

By: Senator(s) Smith

To: Elections

SENATE BILL NO. 2237

1 AN ACT TO REQUIRE A VOTER TO STATE HIS NAME, ADDRESS AND
2 MONTH AND DAY OF BIRTH PRIOR TO VOTING; TO REQUIRE A VOTER WHOSE
3 NAME AND MONTH, AND DAY OF BIRTH ARE THE SAME AS THOSE ON THE
4 PRECINCT REGISTRATION LIST TO SIGN THE RECEIPT BOOK PRIOR TO
5 VOTING AND TO VOTE WITHOUT UNDUE DELAY; TO REQUIRE A VOTER WHOSE
6 ADDRESS IS NOT THE SAME AS THAT ON THE VOTER REGISTRATION LIST TO
7 COMPLETE A VOTER REGISTRATION FORM OR CHANGE OF ADDRESS FOR THE
8 PURPOSE OF UPDATING THE REGISTRATION RECORDS; IF THE ADDRESS GIVEN
9 BY THE VOTER IS NOT IN THE PRECINCT THE ELECTION OFFICIALS SHALL
10 DIRECT THE VOTER TO THE PROPER PRECINCT OR INSTRUCT THE VOTER TO
11 CONTACT THE REGISTRAR TO DETERMINE HIS PROPER VOTING PLACE; TO
12 REQUIRE VOTERS WHOSE NAMES ARE NOT THE SAME AS THAT ON THE VOTER
13 REGISTRATION LIST TO COMPLETE A VOTER REGISTRATION APPLICATION FOR
14 THE PURPOSE OF UPDATING VOTER REGISTRATION RECORDS; TO REQUIRE ANY
15 OTHER VOTER WHOSE NAME, ADDRESS OR MONTH AND DAY OF BIRTH ARE NOT
16 THE SAME AS THOSE ON THE PRECINCT REGISTRATION LIST TO PRESENT
17 CERTAIN IDENTIFICATION DOCUMENTS AND, UPON SUCH PRESENTATION, BE
18 ALLOWED TO VOTE WITHOUT DELAY; TO PROVIDE THAT IF A VOTER IS
19 UNABLE TO PRESENT SUCH DOCUMENTS, THE VOTER SHALL BE ALLOWED TO
20 VOTE IF HE IS RECOGNIZED BY ELECTION OFFICIALS AS THE VOTER WHOSE
21 NAME IS ON THE PRECINCT REGISTRATION LIST OR UPON THE VOTER
22 SIGNING A STATEMENT UNDER OATH THAT HE IS THE PERSON ON THE
23 PRECINCT REGISTRATION LIST; TO PROVIDE PENALTIES FOR CERTAIN
24 VIOLATIONS OF THIS ACT; TO CREATE THE OFFENSE OF VOTER
25 INTIMIDATION; TO AMEND SECTIONS 23-15-627, 23-15-713 AND
26 23-15-715, MISSISSIPPI CODE OF 1972, TO ALLOW A VOTER TO VOTE
27 EARLY BY ABSENTEE BALLOT EARLY IN THE REGISTRAR'S OFFICE BEGINNING
28 TWO MONDAYS PRECEDING THE ELECTION THROUGH THE SATURDAY
29 IMMEDIATELY PRECEDING THE ELECTION; TO AMEND SECTIONS 23-15-11,
30 23-15-541 AND 23-15-719, MISSISSIPPI CODE OF 1972, TO CONFORM TO
31 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

33 **SECTION 1.** The provisions of Sections 1 through 3 of this
34 act shall be known as the "Voter Security Act of 2003."

35 **SECTION 2.** (1) Before a person is permitted to vote, the
36 election manager, or the voter registrar in the case of absentee
37 voting in the office of the registrar, shall:

38 (a) Require the voter to state or communicate his name
39 in order to verify the existence of his name on the precinct voter
40 registration list.



41 (b) Require the voter to state or communicate his
42 address and month and day of birth.

43 (c) Determine that the voter's month and day of birth
44 and address are the same as those on the precinct voter
45 registration list.

46 (d) If the voter's name, address and month and day of
47 birth are the same as those on the precinct voter registration
48 list, require the voter to sign his name, including his given
49 name, his middle name or initial, if any, and his last name in the
50 space provided in the precinct receipt book provided for that
51 purpose to be used in that election only. If the voter is unable
52 to sign his signature or make his mark or cross, the appropriate
53 election official shall enter his initials and the voter's month
54 and day of birth in the space provided for the voter's signature
55 on the precinct receipt book or other sign in book maintained in
56 the registrar's office, in the case of absentee voting in that
57 office.

