HOUSE BILL NO. 1392

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

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

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

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

(a) A valid Mississippi driver's license;

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

(c) A valid United States passport;

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

(e) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of the employer's business;
(f) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate, technical or professional school located within the State of Mississippi;

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

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

(i) A valid United States military identification card;

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

(k) A valid social security card;

(l) Certified naturalization documentation; or

(m) Official voter registration card.

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

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

23-15-11. Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting
precinct of his residence, and shall be entitled to vote at any
election upon compliance with Section 1 of House Bill No. 1392,
2001 Regular Session. Any person who will be eighteen (18) years
of age or older on or before the date of the general election and
who is duly registered to vote not less than thirty (30) days
prior to the primary election associated with such general
election, may vote in such primary election even though such
person has not reached his or her eighteenth birthday at the time
such person offers to vote at such primary election. No others
than those above included shall be entitled, or shall be allowed,
to vote at any election.

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

23-15-541. At all elections, the polls shall be opened at
seven o'clock in the morning and be kept open until seven o'clock
in the evening and no longer. Upon the opening of the polls, and
not before, the managers of the election shall designate two (2)
of their number, other than the manager theretofore designated to
receive the blank ballots, who shall thereupon be known
respectively as the initialing manager and the alternate
initialing manager. The alternate initialing manager, in the
absence of the initialing manager, shall perform all of the duties
and undertake all of the responsibilities of the initialing
manager. When any person entitled to vote shall appear to vote,
the managers shall identify the voter by requiring the voter to
submit valid identification as required by Section 1 of House Bill
No. 1392, 2001 Regular Session, and then such person shall * * *
sign his name in a receipt book or booklet provided for that
purpose and to be used at that election only and said receipt book
or booklet shall be used in lieu of the list of voters who have
voted formerly made by the managers or clerks; whereupon and not
before, the initialing manager or, in his absence, the alternate
initialing manager shall indorse his initials on the back of an
official blank ballot, prepared in accordance with law, and at
such place on the back of the ballot that the initials may be seen
after the ballot has been marked and folded, and when so indorsed
he shall deliver it to the voter, which ballot the voter shall
mark in the manner provided by law, which when done the voter
shall deliver the same to the initialing manager or, in his
absence, to the alternate initialing manager, in the presence of
the others, and the manager shall see that the ballot so delivered
bears on the back thereof the genuine initials of the initialing
manager, or alternate initialing manager, and if so, but not
otherwise, the ballot shall be put into the ballot box; and when
so done one (1) of the managers or a duly appointed clerk shall
make the proper entry on the pollbook. If the voter is unable to
write his name on the receipt book, a manager or clerk shall note
on the back of the ballot that it was receipted for by his
assistance.

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

23-15-719. (1) Immediately upon completion of an
application filed pursuant to the provisions of paragraph (a) of
Section 23-15-715, the registrar shall deliver the necessary
ballots to the applicant. The registrar shall identify the
applicant by requiring him to present valid identification as
required by Section 1 of House Bill No. , 2001 Regular Session,
and shall then deliver the ballots to the applicant by mail or to
the applicant in the registrar's office. The registrar shall not
personally hand deliver ballots to voters, unless he delivers the
ballots in the office of the registrar. The elector shall fill in
his ballot in secret. After the applicant has properly marked the
ballot and properly folded it, he shall deposit it in the envelope
furnished him by the registrar.

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

"STATE OF MISSISSIPPI
COUNTY OF ___________

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

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

_______________________
(Signature of voter)

SWORN TO AND SUBSCRIBED before me, __________, this the ___ day of ________, 20___.

(Registrar) _______________________
(Registrar)

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

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

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
(To be completed only if the voter has received assistance in marking the enclosed ballot.) I hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in..."
marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

___________________________________________
Signature of person providing assistance

___________________________________________
Printed name of person providing assistance

___________________________________________
Address of person providing assistance

___________________________________________
Date and time assistance provided

___________________________________________
Family relationship to voter (if any)"

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

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

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