

By: Representative Denny

To: Apportionment and Elections

HOUSE BILL NO. 866

1 AN ACT TO AMEND SECTIONS 97-13-1, 97-13-3, 97-13-5, 97-13-7,
 2 97-13-9, 97-13-13, 97-13-15, 97-13-19, 97-13-21, 97-13-23,
 3 97-13-25, 97-13-27, 97-13-29, 97-13-31, 97-13-33, 97-13-35,
 4 97-13-36, 97-13-37, 97-13-39, MISSISSIPPI CODE OF 1972, TO REVISE
 5 THE PENALTIES FOR VIOLATION OF VARIOUS ELECTION CRIMES; TO CREATE
 6 SECTIONS 97-13-41, 97-13-43 AND 97-13-45, MISSISSIPPI CODE OF 1972,
 7 TO CREATE THE ELECTIONS CRIMES OF UNAUTHORIZED POLLBOOK ERASURE,
 8 UNLAWFUL TAMPERING OF VOTING MACHINES, AND PENALTY FOR UNLAWFUL
 9 BALLOT MARKING; TO REPEAL SECTIONS 97-13-17 AND 97-13-18,
 10 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CORPORATE AND
 11 INTERNATIONAL CAMPAIGN CONTRIBUTIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 97-13-1, Mississippi Code of 1972, is
 14 amended as follows:

15 97-13-1. If any elector, manager, clerk or canvasser at any
 16 election, or any executive officer attending the same, shall
 17 receive any gift, money, financial award, reward, or promise
 18 thereof or if any person shall offer such gift, money, financial
 19 award, reward, or promise thereof to influence any elector, clerk,
 20 canvasser, or any executive officer attending any election in his
 21 vote, decision to vote or not vote, opinion, action, or judgment
 22 in relation to such election, the person so offending shall, on



23 conviction, be imprisoned in the State Penitentiary not more than
24 two (2) years, or be fined not more than Three Thousand Dollars
25 (\$3,000.00), or both; or in a county jail not more than one (1)
26 year, or be fined not more than One Thousand Dollars (\$1,000.00),
27 or both.

28 **SECTION 2.** Section 97-13-3, Mississippi Code of 1972, is
29 amended as follows:

30 97-13-3. If any person shall offer or give a gift, money,
31 financial award, reward or other promise thereof to another for
32 the purpose of inducing him, by any unlawful means not amounting
33 to bribery, to procure any person to vote at any election for or
34 against any person or measure, the person so giving or offering
35 such reward shall, upon conviction thereof, be imprisoned in the
36 county jail not more than one (1) year, or fined not more than
37 Five Hundred Dollars (\$500.00), or both.

38 **SECTION 3.** Section 97-13-5, Mississippi Code of 1972, is
39 amended as follows:

40 97-13-5. Any such manager who shall proceed to any election
41 without having the ballot-box locked and secured in the manner
42 directed by law, or who shall open and read or consent to any
43 other person opening and reading any ballot given him to be
44 deposited in the box at such election, before it is put into the
45 box, shall, upon conviction, be * * * imprisoned in the State
46 Penitentiary not more than two (2) years, or be fined not more
47 than Three Thousand Dollars (\$3,000.00), or both; or in a county



48 jail not more than one (1) year, or be fined not more than One
49 Thousand Dollars (\$1,000.00), or both.

50 **SECTION 4.** Section 97-13-7, Mississippi Code of 1972, is
51 amended as follows:

52 97-13-7. Any manager of a * * * election who, before the
53 votes are counted, shall dispose of or deposit the ballot-box in a
54 manner not authorized by law, or shall, at any time after the
55 election has begun and before the ballots are counted, give * * *
56 access to of the ballot-box with which he is intrusted to any
57 other, shall, upon conviction, be * * * imprisoned in the State
58 Penitentiary not more than two (2) years, or be fined not more
59 than Three Thousand Dollars (\$3,000.00), or both; or in a county
60 jail not more than one (1) year, or be fined not more than One
61 Thousand Dollars (\$1,000.00), or both.

62 **SECTION 5.** Section 97-13-9, Mississippi Code of 1972, is
63 amended as follows:

64 97-13-9. If any manager or clerk of any * * * election shall
65 knowingly make or consent to any false entry on the list of
66 persons voting, or shall permit to be put in the ballot box any
67 ballot not given by a voter, or shall take out of such box, or
68 permit to be so taken out, any ballot deposited therein except in
69 the manner prescribed by law, or shall, by any other act or
70 omission, designedly destroy or change the ballots given by the
71 electors, he shall, upon conviction, be punished by imprisonment



72 in the State Penitentiary for a term not exceeding five (5) years,
73 or be fined not more than Five Thousand Dollars (\$5,000.00).

