

By: Senator(s) Canon, Ross

To: Elections

SENATE BILL NO. 2197

1 AN ACT TO REQUIRE PERSONS WHO APPEAR TO VOTE IN PERSON AT A
2 POLLING PLACE OR THE REGISTRARS OFFICE TO IDENTIFY THEMSELVES BY
3 PRESENTING VALID IDENTIFICATION TO AN ELECTION MANAGER OR THE
4 REGISTRAR BEFORE THEY ARE ALLOWED TO VOTE; TO PRESCRIBE THE TYPES
5 OF IDENTIFICATION THAT ARE VALID FOR THIS PURPOSE; TO AMEND
6 SECTIONS 23-15-11, 23-15-541 AND 23-15-719, IN CONFORMITY THERETO;
7 AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF
8 THE STATE OF MISSISSIPPI:

9
10 SECTION 1. (1) Each person who shall appear to vote in
11 person at a polling place or the registrar's office shall be
12 required to identify himself or herself to an election manager or
13 the registrar by presenting valid identification before such
14 person shall be allowed to vote.

15 (2) Valid identification required by subsection (1) of this
16 section shall consist of the following:

17 (a) A valid Mississippi driver's license;

18 (b) A valid identification card issued by a branch,
19 department, agency or entity of the State of Mississippi;

20 (c) A valid United States passport;

21 (d) A valid employee identification card containing a
22 photograph of the elector and issued by any branch, department,
23 agency or entity of the United States government, the State of
24 Mississippi, or any county, municipality, board, authority or
25 other entity of this state;

26 (e) A valid employee identification card containing a
27 photograph of the elector and issued by any employer of the
28 elector in the ordinary course of the employer's business;

29 (f) A valid student identification card containing a
30 photograph of the elector from any public or private college,

31 university, or postgraduate, technical or professional school
32 located within the State of Mississippi;

33 (g) A valid Mississippi license to carry a pistol or
34 revolver;

35 (h) A valid pilot's license issued by the Federal
36 Aviation Administration or other authorized agency of the United
37 States;

38 (i) A valid United States military identification card;

39 (j) A certified copy of the elector's birth
40 certificate;

41 (k) A valid Social Security card;

42 (l) Certified naturalization documentation; or

43 (m) Official voter registration card.

44 (3) If an elector is unable to produce any of the items of
45 identification listed in subsection (1) of this section, he or she
46 shall sign a statement under oath in a form approved by the State
47 Board of Election Commissioners, swearing or affirming that he or
48 she is the person identified on the pollbooks. One of the
49 election managers, or the circuit clerk or deputy circuit clerk in
50 the case of absentee voting, shall sign the statement as a witness
51 to the oath taken by the elector. The person shall be allowed to
52 vote without undue delay. Any elector who falsely swears or
53 affirms the statement prescribed in this subsection shall be
54 guilty of a felony and, upon conviction, shall be fined not more
55 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than
56 one (1) year, but not more than five (5) years, or both.

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

59 23-15-11. Every inhabitant of this state, except idiots and
60 insane persons, who is a citizen of the United States of America,
61 eighteen (18) years old and upwards, who has resided in this state
62 for thirty (30) days and for thirty (30) days in the county in
63 which he offers to vote, and for thirty (30) days in the
64 supervisor's district or in the incorporated city or town in which

65 he offers to vote, and who shall have been duly registered as an
66 elector by an officer of this state under the laws thereof, and
67 who has never been convicted of any crime listed in Section 241,
68 Mississippi Constitution of 1890, shall be a qualified elector in
69 and for the county, municipality and voting precinct of his
70 residence, and shall be entitled to vote at any election upon
71 compliance with Section 1 of Senate Bill No. 2197, 1999 Regular
72 Session. Any person who will be eighteen (18) years of age or
73 older on or before the date of the general election and who is
74 duly registered to vote not less than thirty (30) days prior to
75 the primary election associated with such general election, may
76 vote in such primary election even though such person has not
77 reached his or her eighteenth birthday at the time such person
78 offers to vote at such primary election. No others than those
79 above included shall be entitled, or shall be allowed, to vote at
80 any election.

