Title 1: Secretary of State

Part 16: Elections – Voter Photo Identification

Part 16 Chapter 1: *Definitions*

Rule 1.1 Definitions.

A. An "Accredited college, university, community or junior college in the State of Mississippi" shall mean a college, university, community college or junior college approved by the Mississippi Commission on College Accreditation.
B. An "Assisted Living Center" shall mean an institution for the aged or infirm as defined by Miss. Code Ann. Section 43-11-1. licensed by the Mississippi Department of Health.
C. "Business Days" shall mean those days on which each Registrar's office is open for business, including those Saturdays on which each Registrar's office is open for those purposes as provided by statute.
D. "Current" shall mean the document has no expiration date or was issued at a date not more than ten (10) years prior to the date the document is presented.
E. "Expired" shall mean the document was issued at a date more than ten (10) years prior to the date the document is presented.
F. A "Licensed Nursing Home" shall mean an institution for the aged or infirm as defined by Miss. Code Ann. Section 43-11-1. licensed by the Mississippi Department of Health.
G. "Mississippi Voter Identification Card" shall mean a card issued by the State of Mississippi through the individual offices of each county Registrar pursuant to Miss. Code Ann. Section 23-15-7, solely for the purpose of identifying a qualified elector by photographic identification who presents to a county Registrar or polling place, in person, to vote.
H. "Photo Identification" shall mean photographic evidence of one's identity.
I. "Qualified Elector", as defined by Miss. Code Ann. Section 23-15-11, shall refer to every inhabitant of the state of Mississippi, except persons adjudicated to be *non compos mentis*, who is a citizen of the United States, eighteen (18) years old and upwards, who has resided in the state of Mississippi for thirty (30) days and for thirty (30) days in the county in which he/she seeks to vote, and for thirty (30) days in the incorporate municipality in which he seeks to vote, and who has been duly registered as an elector pursuant to Miss. Code Ann. Section 23-15-33, and who has never been convicted of any crime provided within Section 241 of the Mississippi Constitution of 1890.
J. "Registrar" shall refer to each of the eighty-two (82) county registrars of elections, appointed by the State Board of Election Commissioners, pursuant to Miss. Code Ann. Section 23-15-223, and likewise shall include each deputy registrar as authorized by law.
K. "Receipt for the Mississippi Voter Identification Card" shall mean a paper card, issued by the State of Mississippi through the individual offices of each county Registrar pursuant to Miss. Code Ann. Section 23-15-631, solely for the purpose of providing a temporary means by which to identify a qualified elector by photographic identification who presents to a county Registrar or polling place, in person, which shall expire forty-five (45) days after issuance.
L. "Valid" shall mean that document is what it purports to be, and is not a fake or forgery.

Source: Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 2: ***Acceptable Photographic Identification***

Rule 2.1 Each qualified elector of the state of Mississippi, who appears to vote in person at a polling place or at the Registrar's office and is not exempted from these requirements, must identify himself or herself to an election official by presenting one of the following current and valid (as defined herein at Chapter 1.2 and 1.8 respectively) forms of photographic identification:

A. A Mississippi driver's license,
B. An identification card, including, but not limited to an employee identification card, containing a photograph of the elector issued by a branch, department, agency or entity of the State of Mississippi,
C. A United States passport,
D. An employee identification card containing a photograph of the elector issued by any branch, department, agency or entity of the United States government,
E. A Mississippi license containing a photograph of the elector to carry a pistol or revolver,
F. A tribal identification card containing a photograph of the elector,
G. A United States military identification card containing a photograph of the elector,
H. A student identification card, containing a photograph of the elector, issued by any accredited college, university or community or junior college in the State of Mississippi,
I. An official Mississippi Voter Identification card containing a photograph of the elector,
J. Any photo identity document issued by any branch, department, agency or entity of the U. S. government or any U. S. State, including, but not limited to, a driver's license issued by a state other than Mississippi and a Veteran's Universal Access Card.

Source: HB921 (2012 Regular Session) § 1(2); Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 3: ***Mississippi Voter Identification Card***

Rule 3.1 Intent and Purpose.

A. These rules are promulgated pursuant to the authority granted the Mississippi Secretary of State under Miss. Code Ann. Section 23-15-7.

B. It is the intent of the Mississippi Secretary of State to provide for the time, place, and manner in which each county Registrar shall issue the Mississippi Voter Identification Card to eligible electors, to provide for the acceptable types of documentation or information necessary for an eligible elector to obtain the

Mississippi Voter Identification Card, and to provide certain other rules governing the Mississippi Voter Photo Identification law.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.2 Availability of Mississippi Voter Identification Card.

A. The Registrar of each county shall provide a location in each Registrar's office at which he or she shall make available and accept applications for the Mississippi Voter Identification Card and issue the Receipt for the Mississippi Voter Identification Card.

