

By: Snowden

To: Apportionment and  
Elections

## HOUSE BILL NO. 1241

1 AN ACT TO REQUIRE PERSONS WHO APPEAR TO VOTE IN PERSON AT A  
2 POLLING PLACE OR THE REGISTRAR'S OFFICE TO IDENTIFY THEMSELVES BY  
3 PRESENTING VALID IDENTIFICATION TO AN ELECTION MANAGER OR THE  
4 REGISTRAR BEFORE THEY ARE ALLOWED TO VOTE; TO PROVIDE THAT AN  
5 ELECTOR SHALL BE ALLOWED TO VOTE IF PERSONALLY RECOGNIZED AS THE  
6 PERSON IDENTIFIED ON THE POLLBOOKS; TO PRESCRIBE THE TYPES OF  
7 IDENTIFICATION THAT ARE VALID FOR THIS PURPOSE; TO AMEND SECTIONS  
8 23-15-11, 23-15-541 AND 23-15-719, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

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

21 (c) A valid United States passport;

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

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

30 (f) A valid student identification card containing a  
31 photograph of the elector from any public or private college,  
32 university, or postgraduate, technical or professional school  
33 located within the State of Mississippi;

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

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

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

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

42 (k) A valid social security card;

43 (l) Certified naturalization documentation; or

44 (m) Official voter registration card.

45 (3) If an elector is unable to produce any of the items of  
46 identification listed in subsection (1) of this section, he or she  
47 shall be allowed to vote without undue delay if personally  
48 recognized by an election manager, or the circuit clerk or deputy  
49 circuit clerk in the case of absentee voting, as the person  
50 identified on the pollbooks.

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

53 23-15-11. Every inhabitant of this state, except idiots and  
54 insane persons, who is a citizen of the United States of America,  
55 eighteen (18) years old and upwards, who has resided in this state  
56 for thirty (30) days and for thirty (30) days in the county in  
57 which he offers to vote, and for thirty (30) days in the  
58 supervisors district or in the incorporated city or town in which  
59 he offers to vote, and who shall have been duly registered as an  
60 elector by an officer of this state under the laws thereof, and  
61 who has never been convicted of any crime listed in Section 241,  
62 Mississippi Constitution of 1890, shall be a qualified elector in

63 and for the county, municipality and voting precinct of his  
64 residence, and shall be entitled to vote at any election upon  
65 compliance with Section 1 of House Bill No. \_\_\_\_\_, 2000 Regular  
66 Session. Any person who will be eighteen (18) years of age or  
67 older on or before the date of the general election and who is  
68 duly registered to vote not less than thirty (30) days prior to  
69 the primary election associated with such general election may  
70 vote in such primary election even though such person has not  
71 reached his or her eighteenth birthday at the time such person  
72 offers to vote at such primary election. No others than those  
73 above included shall be entitled, or shall be allowed, to vote at  
74 any election.

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

77 23-15-541. At all elections, the polls shall be opened at  
78 seven o'clock in the morning and be kept open until seven o'clock  
79 in the evening and no longer. Upon the opening of the polls, and  
80 not before, the managers of the election shall designate two (2)  
81 of their number, other than the manager theretofore designated to  
82 receive the blank ballots, who shall thereupon be known  
83 respectively as the initialing manager and the alternate  
84 initialing manager. The alternate initialing manager, in the  
85 absence of the initialing manager, shall perform all of the duties  
86 and undertake all of the responsibilities of the initialing  
87 manager. When any person entitled to vote shall appear to vote,  
88 the managers shall identify the voter by requiring the voter to  
89 submit valid identification as required by Section 1 of House Bill  
90 No. \_\_\_\_\_, 2000 Regular Session, and then such person shall \* \* \*  
91 sign his name in a receipt book or booklet provided for that  
92 purpose and to be used at that election only and said receipt book  
93 or booklet shall be used in lieu of the list of voters who have  
94 voted formerly made by the managers or clerks; whereupon and not  
95 before, the initialing manager or, in his absence, the alternate

