HOUSE BILL NO. 40

AN ACT TO REQUIRE ELECTORS TO PRESENT VALID IDENTIFICATION BEFORE VOTING; TO PROVIDE THAT ANY ELECTOR WITHOUT VALID IDENTIFICATION SHALL SIGN A STATEMENT UNDER OATH AFFIRMING THAT HE IS THE PERSON IDENTIFIED ON THE POLLBOOKS; TO PRESCRIBE A PENALTY FOR FALSELY AFFIRMING THE STATEMENT; TO AMEND SECTIONS 23-15-11 AND 23-15-541, 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 elector shall present valid identification to an election manager, or the circuit clerk or deputy circuit clerk in the case of absentee voting, before he shall be allowed to vote. Valid identification shall consist of any one of the following:

(a) A valid Mississippi driver's license;

(b) A valid social security card;

(c) Official voter registration card; or

(d) Any other generally recognized form of photographic identification which is not more than two (2) years old.

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

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, provided he complies with the provisions of Section 1 of
this act. 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:

[Until Laws of 1993, Chapter 528, is effectuated under
Section 5 of the Voting Rights Act of 1965, this section reads 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 first identify the voter by requiring the voter
to present valid identification as provided in Section 1 of this
act; and then the 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 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.
[From and after such time as Laws of 1993, Chapter 528, is
effectuated under Section 5 of the Voting Rights Act of 1965, this
section reads 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 provided in Section 1
of this act; 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 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. The Attorney General of the State of Mississippi
shall 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 5. 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.