



Helping Voters Register Under Mississippi Law

Important: Voter registration drives in states have to follow certain state laws and rules, such as a rule against providing something of value in exchange for voter registration. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Mississippi, a person is eligible to register if the person is:¹

- A resident of the state, county, and city in which the person seeks to vote for thirty (30) days;
- A citizen of the United States; and
- Eighteen (18) years old on or before the election
 - A registered 17-year-old may vote in the primary election if the person will be 18 years old by the time of the general election associated with the primary

A person is not eligible to vote if:

- The person has been adjudicated not mentally competent;² or
- The person has been convicted of the crimes of voter fraud,³ murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy,⁴ or any crime interpreted by the Attorney General's Office as applicable, unless the person has been pardoned or had rights of citizenship restored by the Governor, or had suffrage restored by the Legislature.⁵

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: The state's voter registration form indicates that a person who resides at a non-traditional address should attach a drawing or locational map of their address.

Felony Convictions: If the person has been convicted of a disenfranchising crime, they may register to vote only if they have been pardoned or had their rights restored by the Governor.⁶ There are 22 disenfranchising crimes and they are listed at the following website: <http://www.sos.ms.gov/Elections-Voting/Documents/SummaryofAttorneyGeneralOpinionsonElectionIssues.pdf>.

College Students: Mississippi does not have residency rules specific to students.

PART 3: FILLING OUT AN APPLICATION

Mississippi's mail voter registration application includes the following fields:⁷

- Citizenship checkbox
- Age checkbox
- Last name
- First name
- Middle name
- Suffix
- Physical home address
- City
- County
- Zip
- Mailing address, if different from home address
- Date of birth
- Mississippi driver's license number, or if none, last four digits of Social Security Number
- Address and name where previously registered
- Signature
 - If the applicant is unable to sign, the person who signed for the applicant must sign
- Date signed
- Daytime phone number
- Whether individual wants to serve as poll worker
- Field for information regarding the person or group involved in the process of completing the form

The application does not explicitly say which fields are required, and election officials should be consulted.

Current Mississippi law also requires:

Every person who has acquired citizenship by order or decree of naturalization must present or exhibit to the circuit clerk of the county of his or her residence, at or before the time he or she may offer to register, a certified copy of the final order or decree of naturalization, or a certificate of naturalization or duplicate thereof, or a certified copy of such certificate of naturalization or duplicate; otherwise he shall not be allowed to register or to vote.⁸

In addition, a mail-in application must be rejected for any of the following reasons:⁹

- An incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;
- 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;
- 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;
- The applicant is not qualified to register to vote;
- The registrar determines that the applicant is registered as a qualified elector of the county;

- The county registrar is unable to 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

PART 4: VOTER REGISTRATION DEADLINE

Applications must be mailed or delivered to the county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application is the date of registration.¹⁰

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	Bulk quantities of forms for mail-in applications must be furnished by the Secretary of State to any person or organization. The Secretary of State must charge a person or organization the actual cost the Secretary incur in providing bulk quantities of forms for application for voter registration to such person or organization. ¹¹
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Mississippi law does not address that issue.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	No.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, there is a rule against providing something of value in exchange for voter registration, see details below, question A.

<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	The state voter registration form contains a section asking for name and address for persons or groups involved in the process of completing the form other than the voter, and a space for a person who assisted the applicant to sign the form if the applicant is unable. See question B below.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	This is not addressed in Mississippi election law.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	This is not addressed in Mississippi election law.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	This is not addressed in Mississippi election law. However, applications must be submitted at least thirty days prior to any election for the applicant to vote in that election. ¹²
<i>What are the consequences for failing to submit applications on time?</i>	This is not addressed in Mississippi election law.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	This is not addressed in Mississippi election law.
<i>How will an applicant know whether the election official received the application?</i>	County registrars must review applications within 25 days. Applicants will be notified. See question C below for details.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	There is a process for registrars to contact applicants who submit incomplete applications, see question D below.
<i>Who investigates and enforces the state rules?</i>	Law enforcement/Secretary of State, see question E below.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?*

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹³ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁴

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁵

DURING THE DRIVE

B. *Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?*

This is not addressed in Mississippi law. However, the state's mail voter registration forms contain the question, "Was any person or group involved in the process of completing this form other than the voter? If yes, the person or group must provide the information below" and provides fields for name and address. Further, the forms indicate that if the applicant is unable to sign, the person who assisted the applicant must sign the form.¹⁶