74 **SECTION 6.** Section 97-13-13, Mississippi Code of 1972, is
75 amended as follows:

76 97-13-13. If any person shall take or remove any ballot from
77 a voting place before the close of the polls, he shall, on
78 conviction, be * * * imprisoned in the State Penitentiary not more
79 than two (2) years, or be fined not more than Three Thousand
80 Dollars (\$3,000.00), or both; or in a county jail not more than
81 one (1) year, or be fined not more than One Thousand Dollars
82 (\$1,000.00), or both.

83 **SECTION 7.** Section 97-13-15, Mississippi Code of 1972, is
84 amended as follows:

85 97-13-15. (1) It shall be unlawful for any corporation,
86 incorporated company or incorporated association, by whatever name
87 it may be known, incorporated or organized under the laws of this
88 state, or doing business in this state, or for any servant, agent,
89 employee or officer thereof, to give, donate, appropriate or
90 furnish directly or indirectly, any money, security, funds or
91 property of said corporation, incorporated company or incorporated
92 association, in excess of One Thousand Dollars (\$1,000.00) per
93 calendar year for the purpose of aiding any political party or any
94 candidate for any public office, or any candidate for any
95 nomination for any public office of any political party, or to
96 give, donate, appropriate or furnish, directly or indirectly, any



97 money, security, funds or property of said corporation,
98 incorporated company or association in excess of One Thousand
99 Dollars (\$1,000.00) to any committee or person as a contribution
100 to the expense of any political party or any candidate,
101 representative or committee of any political party or candidate
102 for nomination by any political party, or any committee or other
103 person acting in behalf of such candidate. The limit of One
104 Thousand Dollars (\$1,000.00) for contributions to political
105 parties, candidates and committees or other persons acting in
106 behalf of such candidates shall be an annual limitation applicable
107 to each calendar year.

108 (2) Any corporation, incorporated company or incorporated
109 association, or agent, officer or employee violating any of the
110 provisions of subsection (1) shall, upon conviction, be fined not
111 less than One Thousand Dollars (\$1,000.00) nor more than Five
112 Thousand Dollars (\$5,000.00).

113 **SECTION 8.** Section 97-13-19, Mississippi Code of 1972, is
114 amended as follows:

115 97-13-19. If any manager, clerk, or any other officer
116 whatever, assisting or engaged in conducting any election, or
117 charged with any duty in reference to any election, shall
118 designedly omit to do any official act required by law, or
119 designedly do any illegal act in relation to any * * * election,
120 by which act or omission the votes taken at any such election in
121 any district shall be lost, or the electors thereof shall be



122 deprived of their suffrage at such election, or shall designedly
123 do any act which shall render such election void, or shall be
124 guilty of any corrupt conduct or partiality in his official
125 capacity at such election, he shall, upon conviction, be * * *
126 imprisoned in the State Penitentiary not more than two (2) years,
127 or be fined not more than Three Thousand Dollars (\$3,000.00), or
128 both; or in a county jail not more than one (1) year, or be fined
129 not more than One Thousand Dollars (\$1,000.00), or both.

130 **SECTION 9.** Section 97-13-21, Mississippi Code of 1972, is
131 amended as follows:

132 97-13-21. If any person shall unlawfully disturb any
133 election * * * at a polling place, the office of the circuit
134 clerk, or where ballots are located, such person shall be liable
135 to indictment, and, on conviction, * * * be * * * imprisoned in
136 the State Penitentiary not more than two (2) years, or be fined
137 not more than Three Thousand Dollars (\$3,000.00), or both; or in a
138 county jail not more than one (1) year, or be fined not more than
139 One Thousand Dollars (\$1,000.00), or both.

140 **SECTION 10.** Section 97-13-23, Mississippi Code of 1972, is
141 amended as follows:

142 97-13-23. If any manager or returning officer shall fail or
143 refuse to make return of the votes cast in any election, as
144 required of him, he shall, on conviction, be imprisoned in the
145 State Penitentiary not * * * more than two (2) years, or be fined
146 not more than Three Thousand Dollars (\$3,000.00), or both; or in a



147 county jail not more than one (1) year, or be fined not more than
148 One Thousand Dollars (\$1,000.00), or both.