B. In counties that have two (2) judicial districts, the Registrar shall provide a location in the Registrar's office in each judicial district, at which he or she shall make available and accept applications for the Mississippi Voter Identification Card and issue the Receipt for the Mississippi Voter Identification Card.

C. The Registrar of each county shall accept applications for the Mississippi Voter Identification Card and issue the Receipt for the Mississippi Voter Identification Card during normal business hours and during such additional hours as are provided by statute.

D. Any qualified and eligible elector may submit an application for the Mississippi Voter Identification Card at any county Registrar's office in the State of Mississippi, and receive issuance of his or her Receipt for the Mississippi Voter Identification Card. The Registrar of the elector's county of residence shall be provided notice of the elector's submission of an application and issuance of a Receipt for the Mississippi Voter Identification Card from the issuing county Registrar's office.

E. No fee shall be charged to the applicant or collected by the county Registrar for the Registrar's provision and acceptance of the application for the Mississippi Voter Identification Card or the issuance of the Receipt for the Mississippi Voter Identification Card.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.3 Application for Mississippi Voter Identification Card.

A. The Registrar of each county shall provide a uniform application for the Mississippi Voter Identification Card in the form designed and published by the Mississippi Secretary of State as set forth herein at Part 16, Exhibit A.

B. The Office of the Secretary of State shall make proper allowances and reimburse for equipment and office supplies reasonably necessary for the issuance of the Receipt for the Mississippi Voter Identification Card.

C. The application shall require the elector to (i) affirm he or she is registered to vote in Mississippi, or is registering to vote at the same time he or she is submitting an application for the Mississippi Voter Identification Card, (ii) affirm he or she does not currently possess any of the forms of acceptable photograph identification to

vote; and (iii) provide his or her full legal name, date of birth, legal residence address, and mailing address, if different.

D. The application shall be signed under oath, in the presence of the Registrar, and any falsification or fraud committed in making the application for the Mississippi Voter Identification Card with respect to the elector's name and address shall constitute false swearing as defined and punishable by Miss. Code Ann. Section 97-7-35.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.4 Eligibility for Issuance of Mississippi Voter Identification Card.

A. No qualified elector shall be eligible to obtain the Mississippi Voter Identification Card if that person currently possesses a valid and unexpired Mississippi driver's license or a photographic identification card issued pursuant to Miss. Code Ann. Section 45-35-1, *et seq.*

B. To receive the Mississippi Voter Identification Card, the elector must complete and sign the application provided by the Registrar and present any of the following forms of identification to the Registrar:

1. A photo identity document. This shall mean any valid and expired document, containing the elector's name, and a photograph that fairly depicts the elector, issued by any branch, department, agency, division or entity of the U.S. government or any U.S. state.

2. Any documentation which sets forth the elector's full legal name, date and place of birth, including but not limited to a birth certificate.

3. A Social Security card.

4. A Medicare card.

5. A Medicaid card.

6. Any of the following documents, provided the document sets forth the elector's name and current address:

   i. Utility bill issued within the past 60 days,
   ii. Bank statement issued within the past 60 days,
   iii. Paycheck issued within the past 60 days, or
   iv. Government check issued within the past 60 days.

C. To receive the Mississippi Voter Identification Card, the Registrar may electronically verify the elector's birth information by virtue of each Registrar's access to the Electronic Verification of Vital Events system (EVVE). The

verification of the elector's birth information by the Registrar shall provide the required identification of the elector. No additional form of identification as set forth herein at Chapter 3.4 B. shall be required of the elector. The verification of the elector's birth information shall be provided by the Registrar free of charge to the elector.

D. A qualified, eligible elector submitting an application for the Mississippi Voter Identification Card who is unable to read or write, for reason of disability or otherwise, and who requests assistance shall not be required to personally complete the application in writing, but shall be required to execute the oath. In such cases, the Registrar shall read the application and oath to the elector, and the elector's answers thereto shall be written by the Registrar in completion of the application, with the elector making his mark, if unable to sign his or her name upon the oath.

Source: Miss. Code Ann. Sections 23-15-7(6) and 23-15-7(8).

Rule 3.5 Processing Application for Mississippi Voter Identification Card by Registrar.

A. To process the elector's application for the Mississippi Voter Identification Card, the Registrar shall require the elector to complete, sign, and submit the application set forth in Rule 3.3 and to present at least one of the forms of identification set forth in Rule 3.4(B).

B. If the elector presents a photo identification document pursuant to Rule 3.4(B)(1), the Registrar shall verify:

1. The photograph on the document "fairly depicts" the elector based on the guidelines set forth in Rule 4.1(C)(2) below,
2. The name on the document and the application is "substantially similar" to the name of the elector on the voter roll based on the guidelines set forth in Rule 4.1(C)(3) below; and
3. The address provided in the application is the same address of the elector on the voter roll.

