

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 866
(As Sent to Governor)

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 AND 97-13-39, MISSISSIPPI CODE OF 1972, TO
5 REVISE THE PENALTIES FOR VIOLATION OF VARIOUS ELECTION CRIMES; TO
6 CREATE SECTIONS 97-13-41, 97-13-43 AND 97-13-45, MISSISSIPPI CODE
7 OF 1972, TO RECODIFY PROVISIONS IN CURRENT LAW THAT MAKE IT
8 UNLAWFUL TO MAKE A FALSE ENTRY OR UNAUTHORIZED ALTERATION TO THE
9 STATEWIDE ELECTIONS MANAGEMENT SYSTEM OR A POLL BOOK, MAKE IT
10 UNLAWFUL TO TAMPER WITH OR DAMAGE VOTING MACHINES OR TABULATING
11 EQUIPMENT, MAKE IT UNLAWFUL TO A VOTER TO ALLOW HIS OR HER BALLOT
12 TO BE SEEN BY ANY PERSON OR MAKE A FALSE STATEMENT AS TO HIS
13 INABILITY TO MARK A BALLOT; TO REPEAL SECTIONS 23-15-117,
14 23-15-531.13 AND 23-15-555, MISSISSIPPI CODE OF 1972, WHICH MAKE
15 IT UNLAWFUL TO MAKE FALSE ENTRIES OR UNAUTHORIZED REVISION TO POLL
16 BOOKS, WHICH MAKE IT UNLAWFUL FOR A VOTER TO SHOW HIS BALLOT TO
17 ANY OTHER PERSON, MAKE A FALSE STATEMENT AS TO HIS INABILITY TO
18 READ THE BALLOT OR INTERFERE WITH ANY VOTER INSIDE THE VOTING
19 COMPARTMENT; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED
20 PURPOSES.

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

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

24 97-13-1. If any elector, manager, clerk or canvasser at any
25 election, or any executive officer attending the same, shall
26 receive any gift, money, financial award, reward, or promise
27 thereof or if any person shall offer such gift, money, financial



28 award, reward, or promise thereof to influence any elector, clerk,
29 canvasser, or any executive officer attending any election in his
30 vote, opinion, action, or judgment in relation to such election,
31 the person so offending shall, on conviction, be imprisoned in the
32 State Penitentiary not more than two (2) years, or be fined not
33 more than Three Thousand Dollars (\$3,000.00), or both; or in a
34 county jail not more than one (1) year, or be fined not more than
35 One Thousand Dollars (\$1,000.00), or both.

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

38 97-13-3. If any person shall offer or give a gift, money,
39 financial award, reward or other promise thereof to another for
40 the purpose of inducing him, by any unlawful means not amounting
41 to bribery, to procure any person to vote at any election for or
42 against any person or measure, the person so giving or offering
43 such reward shall, upon conviction thereof, be imprisoned in the
44 county jail not more than one (1) year, or fined not more
45 than * * * One Thousand Dollars (\$1,000.00), or both.

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

48 97-13-5. Any such manager who shall proceed to any election
49 without having the ballot box locked and secured in the manner
50 directed by law, or who shall open and read or consent to any
51 other person opening and reading any ballot given him to be
52 deposited in the box at such election, before it is put into the



53 box, shall, upon conviction, be * * * imprisoned in the county
54 jail not * * * more than one (1) year, or be fined not more than
55 One Thousand Dollars (\$1,000.00), or both.

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

58 97-13-7. Any manager of * * * an * * * election who, before
59 the votes are counted, shall dispose of or deposit the ballot box
60 in a manner not authorized by law, or shall, at any time after the
61 election has begun and before the ballots are counted, give * * *
62 access to the ballot box with which he is entrusted to any other,
63 shall, upon conviction, be * * * imprisoned in the county jail
64 not * * * more than one (1) year, or be fined not more than Three
65 Thousand Dollars (\$3,000.00), or both.

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

68 97-13-9. If any manager or clerk of any * * * election shall
69 knowingly make or consent to any false entry on the list of
70 persons voting, or shall permit to be put in the ballot box any
71 ballot not given by a voter, or shall take out of such box, or
72 permit to be so taken out, any ballot deposited therein except in
73 the manner prescribed by law, or shall, by any other act or
74 omission, designedly destroy or change the ballots given by the
75 electors, he shall, upon conviction, be punished by imprisonment
76 in the State Penitentiary for a term not exceeding five (5) years,
77 or be fined not more than Five Thousand Dollars (\$5,000.00).



