

By: Denny

To: Apportionment and  
Elections

HOUSE BILL NO. 427

1 AN ACT TO REQUIRE ELECTORS TO PRESENT VALID IDENTIFICATION  
2 BEFORE VOTING; TO PROVIDE THAT ANY ELECTOR WITHOUT VALID  
3 IDENTIFICATION SHALL SIGN A STATEMENT UNDER OATH AFFIRMING THAT HE  
4 IS THE PERSON IDENTIFIED ON THE POLLBOOKS; TO PRESCRIBE A PENALTY  
5 FOR FALSELY AFFIRMING THE STATEMENT; TO AMEND SECTIONS 23-15-11  
6 AND 23-15-541, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
7 AND FOR RELATED PURPOSES.

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

9 SECTION 1. (1) Each elector shall present valid  
10 identification to an election manager, or the circuit clerk or  
11 deputy circuit clerk in the case of absentee voting, before he  
12 shall be allowed to vote. Valid identification shall consist of  
13 any one of the following:

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

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

17 (c) A valid United States passport;

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

23 (e) A valid employee identification card containing a

24 photograph of the elector and issued by any employer of the  
25 elector in the ordinary course of the employer's business;

26 (f) A valid student identification card containing a  
27 photograph of the elector from any public or private college,  
28 university, or postgraduate, technical or professional school  
29 located within the State of Mississippi;

30 (g) A valid Mississippi license to carry a pistol or  
31 revolver;

32 (h) A valid pilot's license issued by the Federal  
33 Aviation Administration or other authorized agency of the United  
34 States;

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

36 (j) A certified copy of the elector's birth  
37 certificate;

38 (k) A valid social security card;

39 (l) Certified naturalization documentation;

40 (m) Official voter registration card; or

41 (n) Any other generally recognized form of photographic  
42 identification.

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

55 one (1) year, but not more than five (5) years, or both.

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

58 23-15-11. Every inhabitant of this state, except idiots and  
59 insane persons, who is a citizen of the United States of America,  
60 eighteen (18) years old and upwards, who has resided in this state  
61 for thirty (30) days and for thirty (30) days in the county in  
62 which he offers to vote, and for thirty (30) days in the  
63 supervisor's district or in the incorporated city or town in which  
64 he offers to vote, and who shall have been duly registered as an  
65 elector by an officer of this state under the laws thereof, and  
66 who has never been convicted of any crime listed in Section 241,  
67 Mississippi Constitution of 1890, shall be a qualified elector in  
68 and for the county, municipality and voting precinct of his  
69 residence, and shall be entitled to vote at any election, provided  
70 he complies with the provisions of Section 7 of this act. Any  
71 person who will be eighteen (18) years of age or older on or  
72 before the date of the general election and who is duly registered  
73 to vote not less than thirty (30) days prior to the primary  
74 election associated with such general election, may vote in such  
75 primary election even though such person has not reached his or  
76 her eighteenth birthday at the time such person offers to vote at  
77 such primary election. No others than those above included shall  
78 be entitled, or shall be allowed, to vote at any election.

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

81 **[Until Laws of 1993, Chapter 528, is effectuated under**  
82 **Section 5 of the Voting Rights Act of 1965, this section reads as**

