

By: Representative Rotenberry

To: Apportionment and  
Elections

## HOUSE BILL NO. 1408

1 AN ACT TO REQUIRE ELECTORS, EXCEPT THOSE BORN BEFORE 1945, TO  
2 PRESENT VALID IDENTIFICATION BEFORE VOTING; TO PROVIDE THAT ANY  
3 ELECTOR WITHOUT VALID IDENTIFICATION SHALL SIGN A STATEMENT UNDER  
4 OATH AFFIRMING THAT HE IS THE PERSON IDENTIFIED ON THE POLLBOOKS;  
5 TO PRESCRIBE A PENALTY FOR FALSELY AFFIRMING THE STATEMENT; TO  
6 AMEND SECTIONS 23-15-11 AND 23-15-541, MISSISSIPPI CODE OF 1972,  
7 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) Each elector, except those born before 1945,  
10 shall present valid identification to an election manager, or the  
11 circuit clerk or deputy circuit clerk in the case of absentee  
12 voting, before he shall be allowed to vote. Valid identification  
13 shall consist of 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 23-15-541. At all elections, the polls shall be opened at  
82 seven o'clock in the morning and be kept open until seven o'clock  
83 in the evening and no longer. Upon the opening of the polls, and  
84 not before, the managers of the election shall designate two (2)  
85 of their number, other than the manager theretofore designated to  
86 receive the blank ballots, who shall thereupon be known  
87 respectively as the initialing manager and the alternate  
88 initialing manager. The alternate initialing manager, in the  
89 absence of the initialing manager, shall perform all of the duties  
90 and undertake all of the responsibilities of the initialing  
91 manager. When any person entitled to vote shall appear to vote,  
92 the managers shall first identify the voter by requiring the voter  
93 to present valid identification as provided in Section 1 of this  
94 act. Then the person shall \* \* \* sign his name in a receipt book  
95 or booklet provided for that purpose and to be used at that

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

116       **SECTION 4.** The Attorney General of the State of Mississippi  
117 shall submit this act, immediately upon approval by the Governor,  
118 or upon approval by the Legislature subsequent to a veto, to the  
119 Attorney General of the United States or to the United States  
120 District Court for the District of Columbia in accordance with the  
121 provisions of the Voting Rights Act of 1965, as amended and  
122 extended.

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