

By: Representative Lott

To: Apportionment and
Elections

HOUSE BILL NO. 1236

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 SECTION 23-15-125,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTOR'S SOCIAL SECURITY
7 NUMBER ON THE POLLBOOK; TO AMEND SECTIONS 23-15-11 AND 23-15-541,
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** (1) Each elector shall present valid
12 identification to an election manager, or the circuit clerk or
13 deputy circuit clerk in the case of absentee voting, before he
14 shall be allowed to vote. Valid identification shall consist of
15 any one of the following:

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

17 (b) A valid social security card;

18 (2) If an elector is unable to produce any of the items of
19 identification listed in subsection (1) of this section, he or she
20 may verbally provide their social security number. If such
21 elector is unable to verbally provide their social security
22 number, then the elector shall sign a statement under oath in a
23 form approved by the State Board of Election Commissioners,
24 swearing or affirming that he or she is the person identified on
25 the pollbooks. One (1) of the election managers, or the circuit
26 clerk or deputy circuit clerk in the case of absentee voting,
27 shall sign the statement as a witness to the oath taken by the
28 elector. The person shall be allowed to vote without undue delay.
29 Any elector who falsely swears or affirms the statement prescribed
30 in this subsection shall be guilty of a felony and, upon

31 conviction, shall be fined not more than Five Thousand Dollars
32 (\$5,000.00) or imprisoned not less than one (1) year, but not more
33 than five (5) years, or both.

34 **SECTION 2.** Section 23-15-125, Mississippi Code of 1972, is
35 amended as follows:

36 23-15-125. The pollbook of each voting precinct shall have
37 printed or written at the top of each page words to designate the
38 voting precinct for which it is to be used, and shall be ruled in
39 appropriate columns, with printed or written headings, as follows:
40 date of registration; name of electors; date of birth; social
41 security number and a number of blank columns for the dates of
42 elections. All who register within thirty (30) days before any
43 regular election shall be entered on the pollbooks immediately
44 after such election, and not before, so that the pollbooks will
45 show only the names and social security numbers of those qualified
46 to vote at such election. When election commissioners determine
47 that any elector is disqualified from voting, by reason of removal
48 from the supervisor's district, or other cause, that fact shall be
49 noted on the registration book and his name shall be erased from
50 the pollbook.

51 **SECTION 3.** Section 23-15-11, Mississippi Code of 1972, is
52 amended as follows:

53 23-15-11. Every inhabitant of this state, except idiots and
54 insane persons, who is a citizen of the United States of America,
55 eighteen (18) years old and upwards, who has resided in this state
56 for thirty (30) days and for thirty (30) days in the county in
57 which he offers to vote, and for thirty (30) days in the
58 incorporated city or town in which he offers to vote, and who
59 shall have been duly registered as an elector pursuant to Section
60 23-15-33, and who has never been convicted of any crime listed in
61 Section 241, Mississippi Constitution of 1890, shall be a
62 qualified elector in and for the county, municipality and voting
63 precinct of his residence, and shall be entitled to vote at any

64 election, provided he complies with the provisions of Section 1 of
65 this act. Any person who will be eighteen (18) years of age or
66 older on or before the date of the general election and who is
67 duly registered to vote not less than thirty (30) days prior to
68 the primary election associated with such general election, may
69 vote in such primary election even though such person has not
70 reached his or her eighteenth birthday at the time such person
71 offers to vote at such primary election. No others than those
72 above included shall be entitled, or shall be allowed, to vote at
73 any election.

74 **SECTION 4.** Section 23-15-541, Mississippi Code of 1972, is
75 amended as follows:

76 * * *

77 23-15-541. At all elections, the polls shall be opened at
78 seven o'clock in the morning and be kept open until seven o'clock
79 in the evening and no longer. Upon the opening of the polls, and
80 not before, the managers of the election shall designate two (2)
81 of their number, other than the manager theretofore designated to
82 receive the blank ballots, who shall thereupon be known
83 respectively as the initialing manager and the alternate
84 initialing manager. The alternate initialing manager, in the
85 absence of the initialing manager, shall perform all of the duties
86 and undertake all of the responsibilities of the initialing
87 manager. When any person entitled to vote shall appear to vote,
88 the managers shall first identify the voter by requiring the voter
89 to present valid identification as provided in Section 1 of this
90 act; and then the person shall * * * sign his name in a receipt
91 book or booklet provided for that purpose and to be used at that
92 election only and said receipt book or booklet shall be used in
93 lieu of the list of voters who have voted formerly made by the
94 managers or clerks; whereupon and not before, the initialing
95 manager or, in his absence, the alternate initialing manager shall
96 indorse his initials on the back of an official blank ballot,

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

112 **SECTION 5.** The Attorney General of the State of Mississippi
113 shall submit this act, immediately upon approval by the Governor,
114 or upon approval by the Legislature subsequent to a veto, to the
115 Attorney General of the United States or to the United States
116 District Court for the District of Columbia in accordance with the
117 provisions of the Voting Rights Act of 1965, as amended and
118 extended.

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