

By: Representative Denny

To: Apportionment and
ElectionsHOUSE BILL NO. 921
(As Sent to Governor)

1 AN ACT TO REQUIRE A QUALIFIED ELECTOR WHO APPEARS TO VOTE AT
2 THE REGISTRAR'S OFFICE OR A POLLING PLACE TO PRESENT
3 IDENTIFICATION BEFORE VOTING; TO REQUIRE THE SECRETARY OF STATE TO
4 NEGOTIATE A MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI
5 DEPARTMENT OF PUBLIC SAFETY AND THE REGISTRAR OF EACH COUNTY FOR
6 THE PURPOSE OF PROVIDING A MISSISSIPPI VOTER IDENTIFICATION CARD;
7 TO AMEND SECTIONS 23-15-135, 23-15-11, 23-15-541, 23-15-631,
8 13-15-639, 23-15-719 AND 45-1-37, MISSISSIPPI CODE OF 1972, TO
9 CONFORM TO THE PRECEDING SECTIONS; 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 current and valid photo identification
15 before such person shall be allowed to vote.

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

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

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

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

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

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

29 (f) A valid tribal identification card containing a
30 photograph of the elector;



31 (g) A current and valid United States military
32 identification card;

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

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

39 (3) (a) A person who appears to vote in person at a polling
40 place and does not have identification as required by this section
41 may vote by affidavit ballot. The affidavit ballot shall then be
42 counted if the person shall present acceptable photo
43 identification to the registrar within five (5) days.

44 (b) An elector who has a religious objection to being
45 photographed may vote by affidavit ballot, and the elector, within
46 five (5) days after the election, shall execute an affidavit in
47 the registrar's office affirming that the exemption applies.

48 (4) Any person who utilizes the provisions of this section
49 to intimidate a voter, or to prevent from voting a person who is
50 otherwise qualified to vote shall, upon conviction, be sentenced
51 to pay a fine of not less than Five Thousand Dollars (\$5,000.00),
52 or by imprisonment for not less than one (1) year nor more than
53 five (5) years, or both.

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

59 **SECTION 2.** (1) The Secretary of State shall negotiate a
60 Memorandum of Understanding which shall be entered into by the
61 Mississippi Department of Public Safety and the registrar of each
62 county for the purpose of providing a Mississippi Voter
63 Identification Card. Such card shall be valid for the purpose of



64 voter identification purposes under Section 1 of this act and
65 available only to registered voters of this state. No fee shall
66 be charged or collected for the application for or issuance of a
67 Mississippi Voter Identification Card. Any costs associated with
68 the application for or issuance of a Mississippi Voter
69 Identification Card shall be made payable from the state's General
70 Fund.

71 (2) The registrar of each county shall provide a location in
72 the registrar's office at which he or she shall accept
73 applications for Mississippi Voter Identification Cards in
74 accordance with the Mississippi Constitution; however, in counties
75 having two (2) judicial districts the registrar shall provide a
76 location in the registrar's office in each judicial district at
77 which he or she shall accept applications for Mississippi Voter
78 Identification Cards in accordance with the Mississippi
79 Constitution.

80 (3) No person shall be eligible for a Mississippi Voter
81 Identification Card if the person has a valid unexpired
82 Mississippi driver's license or an identification card issued
83 under Section 45-35-1 et seq.

84 (4) (a) The Mississippi Voter Identification Card shall be
85 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall
86 contain a prominent statement that under Mississippi law it is
87 valid only as identification for voting purposes. The
88 identification card shall include the following information
89 regarding the applicant:

- 90 (i) Full legal name;
- 91 (ii) Legal residence address;
- 92 (iii) Mailing address, if different; and
- 93 (iv) Voting information.

94 (b) The Mississippi Voter Identification Card shall
95 also contain the date the voter identification card was issued,



96 the county in which the voter is registered and such other
97 information as required by the Secretary of State.

98 (5) The application shall be signed and sworn to by the
99 applicant and any falsification or fraud in the making of the
100 application shall constitute false swearing under Section 97-7-35.

101 (6) The registrar shall require presentation and
102 verification of any of the following information during the
103 application process before issuance of a Mississippi Voter
104 Identification Card:

105 (a) A photo identity document; or

106 (b) Documentation showing the person's date and place
107 of birth; or

108 (c) A social security card; or

109 (d) A Medicare card; or

110 (e) A Medicaid card; or

111 (f) Such other acceptable evidence of verification of
112 residence in the county as determined by the Secretary of State.

