

By: Senator(s) Blackwell

To: Elections; Constitution

SENATE BILL NO. 2608

1 AN ACT TO AMEND SECTIONS 23-15-563 AND 23-15-573, MISSISSIPPI
 2 CODE OF 1972, TO REDUCE THE LENGTH OF TIME AFTER THE ELECTION
 3 WITHIN WHICH A VOTER WHO IS UNABLE TO PRESENT ACCEPTABLE
 4 PHOTOGRAPHIC IDENTIFICATION MUST RETURN TO THE CIRCUIT OR
 5 MUNICIPAL CLERK'S OFFICE TO PRESENT PHOTOGRAPHIC IDENTIFICATION OR
 6 EXECUTE A RELIGIOUS EXEMPTION AFFIDAVIT; TO PROVIDE THAT SUCH
 7 VOTERS MUST RETURN TO THE CIRCUIT OR MUNICIPAL CLERK'S OFFICE
 8 WITHIN THREE RATHER THAN FIVE DAYS TO ENSURE THAT HIS OR HER
 9 BALLOT IS COUNTED; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-563, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-563. (1) Each person who appears to vote in person at
 14 a polling place or the registrar's office shall be required to
 15 identify himself or herself to a poll manager or the registrar by
 16 presenting current and valid photo identification before such
 17 person shall be allowed to vote.

18 (2) The identification required by subsection (1) of this
 19 section shall include, but not be limited to, the following:

20 (a) A current and valid Mississippi driver's license;



21 (b) A current and valid identification card issued by a
22 branch, department, agency or entity of the State of Mississippi;

23 (c) A current and valid United States passport;

24 (d) A current and valid employee identification card
25 containing a photograph of the elector and issued by any branch,
26 department, agency or entity of the United States government, the
27 State of Mississippi, or any county, municipality, board,
28 authority or other entity of this state;

29 (e) A current and valid Mississippi license to carry a
30 pistol or revolver;

31 (f) A valid tribal identification card containing a
32 photograph of the elector;

33 (g) A current and valid United States military
34 identification card;

35 (h) A current and valid student identification card,
36 containing a photograph of the elector, issued by any accredited
37 college, university or community or junior college in the State of
38 Mississippi; and

39 (i) An official Mississippi voter identification card
40 containing a photograph of the elector.

41 (3) (a) A person who appears to vote in person at a polling
42 place and does not have identification as required by this section
43 may vote by affidavit ballot. The affidavit ballot shall then be
44 counted if the person shall present acceptable photo
45 identification to the registrar within * * * three (3) days.



46 (b) An elector who has a religious objection to being
47 photographed may vote by affidavit ballot, and the elector,
48 within * * * three (3) days after the election, shall execute an
49 affidavit in the registrar's office affirming that the exemption
50 applies.

51 (4) The intentional failure of an election official to
52 require a voter to present identification as required by this
53 section shall be considered corrupt conduct under Section 97-13-19
54 and shall be reported to the Secretary of State and the Attorney
55 General.

56 **SECTION 2.** Section 23-15-573, Mississippi Code of 1972, is
57 amended as follows:

58 23-15-573. (1) If any person declares that he or she is a
59 registered voter in the jurisdiction in which he or she offers to
60 vote and that he or she is eligible to vote in the election, but
61 his or her name does not appear upon the pollbooks, or that he or
62 she is not able to cast a regular election day ballot under a
63 provision of state or federal law but is otherwise qualified to
64 vote, or that he or she has been illegally denied registration, or
65 that he or she is unable to present an acceptable form of photo
66 identification:

67 (a) A poll manager shall notify the person that he or
68 she may cast an affidavit ballot at the election.



69 (b) The person shall be permitted to cast an affidavit
70 ballot at the polling place upon execution of a written affidavit
71 before one (1) of the poll managers stating that the individual:

72 (i) Believes he or she is a registered voter in
73 the jurisdiction in which he or she desires to vote and is
74 eligible to vote in the election; or

75 (ii) Is not able to cast a regular election day
76 ballot under a provision of state or federal law but is otherwise
77 qualified to vote; or

78 (iii) Believes that he or she has been illegally
79 denied registration; or

80 (iv) Is unable to present an acceptable form of
81 photo identification.