83 **follows:]**

84           23-15-541. At all elections, the polls shall be opened at  
85 seven o'clock in the morning and be kept open until seven o'clock  
86 in the evening and no longer. Upon the opening of the polls, and  
87 not before, the managers of the election shall designate two (2)  
88 of their number, other than the manager theretofore designated to  
89 receive the blank ballots, who shall thereupon be known  
90 respectively as the initialing manager and the alternate  
91 initialing manager. The alternate initialing manager, in the  
92 absence of the initialing manager, shall perform all of the duties  
93 and undertake all of the responsibilities of the initialing  
94 manager. When any person entitled to vote shall appear to vote,  
95 the managers shall first identify the voter by requiring the voter  
96 to present valid identification as provided in Section 1 of this  
97 act; and then the person shall \* \* \* sign his name in a receipt  
98 book or booklet provided for that purpose and to be used at that  
99 election only and said receipt book or booklet shall be used in  
100 lieu of the list of voters who have voted formerly made by the  
101 managers or clerks; whereupon and not before, the initialing  
102 manager or, in his absence, the alternate initialing manager shall  
103 indorse his initials on the back of an official blank ballot,  
104 prepared in accordance with law, and at such place on the back of  
105 the ballot that the initials may be seen after the ballot has been  
106 marked and folded, and when so indorsed he shall deliver it to the  
107 voter, which ballot the voter shall mark in the manner provided by  
108 law, which when done the voter shall deliver the same to the  
109 initialing manager or, in his absence, to the alternate initialing  
110 manager, in the presence of the others, and the manager shall see

111 that the ballot so delivered bears on the back thereof the genuine  
112 initials of the initialing manager, or alternate initialing  
113 manager, and if so, but not otherwise, the ballot shall be put  
114 into the ballot box; and when so done one (1) of the managers or a  
115 duly appointed clerk shall make the proper entry on the pollbook.

116 If the voter is unable to write his name on the receipt book, a  
117 manager or clerk shall note on the back of the ballot that it was  
118 receipted for by his assistance.

119 **[From and after such time as Laws of 1993, Chapter 528, is**  
120 **effectuated under Section 5 of the Voting Rights Act of 1965, this**  
121 **section reads as follows:]**

122 23-15-541. At all elections, the polls shall be opened at  
123 seven o'clock in the morning and be kept open until seven o'clock  
124 in the evening and no longer. Upon the opening of the polls, and  
125 not before, the managers of the election shall designate two (2)  
126 of their number, other than the manager theretofore designated to  
127 receive the blank ballots, who shall thereupon be known  
128 respectively as the initialing manager and the alternate  
129 initialing manager. The alternate initialing manager, in the  
130 absence of the initialing manager, shall perform all of the duties  
131 and undertake all of the responsibilities of the initialing  
132 manager. When any person entitled to vote shall appear to vote,  
133 the managers shall identify the voter \* \* \* by requiring the voter  
134 to submit \* \* \* valid \* \* \* identification as provided in Section  
135 1 of this act; and then such person shall sign his name in a  
136 receipt book or booklet provided for that purpose and to be used  
137 at that election only and said receipt book or booklet shall be  
138 used in lieu of the list of voters who have voted formerly made by

139 the managers or clerks; whereupon and not before, the initialing  
140 manager or, in his absence, the alternate initialing manager shall  
141 indorse his initials on the back of an official blank ballot,  
142 prepared in accordance with law, and at such place on the back of  
143 the ballot that the initials may be seen after the ballot has been  
144 marked and folded, and when so indorsed he shall deliver it to the  
145 voter, which ballot the voter shall mark in the manner provided by  
146 law, which when done the voter shall deliver the same to the  
147 initialing manager or, in his absence, to the alternate initialing  
148 manager, in the presence of the others, and the manager shall see  
149 that the ballot so delivered bears on the back thereof the genuine  
150 initials of the initialing manager, or alternate initialing  
151 manager, and if so, but not otherwise, the ballot shall be put  
152 into the ballot box; and when so done one (1) of the managers or a  
153 duly appointed clerk shall make the proper entry on the pollbook.

154 If the voter is unable to write his name on the receipt book, a  
155 manager or clerk shall note on the back of the ballot that it was  
156 receipted for by his assistance.

157 SECTION 4. The Attorney General of the State of Mississippi  
158 shall submit this act, immediately upon approval by the Governor,  
159 or upon approval by the Legislature subsequent to a veto, to the  
160 Attorney General of the United States or to the United States  
161 District Court for the District of Columbia in accordance with the  
162 provisions of the Voting Rights Act of 1965, as amended and  
163 extended.

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