96 initialing manager shall indorse his initials on the back of an  
97 official blank ballot, prepared in accordance with law, and at  
98 such place on the back of the ballot that the initials may be seen  
99 after the ballot has been marked and folded, and when so indorsed  
100 he shall deliver it to the voter, which ballot the voter shall  
101 mark in the manner provided by law, which when done the voter  
102 shall deliver the same to the initialing manager or, in his  
103 absence, to the alternate initialing manager, in the presence of  
104 the others, and the manager shall see that the ballot so delivered  
105 bears on the back thereof the genuine initials of the initialing  
106 manager, or alternate initialing manager, and if so, but not  
107 otherwise, the ballot shall be put into the ballot box; and when  
108 so done one (1) of the managers or a duly appointed clerk shall  
109 make the proper entry on the pollbook. If the voter is unable to  
110 write his name on the receipt book, a manager or clerk shall note  
111 on the back of the ballot that it was receipted for by his  
112 assistance.

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

115 23-15-719. (1) Immediately upon completion of an  
116 application filed pursuant to the provisions of paragraph (a) of  
117 Section 23-15-715, the registrar shall deliver the necessary  
118 ballots to the applicant. The registrar shall identify the  
119 applicant by requiring him to present valid identification as  
120 required by Section 1 of House Bill No. , 2000 Regular Session,  
121 and shall then deliver the ballots to the applicant by mail or to  
122 the applicant in the registrar's office. The registrar shall not  
123 personally hand deliver ballots to voters, unless he delivers the  
124 ballots in the office of the registrar. The elector shall fill in  
125 his ballot in secret. After the applicant has properly marked the  
126 ballot and properly folded it, he shall deposit it in the envelope  
127 furnished him by the registrar.

128 After he has sealed the envelope, he shall subscribe and

129 swear to an affidavit in the following form, which shall be  
130 printed on the back of the envelope containing the applicant's  
131 ballot:

132 "STATE OF MISSISSIPPI  
133 COUNTY OF \_\_\_\_\_

134 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
135 the ballot marked by me indicating my choice of the candidates or  
136 propositions to be submitted at the election to be held on the \_\_\_  
137 day of \_\_\_\_\_, 20\_\_\_\_, and I hereby authorize the registrar to  
138 place this envelope in the ballot box on my behalf, and I further  
139 authorize the election managers to open this envelope and place my  
140 ballot among the other ballots cast before such ballots are  
141 counted, and record my name on the poll list as if I were present  
142 in person and voted.

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

144 \_\_\_\_\_  
145 (Signature of voter)

146 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_  
147 day of \_\_\_\_\_, 20\_\_\_\_.

148 (Registrar) \_\_\_\_\_  
149 (Registrar)"

150 After the completion of the requirements of this section, the  
151 elector shall deliver the envelope containing the ballot to the  
152 registrar.

153 (2) If the voter has received assistance in marking his  
154 ballot, the person providing the assistance shall complete the  
155 following form which shall be printed on the back of the envelope  
156 containing the applicant's ballot:

157 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

158 (To be completed only if the voter has received assistance in  
159 marking the enclosed ballot.) I hereby certify that the  
160 above-named voter declared to me that he or she is blind,  
161 temporarily or permanently physically disabled, or cannot read or

162 write, and that the voter requested that I assist the voter in  
163 marking the enclosed absentee ballot. I hereby certify that the  
164 ballot preferences on the enclosed ballot are those communicated  
165 by the voter to me, and that I have marked the enclosed ballot in  
166 accordance with the voter's instructions.

167 \_\_\_\_\_

168 Signature of person providing assistance

169 \_\_\_\_\_

170 Printed name of person providing assistance

171 \_\_\_\_\_

172 Address of person providing assistance

173 \_\_\_\_\_

174 Date and time assistance provided

175 \_\_\_\_\_

176 Family relationship to voter (if any)"

177 (3) The envelope used pursuant to this section shall not  
178 contain the form prescribed by Section 23-15-635.

179 SECTION 5. The Attorney General of the State of Mississippi  
180 is hereby directed to submit this act, immediately upon approval  
181 by the Governor, or upon approval by the Legislature subsequent to  
182 a veto, to the Attorney General of the United States or to the  
183 United States District Court for the District of Columbia in  
184 accordance with the provisions of the Voting Rights Act of 1965,  
185 as amended and extended.

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