

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.