58 (e) Allow a voter whose name, address and month and day
59 of birth are the same as those on the precinct voter registration
60 list and who has signed his name on the precinct receipt book in
61 compliance with paragraph (d) of this act to vote without undue
62 delay.

63 (f) (i) If the address given by the voter is not the
64 same as that on the precinct voter registration list, but the
65 voter believes his address is within the precinct, require the
66 voter to complete a voter registration application or change of
67 address form for the purpose of updating voter registration
68 records.

69 (ii) If the address given by the voter is not
70 within the precinct or county, direct the voter to the proper
71 precinct or county, if known by the election official, or instruct
72 the voter to contact the registrar to determine his proper voting
73 place.



74 (g) If the voter's name is not the same as that on the
75 precinct voter registration list, require the voter to complete a
76 voter registration application for the purpose of updating the
77 voter registration records.

78 (h) If a person appears to vote and his name is not on
79 the precinct voter registration list and it is determined that the
80 person is not registered to vote, give such person the opportunity
81 to complete a voter registration application.

82 (i) Allow to vote without undue delay a voter who is
83 sixty-five (65) years of age or older on the date on which he is
84 voting after he has completed any voter registration application
85 or change of address form required under paragraph (f)(i) or (g)
86 of this subsection, if any.

87 (j) From a voter whose name, address or month and day
88 of birth are not the same as those on the precinct voter
89 registration list, require presentation of one (1) of the
90 following:

91 (i) A valid Mississippi driver's license;
92 (ii) A valid identification card issued by a
93 branch, department, agency or entity of the State of Mississippi;
94 (iii) A valid United States passport;
95 (iv) A valid employee identification card
96 containing a photograph of the voter and issued by any branch,
97 department, agency or entity of the United States government, the
98 State of Mississippi, or any county, municipality, board,
99 authority or other entity of this state;

100 (v) A valid employee identification card
101 containing a photograph of the voter and issued by an employer of
102 the voter in the ordinary course of the employer's business;

103 (vi) A valid student identification card
104 containing a photograph of the voter from any public or private
105 college, university, or post-graduate, technical or professional
106 school located within the State of Mississippi;



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

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

(ix) A valid United States military identification
card;

(x) A certified copy of the voter's birth
certificate;

(xi) A valid social security card;

(xii) Certified naturalization documentation;

(xiii) An official voter registration card;

(xiv) A health record;

(xv) A tax receipt; or

(xvi) Any other generally recognized form of
identification.

(k) Allow to vote without undue delay any voter whose
address, name or month and day of birth are not the same as those
on the precinct voter registration list and who do not present
documentation as provided under paragraph (j) of this subsection,
after signing the precinct receipt book, if such voter is
personally recognized by the appropriate election official as the
person on the precinct voter registration list.

(l) For a voter whose name, address or month and day of
birth are not the same as those on the precinct voter registration
list and who does not present documentation as provided under
paragraph (j) of this subsection and are not personally recognized
by the appropriate election official as the person on the precinct
voter registration list, after signing the precinct receipt book,
allow him to sign a statement under oath, in a form prescribed by
the Secretary of State, swearing or affirming that he is the
person on the precinct voter registration list. One (1) of the
election managers, or the voter registrar in the case of absentee



voting in the office of the registrar, shall sign a statement as a witness to the oath taken by the elector. The voter shall then be allowed to vote without undue delay.

(2) (a) Any voter who falsely represents his identity by signing another person's name on the precinct receipt book or other sign in book maintained in the registrar's office, in the case of absentee voting in that office, shall be guilty of a felony and, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00), imprisoned not less than one (1) year, but not more than five (5) years, or both;

(b) Any voter who falsely swears or affirms the statement prescribed in subsection (1)(1) of this section shall be guilty of a felony and, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00), imprisoned not less than one (1) year nor more than five (5) years, or both.

SECTION 3. Any person who willfully and deliberately utilizes any tactic, commits any act, engages in any conduct or conspires with another to interfere with the free, unimpeded and unfettered exercise of a person's constitutional right to vote, shall be guilty of the felony offense of voter intimidation and, upon conviction, shall be fined Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years, or both.

SECTION 4. Section 23-15-627, Mississippi Code of 1972, is amended as follows:

23-15-627. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector may orally request an absentee ballot application on



behalf of the elector. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his deputy in order to be utilized to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section. Such application shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ____ Precinct of the County of _____, and State of Mississippi, coming within the purview of the definition 'ABSENT ELECTOR' will be absent from the county of my residence on election day, or unable to vote in person because (check appropriate reason):

() (PRESIDENTIAL APPLICANT ONLY:) I am currently a resident of Mississippi or have moved therefrom within thirty (30) days of the coming presidential election.