C. *How will an applicant know whether the election official received the application?*

Within 25 days of receipt of a mail-in application, the county registrar must complete action on the application, including any attempts to notify the applicant of the status of his application.¹⁷ If a review of the application indicates that the applicant meets all the criteria necessary to qualify as a county elector, then country registrar must mail the applicant written notification that the application has been approved, specifying the applicant's precinct information.¹⁸

There is a process for registrars to contact applicants who submit incomplete applications, see question D below. If necessary information cannot be obtained from the applicant by mail or telephone or is not sufficient, the registrar must give the applicant written notice of the rejection and provide the reason for the rejection.¹⁹

In the event an applicant is not registered, there must be an automatic review by the county election commissioners.²⁰ In the event that registration is denied pending automatic review by the commissioners, the registrar must immediately inform the applicant that the registration is denied and advise the applicant of the date, time and place of the commissioners' next meeting, at which time the applicant may present such evidence either in person or in writing as the person deems pertinent to the question of residency.²¹ Any person denied the right to register may appeal from the decision of the registrar to the board of election commissioners by filing a written appeal with the registrar, within five days.²²

D. How may an applicant correct an incomplete application after it has been submitted to election officials?

If the mail-in application of a person is subject to rejection for any of the following three reasons, and it appears to the registrar that the defect or omission is of such a minor nature that the information can be obtained by mail or phone, if the registrar is able to contact the applicant by mail or telephone, the registrar must attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant must be registered.²³

- Application is incomplete in a way that makes it impossible for the registrar to determine the applicant's eligibility; or
- Application is illegible in a way that makes it impossible to determine the applicant's eligibility; or
- 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.

E. Who is responsible for investigating and enforcing the state rules?

Any person who has reasonable cause to suspect that a false registration has occurred may notify any authorized law enforcement officer with proper jurisdiction. Upon such notification, the law enforcement officer must be required to conduct an investigation into the matter and file a report with the registrar and the appropriate district attorney. Types of false registrations include when the person whose registration is being procured is not entitled to be registered, when the person whose registration is being procured is being registered under a false name, or when the person whose registration is being procured is being registered as a qualified elector in any other voting precinct than that in which he resides.²⁴

For purposes of the National Voter Registration Act of 1993, the Secretary of State is designated as Mississippi's chief election officer.²⁵

WEB PAGE OF STATUTE

<http://www.lexisnexis.com/hottopics/mscode> (Expand Title 23, Chapter 15)

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Miss. Code Ann. § 23-15-11

² Miss. Code Ann. § 23-15-11

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- ³ Miss. Code Ann. § 23-15-11
- ⁴ Miss. Const. Art. 12 § 241
- ⁵ Miss. Sec'y of State, *Mississippi Voter Information Guide 2*, available at <http://www.sos.ms.gov/links/elections/home/tab5/VoterInformationGuide.pdf>
- ⁶ Miss. Const. Art. 12 § 241; Miss. Sec'y of State, *Mississippi Voter Information Guide 2*, available at <http://www.sos.ms.gov/links/elections/home/tab5/VoterInformationGuide.pdf>
- ⁷ Mississippi Secretary of State, *Mississippi Mail-in and NVRA Agency Voter Registration Application* (last updated Nov. 2009), available at http://www.sos.ms.gov/Elections-Voting/Documents/Voter_Registration.pdf
- ⁸ Miss. Code Ann. § 23-15-15
- ⁹ Miss. Code Ann. § 23-15-47(2)(d)
- ¹⁰ Miss. Code Ann. § 23-15-47(2)(a)
- ¹¹ Miss. Code Ann. § 23-15-47(4)(c)
- ¹² Miss. Code Ann. § 23-15-47(2)(a)
- ¹³ 52 U.S.C. § 10307(c)
- ¹⁴ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ¹⁵ California Secretary of State, *Guide to Voter Registration Drives 11*, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (rev. Jan. 2016)
- ¹⁶ Mississippi Secretary of State, *Mississippi Mail-in and NVRA Agency Voter Registration Application* (last updated Nov. 2009), available at http://www.sos.ms.gov/Elections-Voting/Documents/Voter_Registration.pdf
- ¹⁷ Miss. Code Ann. § 23-15-47(2)(b)
- ¹⁸ Miss. Code Ann. § 23-15-35; Miss. Code Ann. § 23-15-47. 2(c)
- ¹⁹ Miss. Code Ann. § 23-15-47(2)(e)
- ²⁰ Miss. Code Ann. § 23-15-43
- ²¹ Miss. Code Ann. § 23-15-45
- ²² Miss. Code Ann. § 23-15-61
- ²³ Miss. Code Ann. § 23-15-47(2)(d), (e)
- ²⁴ Miss. Code Ann. § 23-15-17
- ²⁵ Miss. Code Ann. § 23-15-211.1