

By: Senator(s) Blackwell

To: Elections; Constitution

SENATE BILL NO. 2063

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 valid Mississippi driver's license;



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

23 (c) A valid United States passport;

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

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

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

40 (3) For purposes of this section valid shall mean an
41 official government document that establishes the voter's identity
42 and has no expiration date or has an issuance date not more than
43 ten (10) years prior to the date the document is presented.

44 (4) (a) A person who appears to vote in person at a polling
45 place and does not have identification as required by this section



may vote by affidavit ballot. The affidavit ballot shall then be counted if the person shall present acceptable photo identification to the registrar within * * * three (3) days.

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

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

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

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



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

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

75 (i) Believes he or she is a registered voter in
76 the jurisdiction in which he or she desires to vote and is
77 eligible to vote in the election; or

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

81 (iii) Believes that he or she has been illegally
82 denied registration; or

83 (iv) Is unable to present an acceptable form of
84 photo identification.

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

93 (2) The affidavit ballot envelope shall include:

94 (a) The complete name of the voter;



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

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

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

(e) The signature of the affiant; and

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

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

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

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

(d) An affidavit ballot of a voter who was unable to present an acceptable form of photo identification shall not be



rejected for this reason if the voter does either of the following:

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

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

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

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

(5) The officials in charge of the election shall process all affidavit ballots by using the Statewide Elections Management System. The officials in charge of the election shall account for



all affidavit ballots cast in each election, categorizing the affidavit ballots cast by reason and recording the total number of affidavit ballots counted and not counted in each such category in the Statewide Elections Management System.

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

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

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



168 **SECTION 3.** This act shall take effect and be in force from
169 and after July 1, 2025.