() I am an enlisted or commissioned member, male or female, of any component of the United States Armed Forces and am a citizen of Mississippi, or spouse or dependent of such member.

() I am a member of the Merchant Marine or the American Red Cross and am a citizen of Mississippi or spouse or dependent of such member.

() I am a disabled war veteran who is a patient in any hospital and am a citizen of Mississippi or spouse or dependent of such veteran.

() I am a civilian attached to and serving outside of the United States with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and am a citizen of Mississippi or spouse or dependent of such civilian.



204 () I am a citizen of Mississippi temporarily residing
205 outside the territorial limits of the United States and the
206 District of Columbia.

207 () I am a student, teacher or administrator at a college,
208 university, junior or community college, high, junior high,
209 elementary or grade school, whose studies or employment at such
210 institution necessitates my absence from the county of my voting
211 residence or spouse or dependent of such student, teacher or
212 administrator who maintains a common domicile outside the county
213 of my voting residence with such student, teacher or
214 administrator.

215 () I will be outside the county on election day.

216 () I have a temporary or permanent physical disability.

217 () I am sixty-five (65) years of age or older.

218 () I am the parent, spouse or dependent of a person with a
219 temporary or permanent physical disability who is hospitalized
220 outside his county of residence or more than fifty (50) miles away
221 from his residence, and I will be with such person on election
222 day.

223 () I am a member of the congressional delegation, or spouse
224 or dependent of a member of the congressional delegation.

225 () I am required to be at work on election day during the
226 times which the polls will be open.

227 () I desire to vote early.

228 I hereby make application for an official ballot, or ballots,
229 to be voted by me at the election to be held in _____, on _____.

230 Mail 'Absent Elector's Ballot' to me at the following
231 address _____ (if eligible to vote by mail).

232 I realize that I can be fined up to Five Thousand Dollars
233 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
234 for making a false statement in this application and for selling
235 my vote and violating the Mississippi Absentee Voter Law. (This
236 sentence is to be in bold print.)



270 (Address of person delivering application)"

271 **SECTION 5.** Section 23-15-713, Mississippi Code of 1972, is
272 amended as follows:

273 23-15-713. For the purpose of this subarticle, any duly
274 qualified elector may vote as provided in this subarticle if he be
275 one who falls within the following categories:

276 (a) Any qualified elector who is a bona fide student,
277 teacher or administrator at any college, university, junior
278 college, high, junior high, or elementary grade school whose
279 studies or employment at such institution necessitates his absence
280 from the county of his voting residence on the date of any
281 primary, general or special election, or the spouse and dependents
282 of said student, teacher or administrator if such spouse or
283 dependent(s) maintain a common domicile, outside of the county of
284 his voting residence, with such student, teacher or administrator.

285 (b) Any qualified elector who is required to be away
286 from his place of residence on any election day due to his
287 employment as an employee of a member of the Mississippi
288 congressional delegation and the spouse and dependents of such
289 person if he or she shall be residing with such absentee voter
290 away from the county of the spouse's voting residence.

291 (c) Any qualified elector who is away from his county
292 of residence on election day for any reason.

293 (d) Any person who has a temporary or permanent
294 physical disability and who, because of such disability, is unable
295 to vote in person without substantial hardship to himself or
296 others, or whose attendance at the voting place could reasonably
297 cause danger to himself or others.

298 (e) The parent, spouse or dependent of a person with a
299 temporary or permanent physical disability who is hospitalized
300 outside of his county of residence or more than fifty (50) miles
301 distant from his residence, if the parent, spouse or dependent
302 will be with such person on election day.



(f) Any person who is sixty-five (65) years of age or older.

(g) Any member of the Mississippi congressional delegation absent from Mississippi on election day, and the spouse and dependents of such member of the congressional delegation.

(h) Any qualified elector who will be unable to vote in person because he is required to be at work on election day during the times at which the polls will be open.

(i) Any qualified elector who desires to vote early.

SECTION 6. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector desiring an absentee ballot as provided in this subarticle may secure same if:

(a) Except as otherwise provided in this section, not more than forty-five (45) days nor later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days, he shall appear in person before the registrar of the county in which he resides, or for municipal elections he shall appear in person before the city clerk of the municipality in which he resides and, when the elector so appears, he shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot, except that if the ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the circuit clerk to the elector as soon as the ballot has been printed.

