

By: Senator(s) Harden (By Request)

To: Elections

SENATE BILL NO. 2621

1 AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO INVESTIGATE
2 VIOLATIONS OF THE ELECTION LAWS; TO GRANT THE SECRETARY OF STATE
3 CERTAIN POWERS WITH REGARD TO SUCH INVESTIGATIONS; TO PROVIDE THAT
4 IF THE SECRETARY OF STATE DETERMINES THAT THERE IS PROBABLE CAUSE
5 THAT A CRIMINAL VIOLATION OF THE ELECTION LAWS HAS OCCURRED, HE
6 SHALL PRESENT THE RESULTS OF HIS INVESTIGATION TO THE ATTORNEY
7 GENERAL; TO AUTHORIZE THE ATTORNEY GENERAL TO PROSECUTE CRIMINAL
8 VIOLATIONS OF THE ELECTION LAWS PRESENTED TO HIM AS A RESULT OF
9 INVESTIGATIONS BY THE SECRETARY OF STATE; AND FOR RELATED
10 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
11 MISSISSIPPI:

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13 SECTION 1. (1) The Secretary of State:

14 (a) May make such investigations as he deems necessary
15 to determine whether any violation of the election laws of this
16 state have occurred; and

17 (b) May require or permit any person to file a
18 statement in writing under oath or otherwise as the Secretary of
19 State determines, as to all the facts and circumstances concerning
20 alleged violations of the election laws prior to initiating an
21 investigation of such violation.

22 (2) For the purpose of any investigation or proceeding under
23 this section, the Secretary of State or any officer designated by
24 him may administer oaths and affirmations, subpoena witnesses,
25 compel their attendance, take evidence, and require the production
26 of any books, papers, correspondence, memoranda, or other
27 documents or records which the Secretary of State deems relevant
28 or material to the inquiry.

29 (3) In case of contumacy by, or refusal to obey a subpoena
30 issued to, any person, the Chancery Court of the First Judicial
31 District of Hinds County, Mississippi, upon application by the

32 Secretary of State, may issue to the person an order requiring him
33 to appear before the Secretary of State, or the officer designated
34 by him, there to produce documentary evidence if so ordered or to
35 give evidence touching the matter under investigation or in
36 question. Failure to obey the order of the court may be punished
37 by the court as a contempt of court.

38 (4) No person is excused from attending and testifying or
39 from producing any document or record before the Secretary of
40 State, or in obedience to the subpoena of the Secretary of State
41 or any officer designated by him, or in any proceeding instituted
42 by the Secretary of State, on the ground that the testimony or
43 evidence required of him may tend to incriminate him or subject
44 him to a penalty; but no individual may be prosecuted or subjected
45 to any penalty for or on account of any transaction, matter or
46 thing concerning which he is compelled, after claiming his
47 privilege against self-incrimination, to testify or produce
48 evidence, except that the individual testifying is not exempt from
49 prosecution and punishment for perjury or contempt committed in
50 testifying.

51 (5) If, after conducting an investigation, the Secretary of
52 State determines that there is probable cause to believe that a
53 criminal violation of the election laws has occurred, he shall
54 present the results of his investigation to the Attorney General
55 who may bring and prosecute an action regarding such violation in
56 the name of the state. In any prosecution initiated pursuant to
57 this section, the Attorney General shall have the same right as
58 the district attorney to enter the grand jury room while the grand
59 jury is in session and to perform such services with reference to
60 the work of the grand jury as the district attorney is authorized
61 by law to perform.

62 SECTION 2. The Attorney General of the State of Mississippi
63 is hereby directed to submit this act, immediately upon approval
64 by the Governor, or upon approval by the Legislature subsequent to
65 a veto, to the Attorney General of the United States or to the
66 United States District Court for the District of Columbia in
67 accordance with the provisions of the Voting Rights Act of 1965,
68 as amended and extended.

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