

Senate Bill 2522

AN ACT TO AMEND SECTION 23-15-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS WHO ARE UNABLE TO READ OR WRITE SHALL NOT BE REQUIRED TO PERSONALLY COMPLETE THE APPLICATION FOR REGISTRATION AS A VOTER; TO AUTHORIZE THE REGISTRAR OR HIS DEPUTY TO READ THE APPLICATION TO SUCH A PERSON AND RECORD SUCH PERSON'S RESPONSES THERETO; TO PROVIDE THAT SUCH PERSON SHALL BE REGISTERED AS AN ELECTOR IF HE OTHERWISE MEETS THE REQUIREMENTS TO BE REGISTERED AS SUCH; TO REQUIRE THE RECORDED RESPONSES OF SUCH PERSON TO BE RETAINED PERMANENTLY BY THE REGISTRAR; TO REQUIRE THE REGISTRAR TO FORWARD A COPY OF SUCH RESPONSES TO THE SECRETARY OF STATE; AND FOR RELATED PURPOSES.

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

SECTION 1. 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, shall be made upon a triplicate form in the following words and figures:

"APPLICATION FOR REGISTRATION

(You may receive assistance in filling out this form from any person of your choosing. It is not necessary that this form be filled out in the presence of the registrar, however, the oath must be executed in the presence of the registrar or his deputy.)

- 1. What is your full name, including maiden name, if you have one?

- 2. Please give your social security number. _____
- 3. What is your date of birth? _____
- 4. Are you a citizen of the United States? _____
- 5. What is your present residence address and each place you have resided during the past year, stating when you lived at each place, and specifying the municipality or community, the street name and number and/or any other designation which accurately describes the geographic location of your present residence address?

(a) Present address: _____

From _____ (month) to date.

(b) Previous address: _____

From _____ (month) to _____ (month).

(c) Previous address: _____

From _____ (month) to _____ (month).

(If you need additional space, use the back side of this form.)

6. What is your present mailing address? _____

7. Are you now a resident of this state and county? _____

8. Do you now reside within the city limits of a city or town located within this county? _____

9. Have you ever registered to vote before in any other county or state? If so, give the last place or last two (2) places if registered more than once. _____

10. Have you ever been convicted of the crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy? _____

11. The following questions may be answered by you at your option and are solely for the purpose of aiding in registering you in the proper precinct:

(a) Are there any registered voters living at your present residence? _____ If so, give the name of each such person.

(b) Do you have a telephone at your present residence? _____ If so, give the telephone number of such telephone. _____ Please give your work telephone number. _____

After you have answered 1 through 11 above, sign or make your mark on the following oath in the presence of the registrar or deputy registrar.

STATE OF MISSISSIPPI

COUNTY OF _____

I do solemnly swear (or affirm) that I am at least eighteen (18) years old (or I will be before the next general election in this county), and that I am now in good faith a resident of this state and of _____ Election Precinct in this county, and that I am not disqualified from voting by reason of having been convicted of any crime listed in Question 10 of the application; that I have truly answered all questions propounded to me in the foregoing application for registration, and that I will faithfully support the Constitutions of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God.

Applicant sign here: _____

SWORN TO AND SUBSCRIBED before me, this the ____ day of _____
2____.

_____ (Registrar)

By _____ (Deputy Registrar)"

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

(3) If the reply to Question 8 above is affirmative, the county registrar shall forward notice of registration, a copy of the application for registration, and any changes to such registration when they occur, either by certified mail to the clerk of the municipality indicated in the present residence address stated in answer to Question 5(a) above or by personal delivery to such clerk provided that a numbered receipt is signed by such clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to such registration, and if a review of same indicates that the applicant meets all the criteria necessary to qualify as a municipal elector, then the clerk of said municipality shall make a determination of the municipal voting precinct in which the person making the application shall be required to vote. The clerk shall send this municipal voting precinct information by United States first-class mail, postage prepaid, to such 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 such municipality. If a review of the copy of the application for registration or changes to such registration indicates that the applicant is not qualified to vote in said municipality, the clerk of said municipality shall challenge such application. The municipal election commissioners responsible for said municipality shall review any such challenge or disqualification after having notified the applicant by certified mail of such challenge or disqualification.

(4) If the reply to Question 9 above is affirmative, the registrar or clerk shall on a monthly basis send notice of this new registration to the registrar or clerk of the county stated in Question 9 as the voter's previous place of registration. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

(5) The registrar shall issue to the person making the application a copy of such application upon which has been written the county voting precinct in which said person shall vote. The registrar shall assign a voter registration number to such person, which shall be that person's social security number if such a number is provided, and said voter registration number shall be clearly shown on the application.

(6) Any person desiring an application for registration may secure the same from the registrar of the county of which he is a resident and may take said form with him and secure assistance in completing said form from any person of the applicant's choice. It shall be the duty of all registrars to furnish forms for registering to all persons requesting the same, and it shall likewise be his duty to furnish aid and assistance in the completing of said forms 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. No fee or cost shall be charged the applicant by the registrar 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 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 to such person the application and oath and such person's answers thereto shall be recorded by the registrar or his deputy. The person shall be registered as an elector if he otherwise meets the requirements to be registered as such. The registrar shall record the responses of such person and such recorded responses shall be retained permanently by the registrar. The registrar shall forward a copy of all such recorded responses to the Secretary of State and shall indicate which were approved for registration.

(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, provided that such application is not challenged as provided for therein.

(9) In any case in which a municipality expands its corporate boundaries by annexation, the municipal clerk shall, within ten (10) days after the effective date of such annexation, forward to the county registrar a map which accurately depicts the annexed area. The county registrar shall, within ten (10) days after the receipt of such map, forward to the municipal clerk a copy of the most recent county precinct or subprecinct pollbook for the county precincts in which such annexed area is included, or equivalent computer data or information as will permit the identification of county electors who reside in the annexed area. The municipal clerk shall add those county electors who have resided in the annexed area for at least thirty (30) days after annexation to the municipal registration books as registered voters of the municipality and shall forward to such persons written notification of such addition and of the municipal precinct or ward in which such persons reside.

SECTION 2. 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 3. 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.

Passed by House of Representative
February 16, 2001

Passed by State Senate
February 5, 2001

APPROVED BY GOVERNOR

GOVERNOR