C. If the elector submits documentation pursuant to Rule 3.4(B)(2), the Registrar shall verify the name on the document and that the application is "substantially similar" to the name of the elector on the voter registration rolls based on the guidelines set forth in Rule 4.1(C)(3) below.

D. If the elector submits documentation pursuant to Rule 3.4(B)(3) – (6), the Registrar shall verify:

1. The name on the document and the application is "substantially similar" to the name of the elector on the voter registration rolls based on the guidelines set forth in Rule 4.1(C)(2) below; and

2. The address provided in the document, if any, and the address provided in the application is the same address of the elector on the voter registration rolls.
3. If the elector is not registered to vote by the address provided in the document, the Registrar should change the elector's address as it appears on the voter roll in SEMS.

E. If the elector completes, signs, and submits a valid application and presents at least one of the forms of identification set forth in Rule 3.4(B), as verified by the Registrar pursuant to Rule 3.5(B)-(D), the Registrar shall immediately:

1. Capture a digital photograph of the elector utilizing the equipment, supplies and training provided by the State of Mississippi,
2. Issue the Receipt for the Mississippi Voter Identification Card to the elector, which shall contain the digital photograph of the elector, utilizing the equipment, supplies and training provided by the State of Mississippi,
3. Inform the elector that he or she should receive the Mississippi Voter Identification Card within fourteen (14) days, and may use the Receipt for the Mississippi Voter Identification Card to vote for forty-five (45) days from the date of issuance, and
4. Transmit the required information to produce the Receipt for the Receipt for the Mississippi Voter Identification Card to the third-party vendor.

F. If the elector is not registered to vote by his or her full legal name (because the elector used an initial, abbreviation, maiden name, etc.), the Registrar should change his or her name as it appears on the voter roll in SEMS.

G. If the elector completes, signs and submits a valid application, but the Registrar determines the form of identification presented by the elector does not satisfy the requirements of Rule 3.4(B), the Registrar shall immediately advise the elector of the reason(s) why the application has been denied, and further advise the elector of the availability of an appeal process.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.6 <u>Automatic Review and Appeal of a Registrar's Denial of Application for Mississippi Voter Identification Card</u>. In the event an elector is denied issuance of a Mississippi Voter Identification Card, there shall be an automatic review by the county election commissioners and appeal process available to the elector pursuant to Miss. Code Ann. Sections 23-15-61 through 23-15-79.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.7 <u>Cancellation and Surrender of Mississippi Voter Identification Card</u>.

A. The Registrar of each county may cancel and require surrender of a Mississippi Voter Identification Card upon confirmation that the card was issued to a person not entitled thereto.

B. Any Registrar that cancels and/or requires surrender of a Mississippi Voter Identification Card shall immediately record the event in the Statewide Elections Management System

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.8 Replacement of Mississippi Voter Identification Card.

A. If a previously issued Mississippi Voter Identification Card has been lost, destroyed, marred or mutilated, the name of the elector has changed, or the gender of the elector has changed, a replacement Mississippi Voter Identification Card may be issued to the elector in accordance with the procedures set forth herein at Chapters 3.3, 3.4 and 3.5.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 3.9 Expiration of Mississippi Voter Identification Card.

A. A Mississippi Voter Identification Card shall remain valid for as long as the elector resides at the same address and remains qualified to vote.

B. It shall be the duty of an elector who moves his or her residence to another county within this state to surrender his or her Mississippi Voter Identification Card to the Registrar of the county of his or her new residence and the elector may thereafter apply for and receive a new Mississippi Voter Identification Card pursuant to Rules 3.4 and 3.5 above. It shall be the duty of an elector who moves his or her residence outside this state or who ceases to be qualified to vote to either surrender his or her card to the issuing Registrar or destroy the same.

Source: Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 4: ***Voting with Photo Identification Documents***

Rule 4.1 Election Official Assessment of Validity of Photo Identification Documents.

A. When an elector appears to vote in person at a polling place or at the Registrar's office, the election official shall require the elector to identify himself or herself by presenting acceptable photographic identification before the elector may cast his or her ballot and vote.

B. The election official shall assess the sufficiency and validity of the photographic identification presented by the elector as follows:

1. Verify the document is one of the forms of accepted photographic identification as defined by Rule 2.1.

2. Verify the photograph on the accepted photographic identification "fairly depicts" the elector.

    a. If the election official is unable to determine whether the elector is the person depicted in the accepted photographic identification because of degradation or insufficient photograph quality, the elector shall be entitled to vote by affidavit.