149 **SECTION 11.** Section 97-13-25, Mississippi Code of 1972, is
150 amended as follows:

151 97-13-25. Any person who shall knowingly procure his or any
152 person's registration as a qualified elector, when * * * the
153 person whose registration is being procured is not entitled to be
154 registered as such, or under a false name, or as a qualified
155 elector in any other election * * * precinct than that in which he
156 resides, shall, on conviction, be imprisoned in the State
157 Penitentiary for a term not to exceed * * * five (5) years, or be
158 fined not more than Five Thousand Dollars (\$5,000.00), or both.

159 **SECTION 12.** Section 97-13-27, Mississippi Code of 1972, is
160 amended as follows:

161 97-13-27. If any registrar appointed by law to register
162 votes shall intentionally refuse or neglect to register any voter
163 entitled to registration, or register any voter not entitled to
164 registration, he shall be punished, on conviction, * * * be * * *
165 imprisoned in the State Penitentiary not more than two (2) years,
166 or be fined not more than Three Thousand Dollars (\$3,000.00), or
167 both; or in a county jail not more than one (1) year, or be fined
168 not more than One Thousand Dollars (\$1,000.00), or both.

169 **SECTION 13.** Section 97-13-29, Mississippi Code of 1972, is
170 amended as follows:



171 97-13-29. It shall not be lawful for any military officer or
172 other persons to order, bring, or keep any troops of armed men at
173 any place within a mile of the place where any * * * election is
174 held, unless it be for the purpose of quelling a riot or
175 insurrection, in the manner provided by law, or for the purpose of
176 defense in time of war; and whoever shall violate the provisions
177 of this section shall, on conviction, be * * * imprisoned in the
178 State Penitentiary not more than two (2) years, or be fined not
179 more than Three Thousand Dollars (\$3,000.00), or both; or in a
180 county jail not more than one (1) year, or be fined not more than
181 One Thousand Dollars (\$1,000.00), or both.

182 **SECTION 14.** Section 97-13-31, Mississippi Code of 1972, is
183 amended as follows:

184 97-13-31. If any election officer or other person, except as
185 authorized by law, shall aid or assist, or influence, a voter in
186 preparing a ballot, or shall attempt so to do, he shall, on
187 conviction, be * * * imprisoned in the State Penitentiary not more
188 than two (2) years, or be fined not more than Three Thousand
189 Dollars (\$3,000.00), or both; or in a county jail not more than
190 one (1) year, or be fined not more than One Thousand Dollars
191 (\$1,000.00), or both.

192 **SECTION 15.** Section 97-13-33, Mississippi Code of 1972, is
193 amended as follows:

194 97-13-33. When * * * one who offers to vote at an election
195 shall be objected to by any challenger as a person unqualified to



196 vote, if the manager of such election shall permit him to vote
197 without honestly considering his qualifications, or if any manager
198 shall refuse the vote of such person without honestly considering
199 his qualifications, or if any manager shall knowingly permit an
200 unqualified person to vote, or shall knowingly refuse the vote of
201 a qualified person, he shall, upon conviction, be * * * imprisoned
202 in the State Penitentiary not more than two (2) years, or be fined
203 not more than Three Thousand Dollars (\$3,000.00), or both; or in a
204 county jail not more than one (1) year, or be fined not more than
205 One Thousand Dollars (\$1,000.00), or both.

206 **SECTION 16.** Section 97-13-35, Mississippi Code of 1972, is
207 amended as follows:

208 97-13-35. (1) Any person who shall vote at any election,
209 not being legally qualified, or who shall vote in more than one
210 (1) county, or at more than one (1) place in any county or in any
211 city, town, or village entitled to separate representation, or who
212 shall vote out of the district of his legal domicile, or who shall
213 vote or attempt to vote in the primary election of one (1) party
214 when he shall have voted on the same date in the primary election
215 of another party, shall * * * upon conviction, be * * * imprisoned
216 in the State Penitentiary not more than two (2) years, or be fined
217 not more than Three Thousand Dollars (\$3,000.00), or both; or in a
218 county jail not more than one (1) year, or be fined not more than
219 One Thousand Dollars (\$1,000.00), or both.



220 (2) Any person who shall vote or attempt to vote in the
221 second primary election of one (1) party when he voted in the
222 first primary election of another party preceding the same
223 regular, special, or general election shall, upon conviction, be
224 guilty of a misdemeanor and be imprisoned in the county jail not
225 more than six (6) months, or be fined not more than Five Hundred
226 Dollars (\$500.00), or both.

