Unless the applicant affirmatively declines to become registered to vote or update his or her voter registration during the transaction with the Mississippi Department of Public Safety, the department shall release all of the information obtained pursuant to subsection (2) of this section to the Secretary of State, who shall forward the information to the county registrar of the applicant's county of residence to process the newly registered voter or update information for the already-registered voter pursuant to law. Notwithstanding any other provision of law, if the applicant affirmatively declines to become registered to vote, the Mississippi Department of Public Safety shall release the applicant's first name, middle name, last name, premarital

name, if applicable, complete residence address, complete date of birth and electronic signature, which were entered in the department's records for driver's license or official identification card purposes, to the Secretary of State in order to facilitate any future attempt of the applicant to register to vote, along with the notation that the applicant affirmatively declined to become registered at that time. The Mississippi Department of Public Safety shall notify the applicant that by submitting his or her signature, the applicant grants written consent for the submission of the information obtained and required to be submitted to the Secretary of State pursuant to this section.

(4) Information regarding a person's failure to sign the voter registration application is confidential and may not be used for any purpose other than to determine voter registration.

(5) An application for voter registration submitted pursuant to the provisions of this section updates a previous voter registration by the applicant and authorizes the cancellation of registration in any other county or state in which the applicant was previously registered.

(6) A change of address from one (1) residence to another within the same county that is submitted for driver's license or official identification card purposes in accordance with applicable law serves as a notice of change of address for voter

registration purposes if requested by the applicant after notice and written consent of the applicant.

(7) Completed applications for voter registration or change of address for voting purposes received by the Mississippi Department of Public Safety shall be forwarded to the Secretary of State within five (5) days of receipt. The Secretary of State shall file any forms that have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county election commission within five (5) days of receipt.

(8) Voter registration application forms containing voter information which are returned to a driver's license office unsigned shall be collected by the Mississippi Department of Public Safety, submitted to the Secretary of State and maintained by the Secretary of State's office according to the retention policy for such records adopted by the Secretary of State.

(9) The Secretary of State shall establish procedures to protect the confidentiality of the information obtained from the Mississippi Department of Public Safety, including any information otherwise required to be confidential by other provisions of the law.

(10) A person registered to vote pursuant to this section may cancel his or her voter registration at any time by any method available to any other registered voter.

(11) A person who attempts to register to vote pursuant to this section may appeal a denial of his or her voter registration as provided in this chapter.

(12) This section shall not be construed as requiring the Mississippi Department of Public Safety to determine eligibility for voter registration and voting.

(13) A voter registration application completed pursuant to this section shall be a completed application for voter registration.

SECTION 2. Section 23-15-11, Mississippi Code of 1972, is amended as follows:

23-15-11. Every inhabitant of this state, except persons adjudicated to be non compos mentis, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he or she seeks to vote, and for thirty (30) days in the incorporated municipality in which he or she seeks to vote, and who has been duly registered as an elector under Section 23-15-33 or Section 1 of this act, and who has never been convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his or her residence, and shall be entitled to vote at any election upon compliance with Section 23-15-563. If the thirtieth day to register before an election falls on a Sunday or legal

holiday, the registration applications submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days before the primary election associated with the general election, may vote in the primary election even though the person has not reached his or her eighteenth birthday at the time that the person seeks to vote at the primary election. No others than those specified in this section shall be entitled, or shall be allowed, to vote at any election.

SECTION 3. Section 23-15-33, Mississippi Code of 1972, is amended as follows:

23-15-33. (1) Every person entitled to be registered as an elector in compliance with the laws of this state and who has signed his or her name on and properly completed the application for registration to vote shall be registered by the county registrar in the voting precinct of the residence of such person through the Statewide Elections Management System.

(2) Every person entitled to be registered as an elector in compliance with the laws of this state and who registers to vote pursuant to the National Voter Registration Act of 1993 shall be registered by the county registrar in the voting precinct of the

residence of such person through the Statewide Elections Management System.

(3) Every person entitled to be registered as an elector in compliance with the laws of this state and who registers to vote pursuant to Section 1 of this act shall be registered by the registrar in the voting precinct of the residence of such person through the Statewide Elections Management System.

SECTION 4. Section 23-15-35, Mississippi Code of 1972, is amended as follows:

23-15-35. (1) The clerk of the municipality shall be the registrar of voters of the municipality, and shall take the oath of office prescribed by Section 268 of the Constitution. The municipal registration shall conform to the county registration which shall be a part of the official record of registered voters as contained in the Statewide Elections Management System. The municipal clerk shall comply with all the provisions of law regarding the registration of voters, including the use of the voter registration applications used by county registrars and prescribed by the Secretary of State under Sections 23-15-39 and 23-15-47 and under the provisions of Section 1 of this act.

