MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Senator(s) White (29th)

To: Labor

SENATE BILL NO. 2011

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

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

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

23-15-871. It shall be unlawful for any corporation or any officer or employee thereof, or any member of a firm, or trustee or any member of any association, or any other employer, or any labor organization to direct or coerce, directly or indirectly, any employee or member to vote or not to vote for any particular person or group of persons in any election, or to discharge or to threaten to discharge any such employee, or to increase or decrease the salary or wages of an employee, or otherwise promote or demote him, because of his vote or failure to vote for any particular candidate or group of candidates; and likewise it shall be unlawful for any employer, employee having the authority to employ or discharge other employees, or labor organization to make any statement public or private, or to give out or circulate any report or statement, calculated to intimidate or coerce or otherwise influence any employee as to his vote, and when any such statement has obtained circulation, it shall be the duty of such employer or labor organization to publicly repudiate...
it, in the absence of which repudiation the employer or labor organization shall be deemed by way of ratification to have made it himself. Nor shall any employee be requested, directed or permitted to canvass for or against any candidate or render any other services for or against any candidate or group of candidates, during any of the hours within which the salary of said employee as an employee is being paid or agreed to be paid; nor shall any such employee be allowed any vacation or leave of absence at the expense of the employer to render any service or services for or against any candidate or group of candidates, or to take any active part in any election campaign whatsoever; nor shall any employee at the expense, in whole or in part, of any employer take any part whatever in any election campaign, except the necessary time to cast his vote. An employer or labor organization may not increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, balloted measure, political party or political committee. The prohibitions of this section shall apply to all state, state district, county and county district officers, and to any board or commission and the members thereof by whatever name designated and whether elective or appointive, and to each and every one of those employed by them or any of them. And no state, state district, county or county district officer, or any employee of any of them who directly or indirectly has the control, or in any way the power of control, or who asserts or pretends that he has such power, over the expenditure of any public funds in this state, whatever the purpose or object of said expenditure may be, shall state, suggest or intimate, publicly or privately, or in any manner or form, that any such expenditure shall in any wise depend upon or be influenced by the vote of any person, group of persons, or community or group of
communities, whether for or against any candidate or group of candidates at any election. This section and every part of it shall apply also to all federal officers, agents, employees, boards and commissions by whatever name known and to each and every one of those employed by them or any of them, as to any interference by them or any of them, contrary to the provisions of this chapter, in the elections of this state.

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

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