

By: Representatives Denny, Beckett, Chism,
Davis, Ellington, Fillingane, Formby,
Gregory, Mayhall, Mims, Moore, Nicholson,
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To: Apportionment and
Elections

HOUSE BILL NO. 38

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
13 any one of the following:

14 (a) A valid Mississippi driver's license;

15 (b) A valid identification card issued by a branch,
16 department, agency or entity of the State of Mississippi;

17 (c) A valid United States passport;

18 (d) A valid employee identification card containing a
19 photograph of the elector and issued by any branch, department,
20 agency or entity of the United States government, the State of
21 Mississippi, or any county, municipality, board, authority or
22 other entity of this state;

23 (e) A valid employee identification card containing a
24 photograph of the elector and issued by any employer of the
25 elector in the ordinary course of the employer's business;

26 (f) A valid student identification card containing a
27 photograph of the elector from any public or private college,
28 university, or postgraduate, technical or professional school
29 located within the State of Mississippi;

30 (g) A valid Mississippi license to carry a pistol or
31 revolver;

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

35 (i) A valid United States military identification card;

36 (j) A certified copy of the elector's birth
37 certificate;

38 (k) A valid social security card;

39 (l) Certified naturalization documentation;

40 (m) Official voter registration card; or

41 (n) Any other generally recognized form of photographic
42 identification.

43 (2) If an elector is unable to produce any of the items of
44 identification listed in subsection (1) of this section, he or she
45 shall sign a statement under oath in a form approved by the State
46 Board of Election Commissioners, swearing or affirming that he or
47 she is the person identified on the pollbooks. One (1) of the
48 election managers, or the circuit clerk or deputy circuit clerk in
49 the case of absentee voting, shall sign the statement as a witness
50 to the oath taken by the elector. The person shall be allowed to
51 vote without undue delay. Any elector who falsely swears or
52 affirms the statement prescribed in this subsection shall be
53 guilty of a felony and, upon conviction, shall be fined not more
54 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than
55 one (1) year, but not more than five (5) years, or both.

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

58 23-15-11. Every inhabitant of this state, except idiots and
59 insane persons, who is a citizen of the United States of America,
60 eighteen (18) years old and upwards, who has resided in this state
61 for thirty (30) days and for thirty (30) days in the county in
62 which he offers to vote, and for thirty (30) days in the

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

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

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

84 23-15-541. At all elections, the polls shall be opened at
85 seven o'clock in the morning and be kept open until seven o'clock
86 in the evening and no longer. Upon the opening of the polls, and
87 not before, the managers of the election shall designate two (2)
88 of their number, other than the manager theretofore designated to
89 receive the blank ballots, who shall thereupon be known
90 respectively as the initialing manager and the alternate
91 initialing manager. The alternate initialing manager, in the
92 absence of the initialing manager, shall perform all of the duties
93 and undertake all of the responsibilities of the initialing
94 manager. When any person entitled to vote shall appear to vote,
95 the managers shall first identify the voter by requiring the voter

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

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

122 23-15-541. At all elections, the polls shall be opened at
123 seven o'clock in the morning and be kept open until seven o'clock
124 in the evening and no longer. Upon the opening of the polls, and
125 not before, the managers of the election shall designate two (2)
126 of their number, other than the manager theretofore designated to
127 receive the blank ballots, who shall thereupon be known
128 respectively as the initialing manager and the alternate

129 initialing manager. The alternate initialing manager, in the
130 absence of the initialing manager, shall perform all of the duties
131 and undertake all of the responsibilities of the initialing
132 manager. When any person entitled to vote shall appear to vote,
133 the managers shall identify the voter * * * by requiring the voter
134 to submit * * * valid * * * identification as provided in Section
135 1 of this act; and then such person shall sign his name in a
136 receipt book or booklet provided for that purpose and to be used
137 at that election only and said receipt book or booklet shall be
138 used in lieu of the list of voters who have voted formerly made by
139 the managers or clerks; whereupon and not before, the initialing
140 manager or, in his absence, the alternate initialing manager shall
141 indorse his initials on the back of an official blank ballot,
142 prepared in accordance with law, and at such place on the back of
143 the ballot that the initials may be seen after the ballot has been
144 marked and folded, and when so indorsed he shall deliver it to the
145 voter, which ballot the voter shall mark in the manner provided by
146 law, which when done the voter shall deliver the same to the
147 initialing manager or, in his absence, to the alternate initialing
148 manager, in the presence of the others, and the manager shall see
149 that the ballot so delivered bears on the back thereof the genuine
150 initials of the initialing manager, or alternate initialing
151 manager, and if so, but not otherwise, the ballot shall be put
152 into the ballot box; and when so done one (1) of the managers or a
153 duly appointed clerk shall make the proper entry on the pollbook.
154 If the voter is unable to write his name on the receipt book, a
155 manager or clerk shall note on the back of the ballot that it was
156 receipted for by his assistance.

157 **SECTION 4.** The Attorney General of the State of Mississippi
158 shall submit this act, immediately upon approval by the Governor,
159 or upon approval by the Legislature subsequent to a veto, to the
160 Attorney General of the United States or to the United States
161 District Court for the District of Columbia in accordance with the

162 provisions of the Voting Rights Act of 1965, as amended and
163 extended.

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