(2) The municipal clerk shall be authorized to register applicants as county electors. The municipal clerk shall forward notice of registration, a copy of the application for registration, and any changes to the registration when they occur, either by certified mail to the county registrar or by personal

delivery to the county registrar provided that a numbered receipt is signed by the county registrar in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review of the application indicates that the applicant meets all the criteria necessary to qualify as a county elector, then the county registrar shall make a determination of the county voting precinct in which the person making the application shall be required to vote. The county registrar shall send this county voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any mailing costs incurred by the municipal clerk or the county registrar in effectuating this subsection (2) shall be paid by the county board of supervisors. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

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

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

(5) The municipal clerk of each municipality shall provide 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.

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

23-15-39. (1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail <u>or pursuant to the provisions of Section 1 of this act</u>, shall be made upon a form established by rule duly adopted by the Secretary of State.

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

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

(4) If the applicant indicates on the application that he or she 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.

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

(6) Any person desiring an application for registration 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. 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.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he or she shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read the application and oath to the person and the person's answers thereto shall be recorded by the registrar or 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 pursuant to Section 1 of this act, 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 in person to the registrar, or deputy registrar if a deputy registrar has been appointed. Except as otherwise provided in Section 1 of this act, 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 1 of this act, 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 that has been made pursuant to Section 1 of this act, the date of registration to vote shall be the date the person applying for the issuance, renewal or change of address of a motor vehicle driver's license or official identification card in the manner prescribed in Section 1 of this act completes and signs the form.

SECTION 8. Section 23-15-95, Mississippi Code of 1972, is amended as follows:

23-15-95. In addition to the penalties set forth in Section 23-15-93, any applicant aggrieved by any registrar *** * ***, election commissioner or the Mississippi Department of Public Safety because of their refusal or neglect to perform any of the duties prescribed by this chapter regarding the registration of electors may petition the chancery court of the county of the

registrar or election commissioner for an injunction or mandate to enforce the performance of such duties and to secure to that applicant the rights to which he or she may be entitled under the provisions of the sections.

SECTION 9. Section 63-1-19, Mississippi Code of 1972, is amended as follows:

63-1-19. (1) (a) Every applicant for a license or permit issued pursuant to this article, or for renewal of such license or permit, shall file an application for *** * *** the license, permit or renewal, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section 63-1-7. In addition to the application requirements provided in Section 1 of this act, the application shall state the name, date of birth, the social security number of the applicant unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him or her has been denied, and whether he or she

has any physical defects * * * that would interfere with his or her operating a motor vehicle safely upon the highways.

(b) Every applicant for an original license shall show proof of domicile in this state. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and shall prescribe the means by which an applicant for an original license may show domicile in this state. Proof of domicile shall not be required of applicants under eighteen (18) years of age.

(c) Unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 * * *.

(2) No person who is illegally in the United States or Mississippi shall be issued a license. The application of a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him or her has been denied, and whether he or she has any physical defects * * * that would interfere with his or her operating a motor vehicle safely

upon the highways. The commissioner shall adopt and promulgate such rules and regulations as he or she deems appropriate requiring additional documents, materials, information or physical evidence to be provided by the applicant as may be necessary to establish the identity of the applicant and that the applicant is not present in the United States or the State of Mississippi illegally.

(3) Whenever a person who has applied for or who has been issued a license or permit under this article moves from the address listed in the application or on the permit or license, or whenever the name of a licensee changes by marriage or otherwise, such person, within thirty (30) days thereafter, shall notify, in writing, the Department of Public Safety, Driver Services Division, and inform the department of his or her previous address and new address and of his or her former name and new name. The department shall not change the name of a licensee or permittee on his or her license or permit unless the applicant appears in person at an office of the department and provides a certified copy of his or her marriage license, court order, birth certificate or divorce decree changing the licensee's or permittee's name.

(4) (a) Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for a permit or license or a renewal of a permit or license under this chapter shall be registered in compliance with the requirements of

Section 3 of the Military Selective Service Act, 50 USCS Appx 451 et seq., as amended.

(b) The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.

SECTION 10. Section 1 of this act shall be codified as a new section in Chapter 15, Title 23, Mississippi Code of 1972.

SECTION 11. This act shall take effect and be in force from and after July 1, 2021.