

By: Representatives Denny, Gunn, Baker  
 (8th), Staples, Mims, Chism, Robinson (84th),  
 Beckett, Davis, Fillingane, Nicholson,  
 Barnett, Jennings, Howell, Formby, Simpson,  
 Mayhall, Turner, Ellington, Moore, Snowden,  
 Martinson, Carlton, Hamilton (6th), Stevens, Wells-Smith, Zuber, Lott,  
 Guice

To: Apportionment and  
 Elections

## HOUSE BILL NO. 434

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.

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

9 **SECTION 1.** (1) Each elector shall present valid  
 10 identification to an election manager, or the circuit clerk or  
 11 deputy circuit clerk in the case of absentee voting, before he  
 12 shall be allowed to vote. Valid identification shall consist of a  
 13 current and valid photo identification.

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

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

29           23-15-11. Every inhabitant of this state, except idiots and  
30 insane persons, who is a citizen of the United States of America,  
31 eighteen (18) years old and upwards, who has resided in this state  
32 for thirty (30) days and for thirty (30) days in the county in  
33 which he offers to vote, and for thirty (30) days in the  
34 incorporated city or town in which he offers to vote, and who  
35 shall have been duly registered as an elector pursuant to Section  
36 23-15-33, and who has never been convicted of any crime listed in  
37 Section 241, Mississippi Constitution of 1890, shall be a  
38 qualified elector in and for the county, municipality and voting  
39 precinct of his residence, and shall be entitled to vote at any  
40 election, provided he complies with the provisions of Section 1 of  
41 this act. Any person who will be eighteen (18) years of age or  
42 older on or before the date of the general election and who is  
43 duly registered to vote not less than thirty (30) days prior to  
44 the primary election associated with such general election, may  
45 vote in such primary election even though such person has not  
46 reached his or her eighteenth birthday at the time such person  
47 offers to vote at such primary election. No others than those  
48 above included shall be entitled, or shall be allowed, to vote at  
49 any election.

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

52           **[Until Laws of 1993, Chapter 528, is effectuated under**  
53 **Section 5 of the Voting Rights Act of 1965, this section reads as**  
54 **follows:]**

55           23-15-541. At all elections, the polls shall be opened at  
56 seven o'clock in the morning and be kept open until seven o'clock  
57 in the evening and no longer. Upon the opening of the polls, and  
58 not before, the managers of the election shall designate two (2)  
59 of their number, other than the manager theretofore designated to  
60 receive the blank ballots, who shall thereupon be known  
61 respectively as the initialing manager and the alternate

62 initialing manager. The alternate initialing manager, in the  
63 absence of the initialing manager, shall perform all of the duties  
64 and undertake all of the responsibilities of the initialing  
65 manager. When any person entitled to vote shall appear to vote,  
66 the managers shall first identify the voter by requiring the voter  
67 to present valid identification as provided in Section 1 of this  
68 act; and then the person shall \* \* \* sign his name in a receipt  
69 book or booklet provided for that purpose and to be used at that  
70 election only and said receipt book or booklet shall be used in  
71 lieu of the list of voters who have voted formerly made by the  
72 managers or clerks; whereupon and not before, the initialing  
73 manager or, in his absence, the alternate initialing manager shall  
74 indorse his initials on the back of an official blank ballot,  
75 prepared in accordance with law, and at such place on the back of  
76 the ballot that the initials may be seen after the ballot has been  
77 marked and folded, and when so indorsed he shall deliver it to the  
78 voter, which ballot the voter shall mark in the manner provided by  
79 law, which when done the voter shall deliver the same to the  
80 initialing manager or, in his absence, to the alternate initialing  
81 manager, in the presence of the others, and the manager shall see  
82 that the ballot so delivered bears on the back thereof the genuine  
83 initials of the initialing manager, or alternate initialing  
84 manager, and if so, but not otherwise, the ballot shall be put  
85 into the ballot box; and when so done one (1) of the managers or a  
86 duly appointed clerk shall make the proper entry on the pollbook.  
87 If the voter is unable to write his name on the receipt book, a  
88 manager or clerk shall note on the back of the ballot that it was  
89 receipted for by his assistance.

90 **[From and after such time as Laws of 1993, Chapter 528, is**  
91 **effectuated under Section 5 of the Voting Rights Act of 1965, this**  
92 **section reads as follows:]**

93 23-15-541. At all elections, the polls shall be opened at  
94 seven o'clock in the morning and be kept open until seven o'clock

95 in the evening and no longer. Upon the opening of the polls, and  
96 not before, the managers of the election shall designate two (2)  
97 of their number, other than the manager theretofore designated to  
98 receive the blank ballots, who shall thereupon be known  
99 respectively as the initialing manager and the alternate  
100 initialing manager. The alternate initialing manager, in the  
101 absence of the initialing manager, shall perform all of the duties  
102 and undertake all of the responsibilities of the initialing  
103 manager. When any person entitled to vote shall appear to vote,  
104 the managers shall identify the voter \* \* \* by requiring the voter  
105 to submit \* \* \* valid \* \* \* identification as provided in Section  
106 1 of this act; and then such person shall sign his name in a  
107 receipt book or booklet provided for that purpose and to be used  
108 at that election only and said receipt book or booklet shall be  
109 used in lieu of the list of voters who have voted formerly made by  
110 the managers or clerks; whereupon and not before, the initialing  
111 manager or, in his absence, the alternate initialing manager shall  
112 indorse his initials on the back of an official blank ballot,  
113 prepared in accordance with law, and at such place on the back of  
114 the ballot that the initials may be seen after the ballot has been  
115 marked and folded, and when so indorsed he shall deliver it to the  
116 voter, which ballot the voter shall mark in the manner provided by  
117 law, which when done the voter shall deliver the same to the  
118 initialing manager or, in his absence, to the alternate initialing  
119 manager, in the presence of the others, and the manager shall see  
120 that the ballot so delivered bears on the back thereof the genuine  
121 initials of the initialing manager, or alternate initialing  
122 manager, and if so, but not otherwise, the ballot shall be put  
123 into the ballot box; and when so done one (1) of the managers or a  
124 duly appointed clerk shall make the proper entry on the pollbook.  
125 If the voter is unable to write his name on the receipt book, a  
126 manager or clerk shall note on the back of the ballot that it was  
127 receipted for by his assistance.

128           **SECTION 4.** The Attorney General of the State of Mississippi  
129 shall submit this act, immediately upon approval by the Governor,  
130 or upon approval by the Legislature subsequent to a veto, to the  
131 Attorney General of the United States or to the United States  
132 District Court for the District of Columbia in accordance with the  
133 provisions of the Voting Rights Act of 1965, as amended and  
134 extended.

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