

By: Senator(s) Ross

To: Elections

SENATE BILL NO. 2038

1 AN ACT TO REQUIRE PERSONS WHO APPEAR TO VOTE IN PERSON AT A
 2 POLLING PLACE OR THE REGISTRAR'S OFFICE TO IDENTIFY THEMSELVES BY
 3 PRESENTING VALID IDENTIFICATION TO AN ELECTION MANAGER OR THE
 4 REGISTRAR BEFORE THEY ARE ALLOWED TO VOTE; TO PROVIDE THAT AN
 5 ELECTOR SHALL BE ALLOWED TO VOTE IF PERSONALLY RECOGNIZED AS THE
 6 PERSON IDENTIFIED ON THE POLLBOOKS; TO PRESCRIBE THE TYPES OF
 7 IDENTIFICATION THAT ARE VALID FOR THIS PURPOSE; TO AMEND SECTIONS
 8 23-15-11, 23-15-541 AND 23-15-719, MISSISSIPPI CODE OF 1972, IN
 9 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) Each person who shall appear to vote in
 12 person at a polling place or the registrar's office shall be
 13 required to identify himself or herself to an election manager or
 14 the registrar by presenting valid identification before such
 15 person shall be allowed to vote.

16 (2) Valid identification required by subsection (1) of this
17 section shall consist of the following:

- 18 (a) A valid Mississippi driver's license;
- 19 (b) A valid identification card issued by a branch,
20 department, agency or entity of the State of Mississippi;
- 21 (c) A valid United States passport;
- 22 (d) A valid employee identification card containing a
23 photograph of the elector and issued by any branch, department,
24 agency or entity of the United States government, the State of
25 Mississippi, or any county, municipality, board, authority or
26 other entity of this state;
- 27 (e) A valid employee identification card containing a
28 photograph of the elector and issued by any employer of the
29 elector in the ordinary course of the employer's business;

30 (f) A valid student identification card containing a
31 photograph of the elector from any public or private college,
32 university, or postgraduate, technical or professional school
33 located within the State of Mississippi;

34 (g) A valid Mississippi license to carry a pistol or
35 revolver;

36 (h) A valid pilot's license issued by the Federal
37 Aviation Administration or other authorized agency of the United
38 States;

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

40 (j) A certified copy of the elector's birth
41 certificate;

42 (k) A valid social security card;

43 (l) Certified naturalization documentation; or

44 (m) Official voter registration card.

45 (3) If an elector is unable to produce any of the items of
46 identification listed in subsection (1) of this section, he or she
47 shall be allowed to vote without undue delay if personally
48 recognized by an election manager, or the circuit clerk or deputy
49 circuit clerk in the case of absentee voting, as the person
50 identified on the pollbooks.

51 **SECTION 2.** 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 upon compliance with Section 1 of Senate Bill No. 2038,
65 2007 Regular Session. Any person who will be eighteen (18) years
66 of age or older on or before the date of the general election and
67 who is duly registered to vote not less than thirty (30) days
68 prior to the primary election associated with such general
69 election, may vote in such primary election even though such
70 person has not reached his or her eighteenth birthday at the time
71 such person offers to vote at such primary election. No others
72 than those above included shall be entitled, or shall be allowed,
73 to vote at any election.

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

76 23-15-541. At all elections, the polls shall be opened at
77 seven o'clock in the morning and be kept open until seven o'clock
78 in the evening and no longer. Upon the opening of the polls, and
79 not before, the managers of the election shall designate two (2)
80 of their number, other than the manager theretofore designated to
81 receive the blank ballots, who shall thereupon be known
82 respectively as the initialing manager and the alternate
83 initialing manager. The alternate initialing manager, in the
84 absence of the initialing manager, shall perform all of the duties
85 and undertake all of the responsibilities of the initialing
86 manager. When any person entitled to vote shall appear to vote,
87 the managers shall identify the voter by requiring the voter to
88 submit valid identification as required by Section 1 of Senate
89 Bill No. 2038, 2007 Regular Session, and then such person
90 shall * * * sign his name in a receipt book or booklet provided
91 for that purpose and to be used at that election only and said
92 receipt book or booklet shall be used in lieu of the list of
93 voters who have voted formerly made by the managers or clerks;
94 whereupon and not before, the initialing manager or, in his
95 absence, the alternate initialing manager shall indorse his

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

112 **SECTION 4.** Section 23-15-719, Mississippi Code of 1972, is
113 amended as follows:

114 23-15-719. (1) Immediately upon completion of an
115 application filed pursuant to the provisions of paragraph (a) of
116 Section 23-15-715, the registrar shall deliver the necessary
117 ballots to the applicant. The registrar shall identify the
118 applicant by requiring him to present valid identification as
119 required by Section 1 of Senate Bill No. 2038, 2007 Regular
120 Session, and shall then deliver the ballots to the applicant by
121 mail or to the applicant in the registrar's office. The registrar
122 shall not personally hand deliver ballots to voters, unless he
123 delivers the ballots in the office of the registrar. The elector
124 shall fill in his ballot in secret. After the applicant has
125 properly marked the ballot and properly folded it, he shall
126 deposit it in the envelope furnished him by the registrar.

127 After he has sealed the envelope, he shall subscribe and
128 swear to an affidavit in the following form, which shall be

129 printed on the back of the envelope containing the applicant's
130 ballot:

131 "STATE OF MISSISSIPPI
132 COUNTY OF _____

133 I, _____, do solemnly swear that this envelope contains
134 the ballot marked by me indicating my choice of the candidates or
135 propositions to be submitted at the election to be held on the ___
136 day of _____, 2____, and I hereby authorize the registrar to
137 place this envelope in the ballot box on my behalf, and I further
138 authorize the election managers to open this envelope and place my
139 ballot among the other ballots cast before such ballots are
140 counted, and record my name on the poll list as if I were present
141 in person and voted.

142 I further swear that I marked the enclosed ballot in secret.

143 _____
144 (Signature of voter)

145 SWORN TO AND SUBSCRIBED before me, _____, this the ___
146 day of _____, 2____.

147 (* * *) _____
148 (Registrar)"

149 After the completion of the requirements of this section, the
150 elector shall deliver the envelope containing the ballot to the
151 registrar.

152 (2) If the voter has received assistance in marking his
153 ballot, the person providing the assistance shall complete the
154 following form which shall be printed on the back of the envelope
155 containing the applicant's ballot:

156 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

157 (To be completed only if the voter has received assistance in
158 marking the enclosed ballot.) I hereby certify that the
159 above-named voter declared to me that he or she is blind,
160 temporarily or permanently physically disabled, or cannot read or
161 write, and that the voter requested that I assist the voter in

162 marking the enclosed absentee ballot. I hereby certify that the
163 ballot preferences on the enclosed ballot are those communicated
164 by the voter to me, and that I have marked the enclosed ballot in
165 accordance with the voter's instructions.

166 _____

167 Signature of person providing assistance

168 _____

169 Printed name of person providing assistance

170 _____

171 Address of person providing assistance

172 _____

173 Date and time assistance provided

174 _____

175 Family relationship to voter (if any)"

176 (3) The envelope used pursuant to this section shall not
177 contain the form prescribed by Section 23-15-635.

178 **SECTION 5.** The Attorney General of the State of Mississippi
179 shall submit this act, immediately upon approval by the Governor,
180 or upon approval by the Legislature subsequent to a veto, to the
181 Attorney General of the United States or to the United States
182 District Court for the District of Columbia in accordance with the
183 provisions of the Voting Rights Act of 1965, as amended and
184 extended.

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