MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Anderson (110th)

To: Apportionment and Elections

HOUSE BILL NO. 804

AN ACT TO AMEND SECTION 23-15-49, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ONLINE VOTER REGISTRATION FOR FIRST-TIME VOTERS; TO AMEND SECTIONS 23-15-13, 23-15-35, 23-15-37, 23-15-39, 23-15-41 AND 23-15-79, 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. Section 23-15-49, Mississippi Code of 1972, is amended as follows:

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

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

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

(2) A person described in subsection (1) of this section may submit a voter registration application using the procedures set 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 shall be established by rule duly adopted by the Secretary of State.

(b) The secure website established under this subsection shall 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 shall 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.

(* * *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:

23-15-13. (1) An elector who moves from one (1) ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her

registration transferred to his or her new ward or voting precinct upon making written or online request therefor at any time up to thirty (30) days before the election at which he or she offers to vote, and if the removal occurs within thirty (30) days of such election he or she shall be entitled to vote in his or her new ward or voting precinct by affidavit ballot as provided in Section 23-15-573. If the thirtieth day to transfer the elector's registration before an election falls on a Sunday or legal holiday, the transfer of the elector's registration submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election.

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

SECTION 3. 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 online voter registration prescribed in Section 23-15-49.

(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 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.

(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.

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

(4) A person who is physically disabled and unable to visit the office of the registrar to register to vote due to such disability may contact the registrar and request that the registrar or the registrar's deputy visit him or her for the purpose of registering such person to vote. The registrar or the registrar's deputy shall visit that person as soon as possible after such request and provide the person with an application for registration, if necessary. The completed application for registration shall be executed in the presence of the registrar or the registrar's deputy.

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

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

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 submitted online as provided in Section 23-15-49 or sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, 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 *** * *** 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.

(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 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 shall be the date the completed application is submitted to the secure Internet website established in Section 23-15-49.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.