3. Verify the elector's name as it appears on the accepted photographic identification is "substantially similar" to the elector's name as it appears on the poll book.

    a. An elector's name on the presented photographic identification document is "substantially similar" to the name on the poll book if one or more of the following circumstances are present:

        i. The name on the accepted photographic identification is slightly different from the name on the poll book;
        ii. The name on the accepted photographic identification, or on the poll book, is a customary variation or abbreviation of the formal name such as, for purposes of illustration only, "Bill" or "Wm." for "William", or "Pam" for "Pamela";
        iii. The name on the accepted photographic identification includes an initial, or a middle name that does not appear on the poll book, or vice versa, such as, for purposes of illustration only, "James W. Smith" or "James Wilson Smith"; or
        iv. A first name, middle name, former name, maiden name or initial of the elector's name appears in a different order on the accepted photographic identification than the name on poll book, such as, for purposes of illustration only, "Alice Elizabeth Roberts" for "Elizabeth Alice Roberts".

    b. If the elector's middle or last name on the accepted photographic identification is different from his or her middle or last name on the poll book due to marriage, divorce, or hyphenation, the elector shall be entitled to cast his or her ballot if:

        i. A part of the name, address and date of birth (if provided) on the photographic identification document

matches a part of the name, address and date of birth of the elector on the poll book; and

ii. The photograph on the acceptable photographic identification "fairly depicts" the elector.

c. If the election official determines, pursuant to Rules 4.1(C)(1)-(3), that the photographic identification document presented by the elector is an acceptable photographic identification, "fairly depicts" the elector, and contains the name of the elector that is "substantially similar" to the name on the poll book, the elector shall be entitled to cast his or her ballot.

d. If the election official determines, pursuant to Rules 4.1(C)(1)-(3), that the photographic identification document presented by the elector is not an acceptable photographic identification, does not "fairly depict" the elector, or does not contain the name of the elector that is "substantially similar" to the name on the poll book, the elector shall be entitled to vote by affidavit ballot pursuant to Miss. Code Ann. Section 23-15-573.

Source: Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 5: ***Voting by Affidavit Ballot***

Rule 5.1 If a qualified elector appears at a Registrar's office or polling place to vote in any election yet is unable to produce an acceptable photographic identification or states that he or she has a religious objection to being photographed, the elector shall be permitted to vote by affidavit ballot pursuant to Miss. Code Ann. Section 23-15-573.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 5.2 An affidavit ballot cast by an elector who is unable to produce an acceptable photographic identification at the Registrar's office or polling place on election day shall be counted as a vote if, within five (5) business days after casting his or her affidavit ballot, the elector presents to the Registrar an acceptable photographic identification.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 5.3 An affidavit ballot cast by an elector with a religious objection to being photographed shall be counted as a vote if, within five (5) business days after casting his or her affidavit ballot, the elector executes a separate affidavit before the Registrar affirming the religious objection of the elector to being photographed.

Source: Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 6: ***Exempted Electors***

Rule 6.1 Religious Objectors.

A. An elector who states that he or she does not have an acceptable photographic identification due to a religious objection to being photographed shall be allowed to vote by affidavit ballot pursuant to Miss. Code Ann. Section 23-15-573.

B. An affidavit ballot cast by an elector with a religious objection to being photographed shall be counted as a vote if, within five (5) business days after casting his or her affidavit ballot, the elector executes a separate affidavit before the Registrar affirming the religious objection of the elector to being photographed.

Source: Miss. Code Ann. Section 23-15-7(8).

Rule 6.2 Electors who are residents of a licensed nursing home or assisted living center, and who vote by absentee ballot by mail, are exempt from the requirements of photographic identification.

Source: Miss. Code Ann. Section 23-15-7(8).

Part 16 Chapter 7. ***Voting by Absentee Ballot***

Rule 7.1 Absentee Voting by Mail.

An elector who receives and casts his or her vote by absentee ballot by mail pursuant to Miss. Code Ann. Section 23-15-715(b) is exempt from the requirements of photographic identification.

Source: Miss. Code Ann. Sections 23-15-7(8) and 23-15-631(3).

Rule 7.2 UOCAVA Voting.

An absent elector, as defined by Miss. Code Ann. Section 23-15-673, who receives and casts his or her vote by absentee ballot by facsimile device (FAX) or electronic mail delivery (e-mail) pursuant to Miss. Code Ann. Section 23-15-699 is exempt from the requirements of photographic identification.

Source: Miss. Code Ann. Section 23-15-7(8) and 23-15-631(3).

Rule 7.3 In Person Absentee Voting.

An elector who appears in person before the Registrar of the county in which he or she resides, receives and casts his or her vote by absentee ballot pursuant to Miss. Code Ann. Section 23-15-715(a) is subject to the requirements of photographic identification.

Source: Miss. Code Ann. Section 23-15-7(8) and 23-15-631(3).