HOUSE BILL NO. 1385

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.

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 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;
(m) Official voter registration card; or
(n) Any other generally recognized form of photographic identification.

(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 (1) 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 (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.

[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 (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. 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

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.