227 **SECTION 17.** Section 97-13-36, Mississippi Code of 1972, is
228 amended as follows:

229 97-13-36. Any person who shall knowingly vote at any
230 election in more than one (1) county or at more than one (1) place
231 in any county, municipality or other political subdivision with
232 the intent to have more than one (1) vote counted in any election
233 shall be guilty of the crime of multiple voting and, upon
234 conviction, shall be * * * imprisoned in the State Penitentiary
235 not more than five (5) years, or be fined not more than Five
236 Thousand Dollars (\$5,000.00), or both; or in a county jail not
237 more than one (1) year, or be fined not more than One Thousand
238 Dollars (\$1,000.00), or both.

239 **SECTION 18.** Section 97-13-37, Mississippi Code of 1972, is
240 amended as follows:

241 97-13-37. Whoever shall procure, or endeavor to procure, the
242 vote of any elector, or the influence of any person over other
243 electors, at any election, for himself or any candidate, by means
244 of violence, threats of violence, or threats of withdrawing



245 custom, or dealing in business or trade, or of enforcing the
246 payment of a debt, or of bringing a suit or criminal prosecution,
247 or by any other threat or injury to be inflicted by him, or by his
248 means, or shall violate any provision of Section 23-15-871 or
249 23-15-874, shall, upon conviction, be * * * imprisoned in the
250 State Penitentiary not more than two (2) years, or be fined not
251 more than Three Thousand Dollars (\$3,000.00), or both; or in a
252 county jail not more than one (1) year, or be fined not more than
253 One Thousand Dollars (\$1,000.00), or both.

254 **SECTION 19.** Section 97-13-39, Mississippi Code of 1972, is
255 amended as follows:

256 97-13-39. (1) If any person shall, by illegal force, or
257 threats of force, prevent, or endeavor to prevent, any elector
258 from giving his vote, he shall, upon conviction, be * * *
259 imprisoned in the State Penitentiary not more than two (2) years,
260 or be fined not more than Three Thousand Dollars (\$3,000.00), or
261 both; or in a county jail not more than one (1) year, or be fined
262 not more than One Thousand Dollars (\$1,000.00), or both.

263 (2) If any person shall, utilize the requirements to provide
264 voter identification to intimidate a voter, or to prevent a person
265 from voting who is otherwise qualified to vote shall, upon
266 conviction, be imprisoned in the State Penitentiary not more than
267 five (5) years, or fined not more than Five Thousand Dollars
268 (\$5,000.00), or both.



269 **SECTION 20.** This section shall be codified as Section
270 97-13-41, Mississippi Code of 1972:

271 97-13-41. **Penalty for false entry, and for unauthorized**
272 **erasure or alteration.**

273 Any person who shall knowingly make a false entry,
274 unauthorized revision, removal, or alteration in the Statewide
275 Elections Management System or pollbook, shall on conviction
276 thereof, be imprisoned in the State Penitentiary for a term not
277 exceeding ten (10) years, and be liable to the action of the
278 aggrieved party.

279 **SECTION 21.** This section shall be codified as Section
280 97-13-43, Mississippi Code of 1972:

281 97-13-43. **Unlawful to tamper with or damage voting machines**
282 **or tabulating computer or attempt to prevent correct operation of**
283 **any voting machine prohibited; penalties.** Any person who
284 willfully tampers with or damages any voting machine or tabulating
285 computer or device to be used or being used at or in connection
286 with any election or who prevents or attempts to prevent the
287 correct operation of any voting machine or tabulating computer or
288 device shall be guilty of a felony and, upon conviction, be
289 punished by imprisonment for not more than ten (10) years, or be
290 fined Five Thousand Dollars (\$5,000.00), or both.

291 **SECTION 22.** This section shall be codified as Section
292 97-13-45, Mississippi Code of 1972:



293 97-13-45. **Penalty for unlawful display of showing mark on**
294 **ballot or making false statement as to inability to mark ballot.**
295 Any voter who shall, except as provided by law, allow his ballot
296 to be seen by any person, or who shall make a false statement as
297 to his inability to mark his ballot, or who shall place any mark
298 upon his ballot by which it can afterwards be identified as the
299 ballot voted by him, shall be punished by a fine of not less than
300 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars
301 (\$100.00).

302 **SECTION 23.** Sections 97-13-17 and 97-13-18, Mississippi Code
303 of 1972, which provide penalties are repealed.

304 **SECTION 24.** This act shall take effect and be in force from
305 and after January 1, 2017.

