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To: Elections

SENATE BILL NO. 2496

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 supervisors district or in the incorporated city or town in which
59 he offers to vote, and who shall have been duly registered as an
60 elector by an officer of this state under the laws thereof, and
61 who has never been convicted of any crime listed in Section 241,
62 Mississippi Constitution of 1890, shall be a qualified elector in
63 and for the county, municipality and voting precinct of his
64 residence, and shall be entitled to vote at any election upon
65 compliance with Section 1 of Senate Bill No. 2496, 2000 Regular
66 Session. Any person who will be eighteen (18) years of age or
67 older on or before the date of the general election and who is
68 duly registered to vote not less than thirty (30) days prior to
69 the primary election associated with such general election may
70 vote in such primary election even though such person has not
71 reached his or her eighteenth birthday at the time such person
72 offers to vote at such primary election. No others than those
73 above included shall be entitled, or shall be allowed, to vote at
74 any election.

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

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 identify the voter by requiring the voter to
89 submit valid identification as required by Section 1 of Senate
90 Bill No. 2496, 2000 Regular Session, and then such person
91 shall * * * sign his name in a receipt book or booklet provided
92 for that purpose and to be used at that election only and said
93 receipt book or booklet shall be used in lieu of the list of
94 voters who have voted formerly made by the managers or clerks;
95 whereupon and not before, the initialing manager or, in his
96 absence, the alternate initialing manager shall indorse his
97 initials on the back of an official blank ballot, prepared in
98 accordance with law, and at such place on the back of the ballot
99 that the initials may be seen after the ballot has been marked and
100 folded, and when so indorsed he shall deliver it to the voter,
101 which ballot the voter shall mark in the manner provided by law,
102 which when done the voter shall deliver the same to the initialing
103 manager or, in his absence, to the alternate initialing manager,
104 in the presence of the others, and the manager shall see that the
105 ballot so delivered bears on the back thereof the genuine initials
106 of the initialing manager, or alternate initialing manager, and if
107 so, but not otherwise, the ballot shall be put into the ballot
108 box; and when so done one (1) of the managers or a duly appointed
109 clerk shall make the proper entry on the pollbook. If the voter
110 is unable to write his name on the receipt book, a manager or
111 clerk shall note on the back of the ballot that it was receipted

112 for by his assistance.

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

115 23-15-719. (1) Immediately upon completion of an
116 application filed pursuant to the provisions of paragraph (a) of
117 Section 23-15-715, the registrar shall deliver the necessary
118 ballots to the applicant. The registrar shall identify the
119 applicant by requiring him to present valid identification as
120 required by Section 1 of Senate Bill No. 2496, 2000 Regular
121 Session, and shall then deliver the ballots to the applicant by
122 mail or to the applicant in the registrar's office. The registrar
123 shall not personally hand deliver ballots to voters, unless he
124 delivers the ballots in the office of the registrar. The elector
125 shall fill in his ballot in secret. After the applicant has
126 properly marked the ballot and properly folded it, he shall
127 deposit it in the envelope furnished him by the registrar.

128 After he has sealed the envelope, he shall subscribe and
129 swear to an affidavit in the following form, which shall be
130 printed on the back of the envelope containing the applicant's
131 ballot:

132 "STATE OF MISSISSIPPI

133 COUNTY OF _____

134 I, _____, do solemnly swear that this envelope contains
135 the ballot marked by me indicating my choice of the candidates or
136 propositions to be submitted at the election to be held on the ____
137 day of _____, 20____, and I hereby authorize the registrar to
138 place this envelope in the ballot box on my behalf, and I further
139 authorize the election managers to open this envelope and place my

140 ballot among the other ballots cast before such ballots are
141 counted, and record my name on the poll list as if I were present
142 in person and voted.

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

144 _____

145 (Signature of voter)

146 SWORN TO AND SUBSCRIBED before me, _____, this the ____
147 day of _____, 20_____.

148 (Registrar) _____

149 (Registrar)"

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

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

157 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

158 (To be completed only if the voter has received assistance in
159 marking the enclosed ballot.) I hereby certify that the
160 above-named voter declared to me that he or she is blind,
161 temporarily or permanently physically disabled, or cannot read or
162 write, and that the voter requested that I assist the voter in
163 marking the enclosed absentee ballot. I hereby certify that the
164 ballot preferences on the enclosed ballot are those communicated
165 by the voter to me, and that I have marked the enclosed ballot in
166 accordance with the voter's instructions.

167 _____

168 Signature of person providing assistance

169 _____

170 Printed name of person providing assistance

171 _____

172 Address of person providing assistance

173 _____

174 Date and time assistance provided

175 _____

176 Family relationship to voter (if any)"

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

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

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