(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this section by reason of temporarily residing outside the county, or any person who has a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any



person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence and such parent, spouse or dependent will be with such person on election day, may make application for an absentee ballot by mailing the appropriate application to the registrar. Only persons temporarily residing out of the county of their residence, persons having a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence, and such parent, spouse or dependent will be with such person on election day, may obtain absentee ballots by mail under the provisions of this subsection and as provided by Section 23-15-713. Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

(c) If the elector is voting early pursuant to Section 23-15-713(i), on the second Monday preceding the election nor



369 later than 12:00 noon on the Saturday preceding the election, he
370 shall appear in person before the registrar of the county in which
371 he resides, or for municipal elections he shall appear in person
372 before the city clerk of the municipality in which he resides and,
373 when the elector so appears, he shall execute and file an
374 application as provided in Section 23-15-627 and vote by absentee
375 ballot.

376 **SECTION 7.** Section 23-15-11, Mississippi Code of 1972, is
377 amended as follows:

378 23-15-11. Every inhabitant of this state, except idiots and
379 insane persons, who is a citizen of the United States of America,
380 eighteen (18) years old and upwards, who has resided in this state
381 for thirty (30) days and for thirty (30) days in the county in
382 which he offers to vote, and for thirty (30) days in the
383 incorporated city or town in which he offers to vote, and who
384 shall have been duly registered as an elector pursuant to Section
385 23-15-33, and who has never been convicted of any crime listed in
386 Section 241, Mississippi Constitution of 1890, shall be a
387 qualified elector in and for the county, municipality and voting
388 precinct of his residence, and shall be entitled to vote at any
389 election upon compliance with the provision of Section 2 of Senate
390 Bill No. 2237, 2003 Regular Session. Any person who will be
391 eighteen (18) years of age or older on or before the date of the
392 general election and who is duly registered to vote not less than
393 thirty (30) days prior to the primary election associated with
394 such general election, may vote in such primary election even
395 though such person has not reached his or her eighteenth birthday
396 at the time such person offers to vote at such primary election.
397 No others than those above included shall be entitled, or shall be
398 allowed, to vote at any election.

399 **SECTION 8.** Section 23-15-541, Mississippi Code of 1972, is
400 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, he shall first be required by the managers and clerks to comply with the provisions of Section 2 of Senate Bill No. 2237, 2003 Regular Session, 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 9. Section 23-15-719, Mississippi Code of 1972, is amended as follows:



434 23-15-719. (1) Immediately upon completion of an
435 application filed pursuant to the provisions of paragraph (a) or
436 (c) of Section 23-15-715, the registrar shall require the
437 applicant to comply with Section 2 of Senate Bill No. 2237, 2003
438 Regular Session, and shall then deliver the necessary ballots to
439 the applicant. The registrar shall only deliver the ballots to
440 the applicant by mail or to the applicant in the registrar's
441 office. The registrar shall not personally hand deliver ballots
442 to voters, unless he delivers the ballots in the office of the
443 registrar. The elector shall fill in his ballot in secret. After
444 the applicant has properly marked the ballot and properly folded
445 it, he shall deposit it in the envelope furnished him by the
446 registrar.

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

451 "STATE OF MISSISSIPPI
452 COUNTY OF _____

453 I, _____, do solemnly swear that this envelope contains
454 the ballot marked by me indicating my choice of the candidates or
455 propositions to be submitted at the election to be held on the ____
456 day of _____, 2____, and I hereby authorize the registrar to
457 place this envelope in the ballot box on my behalf, and I further
458 authorize the election managers to open this envelope and place my
459 ballot among the other ballots cast before such ballots are
460 counted, and record my name on the poll list as if I were present
461 in person and voted.

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

463 _____
464 (Signature of voter)

465 SWORN TO AND SUBSCRIBED before me, _____, this the ____
466 day of _____, 2____.

467 (Registrar) _____
468 (Registrar) "

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

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

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

486 _____
487 Signature of person providing assistance

488 _____
489 Printed name of person providing assistance

490 _____
491 Address of person providing assistance

492 _____
493 Date and time assistance provided

494 _____
495 Family relationship to voter (if any) "

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

498 **SECTION 10.** The Attorney General of the State of Mississippi
499 shall submit this act, immediately upon approval by the Governor,

500 or upon approval by the Legislature subsequent to a veto, to the
501 Attorney General of the United States or to the United States
502 District Court for the District of Columbia in accordance with the
503 provisions of the Voting Rights Act of 1965, as amended and
504 extended.

505 **SECTION 11.** This act shall take effect and be in force from
506 and after the date it is effectuated under Section 5 of the Voting
507 Rights Act of 1965, as amended and extended.

