

By: Senator(s) Bryan

To: Elections; Judiciary,  
Division B

SENATE BILL NO. 2823

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
2 97-13-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON WHO  
3 SHALL KNOWINGLY DECEIVE ANY PERSON REGARDING THE TIME, PLACE OR  
4 MANNER OF CONDUCTING ANY ELECTION, OR THE QUALIFICATION FOR OR  
5 RESTRICTIONS ON, VOTER ELIGIBILITY, SHALL BE GUILTY OF A FELONY;  
6 TO PROVIDE THE PENALTIES THEREFOR; TO PROVIDE THAT IF A LAW  
7 ENFORCEMENT OFFICER OR THE ATTORNEY GENERAL OR HIS DESIGNEE IS  
8 NOTIFIED, THEY SHALL CONDUCT AN IMMEDIATE INVESTIGATION AND FILE A  
9 REPORT WITH THE REGISTRAR AND THE DISTRICT ATTORNEY; TO REQUIRE  
10 CORRECTIVE INFORMATION TO BE GIVEN TO VOTERS WHO ARE AFFECTED BY  
11 THE VIOLATION; TO REQUIRE THE ATTORNEY GENERAL AND THE SECRETARY  
12 OF STATE TO PROMULGATE RULES AND REGULATIONS REGARDING THE MEANS  
13 AND METHODS OF EFFECTIVE MEASURES NECESSARY TO PROVIDE CORRECT  
14 INFORMATION TO VOTERS; TO PROVIDE THAT THE RULES AND REGULATIONS  
15 SHALL BE DEVELOPED IN CONSULTATION WITH A COMMITTEE APPOINTED BY  
16 THE SECRETARY OF STATE; TO PROVIDE FOR THE COMPOSITION OF THE  
17 COMMITTEE; TO REQUIRE THE ATTORNEY GENERAL TO FILE A REPORT WITH  
18 THE LEGISLATURE AFTER EACH ELECTION REGARDING ALLEGATIONS  
19 DECEPTIVE PRACTICES THAT WERE INVESTIGATED AT THE ELECTION; TO  
20 AUTHORIZE CIVIL ACTIONS TO ENJOIN SUCH DECEPTIVE PRACTICES; AND  
21 FOR RELATED PURPOSES.

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

23 **SECTION 1.** The following provision shall be codified as  
24 Section 97-13-39, Mississippi Code of 1972:

25 97-13-39. (1) Any person who shall knowingly deceive any  
26 person regarding the time, place or manner of conducting any  
27 election, or the qualifications for, or restrictions on voter  
28 eligibility for any election, shall be guilty of a felony and,  
29 upon conviction, shall be fined not more than Five Thousand  
30 Dollars (\$5,000.00) or imprisoned not more than five (5) years, or  
31 both.

32 (2) Any person who has reasonable cause to suspect that a  
33 violation of subsection (1) of this section has occurred may  
34 notify any law enforcement officer with proper jurisdiction, or  
35 the Attorney General or his designee. Upon notification the law  
36 enforcement officer, or the Attorney General or his designee,

37 shall be required to conduct an immediate investigation into the  
38 matter and file a report with the registrar and the appropriate  
39 district attorney. If a law enforcement officer other than the  
40 Attorney General or his designee is notified, that law enforcement  
41 officer shall also notify the Attorney General or his designee.  
42 If the law enforcement officer or the Attorney General or his  
43 designee determines that an act of deception described in  
44 subsection (1) of this section occurred, he shall immediately  
45 undertake all effective measures necessary to provide correct  
46 information to voters affected by the deception.

47 (3) The Attorney General and the Secretary of State shall  
48 promulgate rules and regulations regarding the methods and means  
49 of effective measures necessary to provide correct information as  
50 required by subsection (1) of this section. The rules and  
51 regulations shall be developed in consultation with a committee  
52 appointed by the Secretary of State which shall include at least  
53 three (3) registrars, at least three (3) representatives from  
54 civil rights organizations, voting rights organizations, voter  
55 protection groups and/or other interested community organizations  
56 and at least one (1) district attorney. The committee shall not  
57 exceed nine (9) members.

58 (4) Not later than ninety (90) days after any election, the  
59 Attorney General shall submit to the appropriate committees of the  
60 Legislature a report compiling and detailing any allegations of  
61 deceptive practices investigated pursuant to subsection (2) of  
62 this section that relate to the election. The report shall  
63 include detailed information on specific allegations, statistical  
64 compilations of how many allegations were made and of what type,  
65 the geographic locations of, and the populations affected by the  
66 alleged deceptive information, the status of the investigations of  
67 the allegations and the effectiveness of any corrective actions.

68 (5) Any person aggrieved by a violation of subsection (1) of  
69 this section, or the Attorney General, may institute a civil

70 action or other proper proceeding for preventive relief including  
71 an application to any court of competent jurisdiction for a  
72 permanent or temporary injunction, restraining order or other  
73 order.

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

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