

By: Senator(s) Hewes

To: Elections

SENATE BILL NO. 2809

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 incorporated city or town in which he offers to vote, and who  
59 shall have been duly registered as an elector pursuant to Section  
60 23-15-33, and who has never been convicted of any crime listed in  
61 Section 241, Mississippi Constitution of 1890, shall be a  
62 qualified elector in and for the county, municipality and voting



63 precinct of his residence, and shall be entitled to vote at any  
64 election upon compliance with Section 1 of Senate Bill No. 2809,  
65 2003 Regular Session. Any person who will be eighteen (18) years  
66 of age or older on or before the date of the general election and  
67 who is duly registered to vote not less than thirty (30) days  
68 prior to the primary election associated with such general  
69 election, may vote in such primary election even though such  
70 person has not reached his or her eighteenth birthday at the time  
71 such person offers to vote at such primary election. No others  
72 than those above included shall be entitled, or shall be allowed,  
73 to vote at any election.

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

76 23-15-541. At all elections, the polls shall be opened at  
77 seven o'clock in the morning and be kept open until seven o'clock  
78 in the evening and no longer. Upon the opening of the polls, and  
79 not before, the managers of the election shall designate two (2)  
80 of their number, other than the manager theretofore designated to  
81 receive the blank ballots, who shall thereupon be known  
82 respectively as the initialing manager and the alternate  
83 initialing manager. The alternate initialing manager, in the  
84 absence of the initialing manager, shall perform all of the duties  
85 and undertake all of the responsibilities of the initialing  
86 manager. When any person entitled to vote shall appear to vote,  
87 the managers shall identify the voter by requiring the voter to  
88 submit valid identification as required by Section 1 of Senate  
89 Bill No. 2809, 2003 Regular Session, and then such person  
90 shall \* \* \* sign his name in a receipt book or booklet provided  
91 for that purpose and to be used at that election only and said  
92 receipt book or booklet shall be used in lieu of the list of  
93 voters who have voted formerly made by the managers or clerks;  
94 whereupon and not before, the initialing manager or, in his  
95 absence, the alternate initialing manager shall indorse his



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

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

114       23-15-719. (1) Immediately upon completion of an  
115 application filed pursuant to the provisions of paragraph (a) of  
116 Section 23-15-715, the registrar shall deliver the necessary  
117 ballots to the applicant. The registrar shall identify the  
118 applicant by requiring him to present valid identification as  
119 required by Section 1 of Senate Bill No. 2809, 2003 Regular  
120 Session, and shall then deliver the ballots to the applicant by  
121 mail or to the applicant in the registrar's office. The registrar  
122 shall not personally hand deliver ballots to voters, unless he  
123 delivers the ballots in the office of the registrar. The elector  
124 shall fill in his ballot in secret. After the applicant has  
125 properly marked the ballot and properly folded it, he shall  
126 deposit it in the envelope furnished him by the registrar.

127       After he has sealed the envelope, he shall subscribe and  
128 swear to an affidavit in the following form, which shall be



129 printed on the back of the envelope containing the applicant's  
130 ballot:

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

133 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
134 the ballot marked by me indicating my choice of the candidates or  
135 propositions to be submitted at the election to be held on the \_\_\_\_  
136 day of \_\_\_\_\_, 2\_\_\_\_, and I hereby authorize the registrar to  
137 place this envelope in the ballot box on my behalf, and I further  
138 authorize the election managers to open this envelope and place my  
139 ballot among the other ballots cast before such ballots are  
140 counted, and record my name on the poll list as if I were present  
141 in person and voted.

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

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

145 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_\_  
146 day of \_\_\_\_\_, 2\_\_\_\_.

147 (Registrar) \_\_\_\_\_  
148 (Registrar) "

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

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

156 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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



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

166 \_\_\_\_\_  
167 Signature of person providing assistance

168 \_\_\_\_\_  
169 Printed name of person providing assistance

170 \_\_\_\_\_  
171 Address of person providing assistance

172 \_\_\_\_\_  
173 Date and time assistance provided

174 \_\_\_\_\_  
175 Family relationship to voter (if any)"

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

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

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