113 (7) A Mississippi Voter Identification Card shall remain
114 valid for as long as the cardholder resides at the same address
115 and remains qualified to vote. It shall be the duty of a person
116 who moves his or her residence within this state to surrender his
117 or her voter identification card to the registrar of the county of
118 his or her new residence and such person may thereafter apply for
119 and receive a new card if such person is eligible under this
120 section. It shall be the duty of a person who moves his or her
121 residence outside this state or who ceases to be qualified to vote
122 to surrender his or her card to the registrar who issued it.

123 (8) The Secretary of State, in conjunction with the
124 Mississippi Department of Public Safety, shall adopt rules and
125 regulations for the administration of this section.

126 **SECTION 3.** Section 23-15-135, Mississippi Code of 1972, is
127 amended as follows:



128 23-15-135. (1) The registration books of the several voting
129 precincts of each county and the pollbooks heretofore in use shall
130 be delivered to the registrar of the county, and they, together
131 with the registration books and pollbooks hereafter made, shall be
132 records of his office, and he shall carefully preserve the same as
133 such; and after each election the pollbooks shall be speedily
134 returned to the office of the registrar.

135 (2) The registrar of each county shall provide a location in
136 the registrar's office at which he or she shall accept
137 applications for Mississippi Voter Identification Cards in
138 accordance with the Mississippi Constitution.

139 (3) The registrar of each county shall enter into a
140 Memorandum of Understanding, which is negotiated by the Secretary
141 of State, with the Mississippi Department of Public Safety for the
142 purpose of providing a Mississippi Voter Identification Card.

143 **SECTION 4.** Section 23-15-11, Mississippi Code of 1972, is
144 amended as follows:

145 23-15-11. Every inhabitant of this state, except persons
146 adjudicated to be non compos mentis, who is a citizen of the
147 United States of America, eighteen (18) years old and upwards, who
148 has resided in this state for thirty (30) days and for thirty (30)
149 days in the county in which he seeks to vote, and for thirty (30)
150 days in the incorporated municipality in which he seeks to vote,
151 and who has been duly registered as an elector under Section
152 23-15-33, and who has never been convicted of any crime listed in
153 Section 241, Mississippi Constitution of 1890, shall be a
154 qualified elector in and for the county, municipality and voting
155 precinct of his residence, and shall be entitled to vote at any
156 election upon compliance with Section 1 of House Bill No. 921,
157 2012 Regular Session. Any person who will be eighteen (18) years
158 of age or older on or before the date of the general election and
159 who is duly registered to vote not less than thirty (30) days
160 before the primary election associated with the general election,



161 may vote in the primary election even though the person has not
162 reached his or her eighteenth birthday at the time that the person
163 seeks to vote at the primary election. No others than those
164 specified in this section shall be entitled, or shall be allowed,
165 to vote at any election.

166 **SECTION 5.** Section 23-15-541, Mississippi Code of 1972, is
167 amended as follows:

168 23-15-541. (1) At all elections, the polls shall be opened
169 at seven o'clock in the morning and be kept open until seven
170 o'clock in the evening and no longer. Upon the opening of the
171 polls, and not before, the managers of the election shall
172 designate two (2) of their number, other than the manager
173 theretofore designated to receive the blank ballots, who shall
174 thereupon be known respectively as the initialing manager and the
175 alternate initialing manager. The alternate initialing manager,
176 in the absence of the initialing manager, shall perform all of the
177 duties and undertake all of the responsibilities of the initialing
178 manager. When any person entitled to vote shall appear to vote,
179 the managers shall identify the voter by requiring the voter to
180 submit identification as required by Section 1 of House Bill No.
181 921, 2012 Regular Session, and then the voter shall * * * sign his
182 name in a receipt book or booklet provided for that purpose and to
183 be used at that election only and said receipt book or booklet
184 shall be used in lieu of the list of voters who have voted
185 formerly made by the managers or clerks; whereupon and not before,
186 the initialing manager or, in his absence, the alternate
187 initialing manager shall endorse his initials on the back of an
188 official blank ballot, prepared in accordance with law, and at
189 such place on the back of the ballot that the initials may be seen
190 after the ballot has been marked and folded, and when so endorsed
191 he shall deliver it to the voter, which ballot the voter shall
192 mark in the manner provided by law, which when done the voter
193 shall deliver the ballot to the initialing manager or, in his



194 absence, to the alternate initialing manager, in the presence of
195 the others, and the manager shall see that the ballot so delivered
196 bears on the back thereof the genuine initials of the initialing
197 manager, or alternate initialing manager, and if so, but not
198 otherwise, the ballot shall be put into the ballot box; and when
199 so done one (1) of the managers or a duly appointed clerk shall
200 make the proper entry on the pollbook. If the voter is unable to
201 write his name on the receipt book, a manager or clerk shall note
202 on the back of the ballot that it was receipted for by his
203 assistance.

