

By: Representative Bailey

To: Apportionment and
Elections

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 FELONY; TO PROVIDE
3 A PROCEDURE FOR REPORTING A VIOLATION OF SUCH PROHIBITION; TO
4 REQUIRE THE ATTORNEY GENERAL AND SECRETARY OF STATE TO PROVIDE
5 CORRECTIVE MEASURES AND REPORT INFORMATION TO THE LEGISLATURE; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) Any person who shall knowingly deceive any
9 other person regarding the time, place, or manner of conducting
10 any election or the qualifications for or restrictions on voter
11 eligibility for any election shall be guilty of a felony and, upon
12 conviction, be fined not more than Five Thousand Dollars
13 (\$5,000.00) or imprisoned not more than five (5) years, or both.

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

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

30 (4) The Attorney General and the Secretary of State shall
31 promulgate rules and regulations to effectuate the provisions of
32 subsection (3) of this section to provide correct information to
33 any voters deceived. Such regulations shall be developed in
34 consultation with a committee that shall not exceed nine (9)
35 members and composed of the following: (i) at least three (3)
36 registrars, (ii) at least three (3) representatives from civil
37 rights organizations, voting rights organizations, voter
38 protection groups or other interested community organizations, and
39 (iii) at least one (1) district attorney.

40 (5) Not later than ninety (90) days after any election, the
41 Attorney General shall submit to the chairmen of the Mississippi
42 House of Representatives Apportionment and Elections Committee and
43 the Mississippi Senate Election Committee a report that includes:
44 (i) detailed information on specific allegations of deceptive
45 tactics, (ii) any corrective actions taken in response to such
46 allegations, (iii) statistical compilations of how many
47 allegations were made and of, what type, (iv) the geographic
48 locations of, and the populations affected by, the alleged
49 deceptive information, (v) the status of the investigations of
50 such allegations and the effectiveness of any such corrective
51 actions.

52 (5) Any person aggrieved by a violation of subsection (1),
53 or the Attorney General, may institute a civil action or other
54 proper proceeding for relief, including an application to any
55 court of competent jurisdiction for a permanent or temporary
56 injunction, restraining order or other applicable order.

57 **SECTION 2.** The Attorney General of the State of Mississippi
58 shall submit this act, immediately upon approval by the Governor,
59 or upon approval by the Legislature subsequent to a veto, to the
60 Attorney General of the United States or to the United States
61 District Court for the District of Columbia in accordance with the

62 provisions of the Voting Rights Act of 1965, as amended and
63 extended.

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