

By: Senator(s) Burton, Harden

To: Elections

SENATE BILL NO. 2823

1 AN ACT TO AMEND SECTION 23-15-35, MISSISSIPPI CODE OF 1972,
2 TO DELAY UNTIL JULY 1, 2009, THE DATE UPON WHICH REGISTRATION OF
3 MUNICIPAL VOTERS MUST COMPLY WITH THE REQUIREMENTS OF THE
4 STATEWIDE ELECTIONS MANAGEMENT SYSTEM; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 23-15-35, Mississippi Code of 1972, is
7 amended as follows:

8 [Until January 1, 2009, this section shall read as follows:]

9 23-15-35. (1) The clerk of the municipality shall be the
10 registrar of voters of the municipality, and shall take the oath
11 of office prescribed by Section 268 of the Constitution. The
12 governing authorities shall provide suitable municipal
13 registration books, which shall conform as nearly as practicable
14 to the county registration books. The registrar shall, as nearly
15 as may be practicable, and where not otherwise provided, comply
16 with all the provisions of law regarding state and county
17 elections in keeping and maintaining such registration books and
18 in registering voters thereon. Applications for registration as
19 electors of the municipality shall be made upon a triplicate form
20 provided by and prepared at the expense of the county registrar,
21 which form shall conform as nearly as practicable to the
22 application for registration form provided for in Section
23 23-15-39.

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

29 delivery to the county registrar provided that a numbered receipt
30 is signed by the registrar in return for the described documents.
31 Upon receipt of the copy of the application for registration or
32 changes to the registration, and if a review of the application
33 indicates that the applicant meets all the criteria necessary to
34 qualify as a county elector, then the county registrar shall make
35 a determination of the county voting precinct in which the person
36 making the application shall be required to vote. The county
37 registrar shall send this county voting precinct information by
38 United States first-class mail, postage prepaid, to the person at
39 the address provided on the application. Any and all mailing
40 costs incurred by the municipal clerk or the county registrar in
41 effectuating this subsection shall be paid by the county board of
42 supervisors. If a review of the copy of the application for
43 registration or changes to the registration indicates that the
44 applicant is not qualified to vote in the county, the county
45 registrar shall challenge the application. The county election
46 commissioners shall review any challenge or disqualification,
47 after having notified the applicant by certified mail of the
48 challenge or disqualification.

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

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

58 **[From and after January 1, 2009, this section shall read as**
59 **follows:]**

60 23-15-35. (1) The clerk of the municipality shall be the
61 registrar of voters of the municipality, and shall take the oath

62 of office prescribed by Section 268 of the Constitution. The
63 municipal registration shall conform to the county registration
64 which shall be a part of the official record of registered voters
65 as contained in the Statewide Elections Management System. The
66 municipal clerk shall comply with all the provisions of law
67 regarding the registration of voters, including the use of the
68 voter registration applications used by county registrars and
69 prescribed by the Secretary of State under Sections 23-15-39 and
70 23-15-47.

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72 applicants as county electors. The municipal clerk shall forward
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81 qualify as a county elector, then the county registrar shall make
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89 supervisors. If a review of the copy of the application for
90 registration or changes to the registration indicates that the
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92 registrar shall challenge the application. The county election
93 commissioners shall review any challenge or disqualification,

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95 challenge or disqualification.

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

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

105 **SECTION 2.** The Attorney General of the State of Mississippi
106 shall submit this act, immediately upon approval by the Governor,
107 or upon approval by the Legislature subsequent to a veto, to the
108 Attorney General of the United States or to the United States
109 District Court for the District of Columbia in accordance with the
110 provisions of the Voting Rights Act of 1965, as amended and
111 extended.

112 **SECTION 3.** This act shall take effect and be in force from
113 and after the date it is effectuated under Section 5 of the Voting
114 Rights Act of 1965, as amended and extended.