204 (2) (a) A poll manager shall be authorized to allow a
205 physically disabled person to vote curbside during the hours in
206 which the polls are open as described in this section.

207 Where the managers of an election, exercising their sound
208 discretion, determine that a physically disabled person has
209 arrived at the polls in a motor vehicle to vote, two (2) or more
210 managers shall carry the pollbook, the receipt book, and a ballot
211 or voting device to the motor vehicle, and after determining
212 whether the disabled person is a qualified elector as provided by
213 law, shall allow the disabled elector to cast his or her ballot in
214 secret. After the disabled elector casts his or her ballot, the
215 managers shall mark the pollbook "voted" by the elector's name in
216 the pollbook.

217 (b) If the ballot that is provided to the disabled
218 elector is a paper ballot, the initialing manager shall initial
219 the ballot as provided by law, and the disabled elector, after
220 marking his or her ballot shall fold the ballot or place it in the
221 ballot sleeve. The initialing manager or alternate initialing
222 manager shall determine whether the initials on the ballot are
223 genuine, and upon a determination that the initials are genuine,
224 mark "voted" by the elector's name. The initialing manager or
225 alternate initialing manager shall without delay place the ballot
226 in the ballot box.



227 (c) If, while a voter is voting by curbside, there are
228 less than three (3) managers immediately present within the
229 polling place conducting an election or a political party primary,
230 all voting at the polls shall stop until the managers conducting
231 the curbside voting procedure return so that there are at least
232 three (3) poll managers immediately present within the polling
233 place to conduct the election or party primary at all times, and
234 until a minimum of three (3) managers are present, the remaining
235 poll manager or managers shall ensure the security of the ballot
236 box, the voting devices, and any ballots and election materials.

237 **SECTION 6.** Section 23-15-631, Mississippi Code of 1972, is
238 amended as follows:

239 23-15-631. (1) The registrar shall enclose with each ballot
240 provided to an absent elector separate printed instructions
241 furnished by him containing the following:

242 (a) All absentee voters, excepting those with temporary
243 or permanent physical disabilities or those who are sixty-five
244 (65) years of age or older, who mark their ballots in the county
245 of the residence shall use the registrar of that county as the
246 witness. The absentee voter shall come to the office of the
247 registrar and neither the registrar nor his deputy shall be
248 required to go out of the registrar's office to serve as an
249 attesting witness.

250 (b) Upon receipt of the enclosed ballot, you will not
251 mark the ballot except in view or sight of the attesting witness.
252 In the sight or view of the attesting witness, mark the ballot
253 according to instructions.

254 (c) After marking the ballot, fill out and sign the
255 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
256 signature shall be across the flap of the envelope so as to insure
257 the integrity of the ballot. All absent electors shall have the
258 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
259 the flap on back of the envelope. Place necessary postage on the



260 envelope and deposit it in the post office or some government
261 receptacle provided for deposit of mail so that the absent
262 elector's ballot, excepting presidential absentee ballots, will
263 reach the registrar in which your precinct is located not later
264 than 5:00 p.m. on the day preceding the date of the election.

265 Any notary public, United States postmaster, assistant United
266 States postmaster, United States postal supervisor, clerk in
267 charge of a contract postal station, or any officer having
268 authority to administer an oath or take an acknowledgment may be
269 an attesting witness; provided, however, that in the case of an
270 absent elector who is temporarily or permanently physically
271 disabled, the attesting witness may be any person eighteen (18)
272 years of age or older and such person is not required to have the
273 authority to administer an oath. If a postmaster, assistant
274 postmaster, postal supervisor, or clerk in charge of a contract
275 postal station acts as an attesting witness, his signature on the
276 elector's certificate must be authenticated by the cancellation
277 stamp of their respective post offices. If one or the other
278 officers herein named acts as attesting witness, his signature on
279 the elector's certificate, together with his title and address,
280 but no seal, shall be required. Any affidavits made by an absent
281 elector who is in the Armed Forces may be executed before a
282 commissioned officer, warrant officer, or noncommissioned officer
283 not lower in grade than sergeant rating or any person authorized
284 to administer oaths.

285 (d) When the application accompanies the ballot it
286 shall not be returned in the same envelope as the ballot but shall
287 be returned in a separate preaddressed envelope provided by the
288 registrar.

289 (e) A person who is a candidate for public office may
290 not be an attesting witness for any absentee ballot upon which the
291 person's name appears.