81 SECTION 3. Section 23-15-541, Mississippi Code of 1972, is
82 amended as follows:

83 23-15-541. At all elections, the polls shall be opened at
84 seven o'clock in the morning and be kept open until seven o'clock
85 in the evening and no longer. Upon the opening of the polls, and
86 not before, the managers of the election shall designate two (2)
87 of their number, other than the manager theretofore designated to
88 receive the blank ballots, who shall thereupon be known
89 respectively as the initialing manager and the alternate
90 initialing manager. The alternate initialing manager, in the
91 absence of the initialing manager, shall perform all of the duties
92 and undertake all of the responsibilities of the initialing
93 manager. When any person entitled to vote shall appear to vote,
94 the managers shall identify the voter by requiring the voter to
95 submit valid identification as required by Section 1 of Senate
96 Bill No. 2197, 1999 Regular Session, and then such person
97 shall * * * sign his name in a receipt book or booklet provided
98 for that purpose and to be used at that election only and said

99 receipt book or booklet shall be used in lieu of the list of
100 voters who have voted formerly made by the managers or clerks;
101 whereupon and not before, the initialing manager or, in his
102 absence, the alternate initialing manager shall indorse his
103 initials on the back of an official blank ballot, prepared in
104 accordance with law, and at such place on the back of the ballot
105 that the initials may be seen after the ballot has been marked and
106 folded, and when so indorsed he shall deliver it to the voter,
107 which ballot the voter shall mark in the manner provided by law,
108 which when done the voter shall deliver the same to the initialing
109 manager or, in his absence, to the alternate initialing manager,
110 in the presence of the others, and the manager shall see that the
111 ballot so delivered bears on the back thereof the genuine initials
112 of the initialing manager, or alternate initialing manager, and if
113 so, but not otherwise, the ballot shall be put into the ballot
114 box; and when so done one of the managers or a duly appointed
115 clerk shall make the proper entry on the pollbook. If the voter
116 is unable to write his name on the receipt book, a manager or
117 clerk shall note on the back of the ballot that it was receipted
118 for by his assistance.

119 SECTION 4. Section 23-15-719, Mississippi Code of 1972, is
120 amended as follows:

121 23-15-719. (1) Immediately upon completion of an
122 application filed pursuant to the provisions of paragraph (a) of
123 Section 23-15-715, the registrar shall identify the applicant by
124 requiring him to present valid identification as required by
125 Section 1 of Senate Bill No. 2197, 1999 Regular Session, and shall
126 then deliver the necessary ballots to the applicant. The elector
127 shall fill in his ballot in secret. After the applicant has
128 properly marked the ballot and properly folded it, he shall
129 deposit it in the envelope furnished him by the registrar.

130 After he has sealed the envelope, he shall subscribe and
131 swear to an affidavit in the following form, which shall be
132 printed on the back of the envelope containing the applicant's

133 ballot:

134 "STATE OF MISSISSIPPI

135 COUNTY OF

136 I, _____, do solemnly swear that this envelope contains
137 the ballot marked by me indicating my choice of the candidates or
138 propositions to be submitted at the election to be held on the ___
139 day of _____, 19____, and I hereby authorize the registrar to
140 place this envelope in the ballot box on my behalf, and I further
141 authorize the election managers to open this envelope and place my
142 ballot among the other ballots cast before such ballots are
143 counted, and record my name on the poll list as if I were present
144 in person and voted.

145 I further swear that I marked the enclosed ballot in secret.

146 _____
147 (Signature of voter)

148 SWORN TO AND SUBSCRIBED before me, _____, this the ___
149 day of _____, 19____.

150 (Registrar) _____
151 (Registrar)"

152 After the completion of the re
153 registrar.

154 (2) The envelope used pursuant to this section shall not
155 contain the form prescribed by Section 23-15-635.

156 SECTION 5. The Attorney General of the State of Mississippi
157 is hereby directed to submit this act, immediately upon approval
158 by the Governor, or upon approval by the Legislature subsequent to
159 a veto, to the Attorney General of the United States or to the
160 United States District Court for the District of Columbia in
161 accordance with the provisions of the Voting Rights Act of 1965,
162 as amended and extended.

163 SECTION 6. This act shall take effect and be in force from
164 and after the date it is effectuated under Section 5 of the Voting
165 Rights Act of 1965, as amended and extended.