

By: Representatives Denny, Beckett, Chism, Davis, Ellington, Fillingane, Formby, Gregory, Mayhall, Mims, Moore, Nicholson, Parker, Rotenberry, Staples, Upshaw, Wells-Smith

To: Apportionment and Elections

HOUSE BILL NO. 64

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

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

87 **SECTION 4.** The Attorney General of the State of Mississippi
88 shall submit this act, immediately upon approval by the Governor,
89 or upon approval by the Legislature subsequent to a veto, to the
90 Attorney General of the United States or to the United States
91 District Court for the District of Columbia in accordance with the
92 provisions of the Voting Rights Act of 1965, as amended and
93 extended.

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