

By: Senator(s) White (29th)

To: Labor

SENATE BILL NO. 2109

1 AN ACT TO AMEND SECTION 23-15-871, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT LABOR ORGANIZATIONS FROM DIRECTING OR COERCING MEMBERS
3 TO VOTE IN A PARTICULAR MANNER OR RETALIATE AGAINST AN EMPLOYEE
4 FOR FAILURE TO VOTE IN A PARTICULAR MANNER; TO PROHIBIT LABOR
5 ORGANIZATIONS FROM MAKING ANY STATEMENT CALCULATED TO INFLUENCE
6 ANY EMPLOYEE OR MEMBER AS TO THEIR VOTE; TO PROHIBIT EMPLOYERS AND
7 LABOR ORGANIZATIONS FROM INCREASING THE SALARIES OF OFFICERS OR
8 EMPLOYEES OR GIVING AN EMOLUMENT TO AN OFFICER OR EMPLOYEE WITH
9 THE INTENTION THAT THE INCREASE IN SALARY OR THE EMOLUMENT BE
10 CONTRIBUTED TO SUPPORT OR OPPOSE A CANDIDATE OR POLITICAL PARTY;
11 AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 23-15-871, Mississippi Code of 1972, is
14 amended as follows:

15 23-15-871. It shall be unlawful for any corporation or any
16 officer or employee thereof, or any member of a firm, or trustee
17 or any member of any association, or any other employer, or any
18 labor organization to direct or coerce, directly or indirectly,
19 any employee or member to vote or not to vote for any particular
20 person or group of persons in any election, or to discharge or to
21 threaten to discharge any such employee, or to increase or
22 decrease the salary or wages of an employee, or otherwise promote
23 or demote him, because of his vote or failure to vote for any
24 particular candidate or group of candidates; and likewise it shall
25 be unlawful for any employer, * * * employee having the authority
26 to employ or discharge other employees, or labor organization to
27 make any statement public or private, or to give out or circulate
28 any report or statement, calculated to intimidate or coerce or
29 otherwise influence any employee or member as to his vote, and
30 when any such statement has obtained circulation, it shall be the

31 duty of such employer or labor organization to publicly repudiate
32 it, in the absence of which repudiation the employer or labor
33 organization shall be deemed by way of ratification to have made
34 it himself. Nor shall any employee be requested, directed or
35 permitted to canvass for or against any candidate or render any
36 other services for or against any candidate or group of
37 candidates, during any of the hours within which the salary of
38 said employee as an employee is being paid or agreed to be paid;
39 nor shall any such employee be allowed any vacation or leave of
40 absence at the expense of the employer to render any service or
41 services for or against any candidate or group of candidates, or
42 to take any active part in any election campaign whatsoever; nor
43 shall any employee at the expense, in whole or in part, of any
44 employer take any part whatever in any election campaign, except
45 the necessary time to cast his vote. An employer or labor
46 organization may not increase the salary of an officer or
47 employee, or give an emolument to an officer, employee, or other
48 person or entity, with the intention that the increase in salary,
49 or the emolument, or a part of it, be contributed or spent to
50 support or oppose a candidate, balloted measure, political party
51 or political committee. The prohibitions of this section shall
52 apply to all state, state district, county and county district
53 officers, and to any board or commission and the members thereof
54 by whatever name designated and whether elective or appointive,
55 and to each and every one of those employed by them or any of
56 them. And no state, state district, county or county district
57 officer, or any employee of any of them who directly or indirectly
58 has the control, or in any way the power of control, or who
59 asserts or pretends that he has such power, over the expenditure
60 of any public funds in this state, whatever the purpose or object
61 of said expenditure may be, shall state, suggest or intimate,
62 publicly or privately, or in any manner or form, that any such
63 expenditure shall in any wise depend upon or be influenced by the
64 vote of any person, group of persons, or community or group of
65 communities, whether for or against any candidate or group of
66 candidates at any election. This section and every part of it
67 shall apply also to all federal officers, agents, employees,

68 boards and commissions by whatever name known and to each and
69 every one of those employed by them or any of them, as to any
70 interference by them or any of them, contrary to the provisions of
71 this chapter, in the elections of this state.

72 SECTION 2. The Attorney General of the State of Mississippi
73 shall submit this act, immediately upon approval by the Governor,
74 or upon approval by the Legislature subsequent to a veto, to the
75 Attorney General of the United States or to the United States
76 District Court for the District of Columbia in accordance with the
77 provisions of the Voting Rights Act of 1965, as amended and
78 extended.

79 SECTION 3. This act shall take effect and be in force from
80 and after the date it is effectuated under Section 5 of the Voting
81 Rights Act of 1965, as amended and extended.