292 (f) Any voter casting an absentee ballot who declares
293 that he requires assistance to vote by reason of blindness,
294 temporary or permanent physical disability or inability to read or
295 write, shall be entitled to receive assistance in the marking of
296 his absentee ballot and in completing the affidavit on the
297 absentee ballot envelope. The voter may be given assistance by
298 anyone of the voter's choice other than a candidate whose name
299 appears on the absentee ballot being marked, or the voter's
300 employer, or agent of that employer. In order to ensure the
301 integrity of the ballot, any person who provides assistance to an
302 absentee voter shall be required to sign and complete the
303 "Certificate of Person Providing Voter Assistance" on the absentee
304 ballot envelope.

305 (2) The foregoing instructions required to be provided by
306 the registrar to the elector shall also constitute the substantive
307 law pertaining to the handling of absentee ballots by the elector
308 and registrar.

309 (3) The Secretary of State shall prepare instructions on how
310 absent voters may comply with the identification requirements of
311 Section 1 of House Bill No. 921, 2012 Regular Session.

312 **SECTION 7.** Section 23-15-639, Mississippi Code of 1972, is
313 amended as follows:

314 23-15-639. (1) In elections in which direct recording
315 electronic voting systems are not utilized, the examination and
316 counting of absentee ballots shall be conducted as follows:

317 (a) At the close of the regular balloting and at the
318 close of the polls, the election managers of each voting precinct
319 shall first take the envelopes containing the absentee ballots of
320 such electors from the box, and the name, address and precinct
321 inscribed on each envelope shall be announced by the election
322 managers.

323 (b) The signature on the application shall then be
324 compared with the signature on the back of the envelope. If it



325 corresponds and the affidavit, if one is required, is sufficient
326 and the election managers find that the applicant is a registered
327 and qualified voter or otherwise qualified to vote, and that he
328 has not appeared in person and voted at the election, the envelope
329 shall then be opened and the ballot removed from the envelope,
330 without its being unfolded, or permitted to be unfolded or
331 examined.

332 (c) Having observed and found the ballot to be regular
333 as far as can be observed from its official endorsement, the
334 election managers shall deposit it in the ballot box with the
335 other ballots before counting any ballots and enter the voter's
336 name in the receipt book provided for that purpose and mark
337 "VOTED" in the pollbook or poll list as if he had been present and
338 voted in person. If voting machines are used, all absentee
339 ballots shall be placed in the ballot box before any ballots are
340 counted, and the election managers in each precinct shall
341 immediately count such absentee ballots and add them to the votes
342 cast in the voting machine or device.

343 (2) In elections in which direct recording electronic voting
344 systems are utilized, the examination and counting of absentee
345 ballots shall be conducted as follows:

346 (a) At the close of the regular balloting and at the
347 close of the polls, the election managers of each voting precinct
348 shall first take the envelopes containing the absentee ballots of
349 such electors from the box, and the name, address and precinct
350 inscribed on each envelope shall be announced by the election
351 managers.

352 (b) The signature on the application shall then be
353 compared with the signature on the back of the envelope. If it
354 corresponds and the affidavit, if one is required, is sufficient
355 and the election managers find that the applicant is a registered
356 and qualified voter or otherwise qualified to vote, and that he
357 has not appeared in person and voted at the election, the unopened



358 envelope shall be marked "ACCEPTED" and the election managers
359 shall enter the voter's name in the receipt book provided for that
360 purpose and mark "VOTED" in the pollbook or poll list as if he had
361 been present and voted in person.

362 (c) All absentee ballot envelopes shall then be placed
363 in the secure ballot transfer case and delivered to the officials
364 in charge of conducting the election at the central tabulation
365 point of the county. The official in charge of the election shall
366 open the envelopes marked "ACCEPTED" and remove the ballot from
367 the envelope.

368 (d) Having observed the ballot to be regular as far as
369 can be observed from its official endorsement, the absentee ballot
370 shall be processed through the central optical scanner. The
371 scanned totals shall then be combined with the direct recording
372 electronic voting system totals for the unofficial vote count.

373 When there is a conflict between an electronic voting system
374 and a paper record, then there is a rebuttable presumption that
375 the paper record is correct.

376 (3) The election managers shall also take such action as may
377 be prescribed by the Secretary of State to ensure compliance with
378 the identification requirements of Section 1 of House Bill No.
379 921, 2012 Regular Session.

