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To: Elections

SENATE BILL NO. 2250

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;

44 (m) Official voter registration card;

45 (n) Medicaid identification card;

46 (o) Medicare identification card; or

47 (p) Food stamp recipient EBT card.

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

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

56 23-15-11. Every inhabitant of this state, except idiots and  
57 insane persons, who is a citizen of the United States of America,  
58 eighteen (18) years old and upwards, who has resided in this state  
59 for thirty (30) days and for thirty (30) days in the county in  
60 which he offers to vote, and for thirty (30) days in the  
61 incorporated city or town in which he offers to vote, and who  
62 shall have been duly registered as an elector pursuant to Section

63 23-15-33, and who has never been convicted of any crime listed in  
64 Section 241, Mississippi Constitution of 1890, shall be a  
65 qualified elector in and for the county, municipality and voting  
66 precinct of his residence, and shall be entitled to vote at any  
67 election upon compliance with Section 1 of Senate Bill No. 2250,  
68 2004 Regular Session. Any person who will be eighteen (18) years  
69 of age or older on or before the date of the general election and  
70 who is duly registered to vote not less than thirty (30) days  
71 prior to the primary election associated with such general  
72 election, may vote in such primary election even though such  
73 person has not reached his or her eighteenth birthday at the time  
74 such person offers to vote at such primary election. No others  
75 than those above included shall be entitled, or shall be allowed,  
76 to vote at any election.

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

79 23-15-541. At all elections, the polls shall be opened at  
80 seven o'clock in the morning and be kept open until seven o'clock  
81 in the evening and no longer. Upon the opening of the polls, and  
82 not before, the managers of the election shall designate two (2)  
83 of their number, other than the manager theretofore designated to  
84 receive the blank ballots, who shall thereupon be known  
85 respectively as the initialing manager and the alternate  
86 initialing manager. The alternate initialing manager, in the  
87 absence of the initialing manager, shall perform all of the duties  
88 and undertake all of the responsibilities of the initialing  
89 manager. When any person entitled to vote shall appear to vote,  
90 the managers shall identify the voter by requiring the voter to  
91 submit valid identification as required by Section 1 of Senate  
92 Bill No. 2250, 2004 Regular Session, and then such person  
93 shall \* \* \* sign his name in a receipt book or booklet provided  
94 for that purpose and to be used at that election only and said  
95 receipt book or booklet shall be used in lieu of the list of

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

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

117       23-15-719. (1) Immediately upon completion of an  
118 application filed pursuant to the provisions of paragraph (a) of  
119 Section 23-15-715, the registrar shall deliver the necessary  
120 ballots to the applicant. The registrar shall identify the  
121 applicant by requiring him to present valid identification as  
122 required by Section 1 of Senate Bill No. 2250, 2004 Regular  
123 Session, and shall then deliver the ballots to the applicant by  
124 mail or to the applicant in the registrar's office. The registrar  
125 shall not personally hand deliver ballots to voters, unless he  
126 delivers the ballots in the office of the registrar. The elector  
127 shall fill in his ballot in secret. After the applicant has

128 properly marked the ballot and properly folded it, he shall  
129 deposit it in the envelope furnished him by the registrar.

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

134 "STATE OF MISSISSIPPI  
135 COUNTY OF \_\_\_\_\_

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

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

146 \_\_\_\_\_  
147 (Signature of voter)

148 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_  
149 day of \_\_\_\_\_, 2\_\_\_\_.

150 (Registrar) \_\_\_\_\_  
151 (Registrar)"

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

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

159 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

160 (To be completed only if the voter has received assistance in  
161 marking the enclosed ballot.) I hereby certify that the  
162 above-named voter declared to me that he or she is blind,  
163 temporarily or permanently physically disabled, or cannot read or  
164 write, and that the voter requested that I assist the voter in  
165 marking the enclosed absentee ballot. I hereby certify that the  
166 ballot preferences on the enclosed ballot are those communicated  
167 by the voter to me, and that I have marked the enclosed ballot in  
168 accordance with the voter's instructions.

169 \_\_\_\_\_

170 Signature of person providing assistance

171 \_\_\_\_\_

172 Printed name of person providing assistance

173 \_\_\_\_\_

174 Address of person providing assistance

175 \_\_\_\_\_

176 Date and time assistance provided

177 \_\_\_\_\_

178 Family relationship to voter (if any)"

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

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

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