



U.S. Department of Justice

Civil Rights Division

TCH:RSB:RPL:AJM:maf
DJ 166-012-3
2012-0003

*Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

June 20, 2012

Margarette L. Meeks, Esq.
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205

Dear Ms. Meeks:

This refers to the Mississippi Voter Identification Initiative Measure No. 27 (2011), which amends the Mississippi constitution to require that qualified electors, with some exceptions, present a government issued photo identification in order to vote, and House Bill (HB) 921 (2012), which is the enabling legislation, for the State of Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on May 21, 2012; additional information was received on June 13, 2012.

Your submission provides the following information about HB 921:

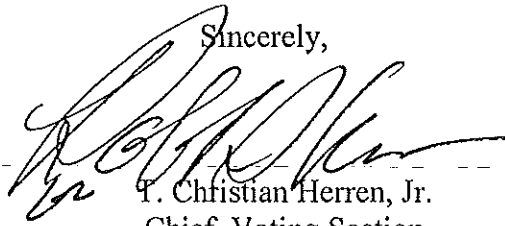
- Paragraph 1 of Section 2 prescribes that the Secretary of State shall negotiate a Memorandum of Understanding between the Mississippi Department of Public Safety and the registrars of election in each county for the purpose of providing a Mississippi Voter Identification Card;
- Paragraph 8 of Section 2 prescribes that the Secretary of State, in conjunction with the Mississippi Department of Public Safety, shall adopt rules and regulations for administration of the section;
- Section 6 of HB 921 amends Miss. Code Ann. Section 23-15-631 to add language to require the Secretary of State to prescribe instructions on how absent voters may comply with the identification requirements of Section 1 of HB 921; and
- Section 7 of HB 921 amends Miss. Code Ann. Section 23-15-639 to add language to require managers of election to take action as may be prescribed by the Secretary of State to ensure compliance with the identification requirements of Section 1 of HB 921.

Your submission also informs us that you have contacted the Mississippi Secretary of State concerning implementation of "the recently-enacted Voter [identification] bill" and requested a copy of those statutorily-required procedures as soon as they are promulgated so they may be provided in connection with the instant submission. During a May 24, 2012, telephone conversation with Ms. Angela Miller, of our staff, you indicated that the state cannot currently provide a timeline for the development, implementation, and submission of the final versions of the required memoranda of understanding, rules, regulations, instructions, and other necessary related actions.

As you may be aware, prior to the adoption of HB 921, the Mississippi Secretary of State met with members of our staff on December 7, 2011, concerning his office's plans for implementing Initiative Measure 27. We note that none of the proposals that the Secretary of State identified at that meeting are presented for our review at this time. As we informed the Secretary of State at that meeting, we encourage the State's submission of the changes effectuated by Initiative Measure No. 27 and HB 921 to be accompanied by the full package of related implementing procedures.

Because the changes now before us in Initiative Measure No. 27 and HB 921 and the required memoranda of understanding, rules, regulations, and instructions necessary to implement HB 921 are directly related, it would be inappropriate for the Attorney General to make a determination on the instant changes now. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.22(b). When the finalized implementation procedures are submitted, we will review all changes simultaneously; however, any documentation previously provided need not be resubmitted. Refer to File No. 2012-0003 in any response to this letter so that your correspondence will be channeled properly. Changes that affect voting are legally unenforceable unless and until the appropriate Section 5 determination has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section