

By: Representative Bailey

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1196

1 AN ACT TO PROHIBIT A PERSON FROM KNOWINGLY DECEIVING VOTERS;
2 TO PROVIDE THAT VIOLATORS SHALL BE GUILTY OF A MISDEMEANOR; TO
3 PROVIDE A PROCEDURE FOR REPORTING A VIOLATION OF SUCH PROHIBITION;
4 TO REQUIRE THE ATTORNEY GENERAL AND SECRETARY OF STATE TO CREATE
5 RULES AND REGULATIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Any person who shall knowingly deceive any
8 other person regarding the time, place, or manner of conducting
9 any election or the qualifications for or restrictions on voter
10 eligibility for any election shall be guilty of a misdemeanor and,
11 upon conviction, be fined not more than One Thousand Dollars
12 (\$1,000.00) or imprisoned not more than six (6) months, or both.

13 (2) Any person who has reasonable cause to suspect that such
14 a deceptive practice has occurred, may notify any authorized law
15 enforcement officer with proper jurisdiction, the Attorney General
16 or a designee of the Attorney General. Upon such notification,
17 the law enforcement officer, the Attorney General or a designee of
18 the Attorney General shall be required to conduct an immediate
19 investigation, and file a report with the registrar and the
20 appropriate district attorney. If a law enforcement officer other
21 than the Attorney General or his designee is notified, that law
22 enforcement officer shall also notify the Attorney General or his
23 designee.

24 (3) Upon a determination by the law enforcement officer, the
25 Attorney General or his designee that an act of deception
26 described in this section has occurred, the Attorney General shall
27 immediately undertake all effective measures necessary to provide
28 correct information to voters affected by the deception.

29 (4) The Attorney General and the Secretary of State shall
30 promulgate rules and regulations to effectuate the provisions of
31 subsection (3) of this section to provide correct information to
32 any voters deceived.

33 (5) The Attorney General or any person aggrieved by a
34 violation of subsection (1), may institute a civil action or other
35 proper proceeding for relief, including an application to any
36 court of competent jurisdiction for a permanent or temporary
37 injunction, restraining order or other applicable order.

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

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