

By: Representatives Moore, Bentz, Chism,
Ellington, Martinson, Mayhall, Staples

To: Apportionment and
Elections

HOUSE BILL NO. 1328

1 AN ACT TO AMEND SECTION 23-15-753, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PENALTY FOR VOTE FRAUD IN VOTING BY ABSENTEE
3 BALLOT; TO AMEND SECTION 23-15-889, MISSISSIPPI CODE OF 1972, TO
4 INCREASE THE PENALTY FOR A PERSON SELLING OR OFFERING TO SELL HIS
5 VOTE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-753, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-753. (1) Any person who willfully, unlawfully and
10 feloniously procures, seeks to procure, or seeks to influence the
11 vote of any person voting by absentee ballot, by the payment of
12 money, the promise of payment of money, or by the delivery of any
13 other item of value or promise to give the voter any item of
14 value, or by promising or giving the voter any favor or reward in
15 an effort to influence his vote, or any person who aids, abets,
16 assists, encourages, helps, or causes any person voting an
17 absentee ballot to violate any provision of law pertaining to
18 absentee voting, or any person who sells his vote for money,
19 favor, or reward, has been paid or promised money, a reward, a
20 favor or favors, or any other item of value, or any person who
21 shall willfully swear falsely to any affidavit provided for in
22 Sections 23-15-621 through 23-15-735, shall be guilty of the crime
23 of "vote fraud" and, upon conviction, shall be sentenced to pay a
24 fine of Fifty Thousand Dollars (\$50,000.00) and sentenced to the
25 custody of the Department of Corrections for not less than five
26 (5) years nor more than ten (10) years.

27 (2) It shall be unlawful for any person who pays or
28 compensates another person for assisting voters in marking their

29 absentee ballots to base the pay or compensation on the number of
30 absentee voters assisted or the number of absentee ballots cast by
31 persons who have received the assistance. Any person who violates
32 this section, upon conviction shall, be fined not less than One
33 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars
34 (\$5,000.00), or imprisoned in the Penitentiary not less than one
35 (1) year nor more than five (5) years, or both.

36 **SECTION 2.** Section 23-15-889, Mississippi Code of 1972, is
37 amended as follows:

38 23-15-889. It shall be unlawful for any person to sell or
39 offer to sell his vote and it shall be likewise unlawful for any
40 person to offer money or anything of substantial value to anyone
41 for his vote. Anyone violating the provisions of this section
42 shall be guilty of a felony and upon conviction shall be fined
43 Fifty Thousand Dollars (\$50,000.00) and shall be sentenced to the
44 custody of the Department of Corrections for not less than five
45 (5) years nor more than ten (10) years.

46 **SECTION 3.** The Attorney General of the State of Mississippi
47 shall submit this act, immediately upon approval by the Governor,
48 or upon approval by the Legislature subsequent to a veto, to the
49 Attorney General of the United States or to the United States
50 District Court for the District of Columbia in accordance with the
51 provisions of the Voting Rights Act of 1965, as amended and
52 extended.

53 **SECTION 4.** This act shall take effect and be in force from
54 and after the date it is effectuated under Section 5 of the Voting
55 Rights Act of 1965, as amended and extended.