

By: Representatives Lott, Davis, Chism,
Nicholson

To: Apportionment and
Elections

HOUSE BILL NO. 40

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

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

9 **SECTION 1.** (1) Each elector shall present valid
10 identification to an election manager, or the circuit clerk or
11 deputy circuit clerk in the case of absentee voting, before he
12 shall be allowed to vote. Valid identification shall consist of
13 any one of the following:

- 14 (a) A valid Mississippi driver's license;
- 15 (b) A valid social security card;
- 16 (c) Official voter registration card; or
- 17 (d) Any other generally recognized form of photographic
18 identification which is not more than two (2) years old.

19 (2) If an elector is unable to produce any of the items of
20 identification listed in subsection (1) of this section, he or she
21 shall sign a statement under oath in a form approved by the State
22 Board of Election Commissioners, swearing or affirming that he or
23 she is the person identified on the pollbooks. One of the
24 election managers, or the circuit clerk or deputy circuit clerk in
25 the case of absentee voting, shall sign the statement as a witness
26 to the oath taken by the elector. The person shall be allowed to
27 vote without undue delay. Any elector who falsely swears or
28 affirms the statement prescribed in this subsection shall be
29 guilty of a felony and, upon conviction, shall be fined not more



30 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than
31 one (1) year, but not more than five (5) years, or both.

32 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
33 amended as follows:

34 23-15-11. Every inhabitant of this state, except idiots and
35 insane persons, who is a citizen of the United States of America,
36 eighteen (18) years old and upwards, who has resided in this state
37 for thirty (30) days and for thirty (30) days in the county in
38 which he offers to vote, and for thirty (30) days in the
39 incorporated city or town in which he offers to vote, and who
40 shall have been duly registered as an elector pursuant to Section
41 23-15-33, and who has never been convicted of any crime listed in
42 Section 241, Mississippi Constitution of 1890, shall be a
43 qualified elector in and for the county, municipality and voting
44 precinct of his residence, and shall be entitled to vote at any
45 election, provided he complies with the provisions of Section 1 of
46 this act. Any person who will be eighteen (18) years of age or
47 older on or before the date of the general election and who is
48 duly registered to vote not less than thirty (30) days prior to
49 the primary election associated with such general election, may
50 vote in such primary election even though such person has not
51 reached his or her eighteenth birthday at the time such person
52 offers to vote at such primary election. No others than those
53 above included shall be entitled, or shall be allowed, to vote at
54 any election.

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

57 **[Until Laws of 1993, Chapter 528, is effectuated under**
58 **Section 5 of the Voting Rights Act of 1965, this section reads as**
59 **follows:]**

60 23-15-541. At all elections, the polls shall be opened at
61 seven o'clock in the morning and be kept open until seven o'clock
62 in the evening and no longer. Upon the opening of the polls, and



63 not before, the managers of the election shall designate two (2)
64 of their number, other than the manager theretofore designated to
65 receive the blank ballots, who shall thereupon be known
66 respectively as the initialing manager and the alternate
67 initialing manager. The alternate initialing manager, in the
68 absence of the initialing manager, shall perform all of the duties
69 and undertake all of the responsibilities of the initialing
70 manager. When any person entitled to vote shall appear to vote,
71 the managers shall first identify the voter by requiring the voter
72 to present valid identification as provided in Section 1 of this
73 act; and then the person shall * * * sign his name in a receipt
74 book or booklet provided for that purpose and to be used at that
75 election only and said receipt book or booklet shall be used in
76 lieu of the list of voters who have voted formerly made by the
77 managers or clerks; whereupon and not before, the initialing
78 manager or, in his absence, the alternate initialing manager shall
79 indorse his initials on the back of an official blank ballot,
80 prepared in accordance with law, and at such place on the back of
81 the ballot that the initials may be seen after the ballot has been
82 marked and folded, and when so indorsed he shall deliver it to the
83 voter, which ballot the voter shall mark in the manner provided by
84 law, which when done the voter shall deliver the same to the
85 initialing manager or, in his absence, to the alternate initialing
86 manager, in the presence of the others, and the manager shall see
87 that the ballot so delivered bears on the back thereof the genuine
88 initials of the initialing manager, or alternate initialing
89 manager, and if so, but not otherwise, the ballot shall be put
90 into the ballot box; and when so done one of the managers or a
91 duly appointed clerk shall make the proper entry on the pollbook.
92 If the voter is unable to write his name on the receipt book, a
93 manager or clerk shall note on the back of the ballot that it was
94 receipted for by his assistance.



95 **[From and after such time as Laws of 1993, Chapter 528, is**
96 **effectuated under Section 5 of the Voting Rights Act of 1965, this**
97 **section reads as follows:]**

98 23-15-541. At all elections, the polls shall be opened at
99 seven o'clock in the morning and be kept open until seven o'clock
100 in the evening and no longer. Upon the opening of the polls, and
101 not before, the managers of the election shall designate two (2)
102 of their number, other than the manager theretofore designated to
103 receive the blank ballots, who shall thereupon be known
104 respectively as the initialing manager and the alternate
105 initialing manager. The alternate initialing manager, in the
106 absence of the initialing manager, shall perform all of the duties
107 and undertake all of the responsibilities of the initialing
108 manager. When any person entitled to vote shall appear to vote,
109 the managers shall identify the voter * * * by requiring the voter
110 to submit * * * valid * * * identification as provided in Section
111 1 of this act; and then such person shall sign his name in a
112 receipt book or booklet provided for that purpose and to be used
113 at that election only and said receipt book or booklet shall be
114 used in lieu of the list of voters who have voted formerly made by
115 the managers or clerks; whereupon and not before, the initialing
116 manager or, in his absence, the alternate initialing manager shall
117 indorse his initials on the back of an official blank ballot,
118 prepared in accordance with law, and at such place on the back of
119 the ballot that the initials may be seen after the ballot has been
120 marked and folded, and when so indorsed he shall deliver it to the
121 voter, which ballot the voter shall mark in the manner provided by
122 law, which when done the voter shall deliver the same to the
123 initialing manager or, in his absence, to the alternate initialing
124 manager, in the presence of the others, and the manager shall see
125 that the ballot so delivered bears on the back thereof the genuine
126 initials of the initialing manager, or alternate initialing
127 manager, and if so, but not otherwise, the ballot shall be put



128 into the ballot box; and when so done one of the managers or a
129 duly appointed clerk shall make the proper entry on the pollbook.
130 If the voter is unable to write his name on the receipt book, a
131 manager or clerk shall note on the back of the ballot that it was
132 receipted for by his assistance.

133 **SECTION 4.** The Attorney General of the State of Mississippi
134 shall submit this act, immediately upon approval by the Governor,
135 or upon approval by the Legislature subsequent to a veto, to the
136 Attorney General of the United States or to the United States
137 District Court for the District of Columbia in accordance with the
138 provisions of the Voting Rights Act of 1965, as amended and
139 extended.

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