82 (c) The poll manager shall allow the individual to mark
83 a paper ballot properly endorsed by the initialing poll manager or
84 alternate initialing poll manager in accordance with Section
85 23-15-541, which shall be delivered by him or her to the proper
86 election official who shall enclose it in an affidavit ballot
87 envelope, with the written and signed affidavit of the voter
88 affixed to the envelope, seal the envelope and mark plainly upon
89 it the name of the person offering to vote.

90 (2) The affidavit ballot envelope shall include:

91 (a) The complete name of the voter;

92 (b) A present and previous physical and mailing address
93 of the voter;



94 (c) Telephone numbers where the voter may be contacted;

95 (d) A statement that the affiant believes he or she is
96 registered to vote in the jurisdiction in which he or she offers
97 to vote;

98 (e) The signature of the affiant; and

99 (f) The signature of the poll manager at the polling
100 place at which the affiant offers to vote.

101 (3) (a) A separate receipt book shall be maintained for
102 affidavit voters and the affidavit voters shall sign the receipt
103 book upon completing the affidavit ballot.

104 (b) If the affidavit voter is casting an affidavit
105 ballot because the voter is unable to present an acceptable form
106 of photo identification and the voter's name appears in the
107 pollbook, then the poll manager shall write "NO ID" across from
108 the voter's name and in the appropriate column in the pollbook.

109 (c) In canvassing the returns of the election, the
110 executive committee in primary elections, or the election
111 commissioners in other elections, shall examine the records and
112 allow the ballot to be counted, or not counted as it appears
113 legal.

114 (d) An affidavit ballot of a voter who was unable to
115 present an acceptable form of photo identification shall not be
116 rejected for this reason if the voter does either of the
117 following:



118 (i) Returns to the circuit clerk's office, or to
119 the municipal clerk's office for municipal elections, within * * *
120 three (3) business days after the date of the election and
121 presents an acceptable form of photo identification;

122 (ii) Returns to the circuit clerk's office
123 within * * * three (3) business days after the date of the
124 election to obtain the Mississippi Voter Identification Card, or
125 in municipal election, returns to the municipal clerk's office
126 within * * * three (3) business days after the date of the
127 election to present his or her Mississippi Voter Identification
128 Card or Temporary Mississippi Voter Identification Card; or

129 (iii) Returns to the circuit clerk's office, or to
130 the municipal clerk's office for municipal elections, within * * *
131 three (3) business days after the date of the election to execute
132 a separate Affidavit of Religious Objection.

133 (4) When a person is offered the opportunity to vote by
134 affidavit ballot, he or she shall be provided with written
135 information that informs the person how to ascertain whether his
136 or her affidavit ballot was counted and, if the vote was not
137 counted, the reasons the vote was not counted.

138 (5) The officials in charge of the election shall process
139 all affidavit ballots by using the Statewide Elections Management
140 System. The officials in charge of the election shall account for
141 all affidavit ballots cast in each election, categorizing the
142 affidavit ballots cast by reason and recording the total number of



143 affidavit ballots counted and not counted in each such category in
144 the Statewide Elections Management System.

145 (6) The Secretary of State shall, by rule duly adopted,
146 establish a uniform affidavit ballot envelope that shall be used
147 in all elections in this state. The Secretary of State shall
148 print and distribute a sufficient number of affidavit ballot
149 envelopes to the registrar of each county for use in elections.
150 The registrar shall distribute the affidavit ballot envelopes to
151 municipal and county executive committees for use in primary
152 elections and to municipal and county election commissioners for
153 use in all other elections.

154 (7) County registrars and municipal registrars shall
155 maintain a secure free access system that complies with the Help
156 America Vote Act of 2002, by which persons who vote by affidavit
157 ballot may determine if their ballots were counted, and if not,
158 the reasons the ballot was not counted.

159 (8) Any person who votes in any election as a result of a
160 federal or state court order or other order extending the time
161 established by law for closing the polls on an election day, may
162 only vote by affidavit ballot. Any affidavit ballot cast under
163 this subsection shall be separated and kept apart from other
164 affidavit ballots cast by voters not affected by the order.

165 **SECTION 3.** This act shall take effect and be in force from
166 and after July 1, 2022.