380 **SECTION 8.** Section 23-15-719, Mississippi Code of 1972, is
381 amended as follows:

382 23-15-719. (1) Immediately upon completion of an
383 application filed pursuant to the provisions of paragraph (a) of
384 Section 23-15-715, the registrar shall deliver the necessary
385 ballots to the applicant. The registrar shall identify the
386 applicant by requiring him to present identification as required
387 by Section 1 of House Bill No. 921, 2012 Regular Session, and
388 shall then deliver the ballots to the applicant by mail or to the
389 applicant in the registrar's office. The registrar shall not
390 personally hand deliver ballots to voters, unless he delivers the



391 ballots in the office of the registrar. The elector shall fill in
392 his ballot in secret. After the applicant has properly marked the
393 ballot and properly folded it, he shall deposit it in the envelope
394 furnished him by the registrar.

395 After he has sealed the envelope, he shall subscribe and
396 swear to an affidavit in the following form, which shall be
397 printed on the back of the envelope containing the applicant's
398 ballot:

399 "STATE OF MISSISSIPPI

400 COUNTY OF _____

401 I, _____, do solemnly swear that this envelope contains
402 the ballot marked by me indicating my choice of the candidates or
403 propositions to be submitted at the election to be held on the ___
404 day of _____, 2___, and I hereby authorize the registrar to
405 place this envelope in the ballot box on my behalf, and I further
406 authorize the election managers to open this envelope and place my
407 ballot among the other ballots cast before such ballots are
408 counted, and record my name on the poll list as if I were present
409 in person and voted.

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

411 _____

412 (Signature of voter)

413 SWORN TO AND SUBSCRIBED before me, _____, this the ___

414 day of _____, 2___.

415 (Registrar) _____

416 (Registrar)"

417 After the completion of the requirements of this section, the
418 elector shall deliver the envelope containing the ballot to the
419 registrar.

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



424 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
425 (To be completed only if the voter has received assistance in
426 marking the enclosed ballot.) I hereby certify that the
427 above-named voter declared to me that he or she is blind,
428 temporarily or permanently physically disabled, or cannot read or
429 write, and that the voter requested that I assist the voter in
430 marking the enclosed absentee ballot. I hereby certify that the
431 ballot preferences on the enclosed ballot are those communicated
432 by the voter to me, and that I have marked the enclosed ballot in
433 accordance with the voter's instructions.

434 _____
435 Signature of person providing assistance

436 _____
437 Printed name of person providing assistance

438 _____
439 Address of person providing assistance

440 _____
441 Date and time assistance provided

442 _____
443 Family relationship to voter (if any)"

444 (3) The envelope used pursuant to this section shall not
445 contain the form prescribed by Section 23-15-635 and shall have
446 printed on the flap on the back of the envelope in bold print and
447 in a distinguishing color, the following: **"YOUR VOTE WILL BE
448 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
449 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

450 **SECTION 9.** Section 45-1-37, Mississippi Code of 1972, is
451 amended as follows:

452 45-1-37. (1) The Commissioner of Public Safety is hereby
453 authorized and directed to seek reciprocal agreements with
454 bordering states to allow law enforcement officers of the State of
455 Mississippi to enter into such bordering states while in pursuit
456 of persons who have committed crimes for the purpose of

457 apprehending and arresting such persons. Any state who enters
458 into such reciprocal agreement shall be authorized to enter into
459 the State of Mississippi for the same purpose.

460 (2) The Commissioner of Public Safety shall require the
461 Department of Public Safety to enter into a Memorandum of
462 Understanding, which is negotiated by the Secretary of State, with
463 the registrar of each county for the purpose of providing a
464 Mississippi Voter Identification Card.

465 **SECTION 10.** Immediately upon approval by the Governor, or
466 upon approval by the Legislature subsequent to a veto, the
467 Attorney General of the State of Mississippi, or other
468 appropriate official of the State of Mississippi or any other
469 authorized person on behalf of the State of Mississippi, shall
470 submit this act to the Attorney General of the United States or to
471 the United States District Court for the district of Columbia in
472 accordance with the provisions of the Voting Rights Act of 1965,
473 as amended and extended. For the purposes of this act, the
474 Legislature authorizes the Governor of the State of Mississippi,
475 the Secretary of State of the State of Mississippi, or the
476 chairpersons of the elections and Apportionment Committee of the
477 Mississippi House of Representatives and the Elections Committee
478 of the Mississippi Senate, said chairpersons acting jointly, to
479 make the requisite submissions in accordance with the Voting
480 Rights Act of 1965, as amended and extended.

481 **SECTION 11.** This act shall take effect and be in force from
482 and after the date it is effectuated under Section 5 of the Voting
483 Rights Act of 1965, as amended and extended.