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

80 97-13-13. If any person shall take or remove any ballot from
81 a voting place before the close of the polls, he shall, on
82 conviction, be * * * imprisoned in the county jail not * * * more
83 than one (1) year, or be fined not more than One Thousand Dollars
84 (\$1,000.00), or both.

85 **SECTION 7.** Section 97-13-19, Mississippi Code of 1972, is
86 amended as follows:

87 97-13-19. If any manager, clerk, or any other officer
88 whatever, assisting or engaged in conducting any election, or
89 charged with any duty in reference to any election, shall
90 designedly omit to do any official act required by law, or
91 designedly do any illegal act in relation to any * * * election,
92 by which act or omission the votes taken at any such election in
93 any district shall be lost, or the electors thereof shall be
94 deprived of their suffrage at such election, or shall designedly
95 do any act which shall render such election void, or shall be
96 guilty of any corrupt conduct or partiality in his official
97 capacity at such election, he shall, upon conviction, be
98 imprisoned, in the * * * county jail not more than one (1) year,
99 or be fined not more than Three Thousand Dollars (\$3,000.00), or
100 both.

101 **SECTION 8.** Section 97-13-21, Mississippi Code of 1972, is
102 amended as follows:



103 97-13-21. If any person shall unlawfully disturb any
104 election * * * at a polling place, the office of the circuit
105 clerk, or where ballots are located, such person shall be liable
106 to indictment, and, on conviction, * * * be * * * imprisoned in
107 the county jail not * * * more than one (1) year, or be fined not
108 more than One Thousand Dollars (\$1,000.00), or both.

109 **SECTION 9.** Section 97-13-23, Mississippi Code of 1972, is
110 amended as follows:

111 97-13-23. If any manager or returning officer shall fail or
112 refuse to make return of the votes cast in any election, as
113 required of him, he shall, on conviction, be imprisoned in the
114 State Penitentiary not * * * more than two (2) years, or be fined
115 not more than Three Thousand Dollars (\$3,000.00), or both; or in a
116 county jail not more than one (1) year, or be fined not more than
117 One Thousand Dollars (\$1,000.00), or both.

118 **SECTION 10.** Section 97-13-25, Mississippi Code of 1972, is
119 amended as follows:

120 97-13-25. Any person who shall knowingly procure his or any
121 person's registration as a qualified elector, when * * * the
122 person whose registration is being procured is not entitled to be
123 registered as such, or under a false name, or as a qualified
124 elector in any other election * * * precinct than that in which he
125 or she resides, shall, on conviction, be imprisoned in the State
126 Penitentiary for a term not to exceed * * * five (5) years, or be
127 fined not more than Five Thousand Dollars (\$5,000.00), or both.



128 **SECTION 11.** Section 97-13-27, Mississippi Code of 1972, is
129 amended as follows:

130 97-13-27. If any registrar appointed by law to register
131 votes shall intentionally refuse or neglect to register any voter
132 entitled to registration, or register any voter not entitled to
133 registration, he shall be punished, on conviction, * * * be
134 imprisoned in the State Penitentiary not more than two (2) years,
135 or be fined not more than Three Thousand Dollars (\$3,000.00), or
136 both; or in a county jail not more than one (1) year, or be fined
137 not more than One Thousand Dollars (\$1,000.00), or both.

138 **SECTION 12.** Section 97-13-29, Mississippi Code of 1972, is
139 amended as follows:

140 97-13-29. It shall not be lawful for any military officer or
141 other persons to order, bring, or keep any troops of armed men at
142 any place within a mile of the place where any * * * election is
143 held, unless it be for the purpose of quelling a riot or
144 insurrection, in the manner provided by law, or for the purpose of
145 defense in time of war; and whoever shall violate the provisions
146 of this section shall, on conviction, be * * * imprisoned in the
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 13.** Section 97-13-31, Mississippi Code of 1972, is
150 amended as follows:

151 97-13-31. If any election officer or other person, except as
152 authorized by law, shall aid or assist, or influence, a voter in



153 preparing a ballot, or shall attempt so to do, he or she shall, on
154 conviction, be * * * imprisoned in the county jail not more than
155 one (1) year, or be fined not more than One Thousand Dollars
156 (\$1,000.00), or both.

157 **SECTION 14.** Section 97-13-33, Mississippi Code of 1972, is
158 amended as follows:

159 97-13-33. When * * * one who offers to vote at an election
160 shall be objected to by any challenger as a person unqualified to
161 vote, if the manager of such election shall permit him to vote
162 without honestly considering his qualifications, or if any manager
163 shall refuse the vote of such person without honestly considering
164 his qualifications, or if any manager shall knowingly permit an
165 unqualified person to vote, or shall knowingly refuse the vote of
166 a qualified person, he shall, upon conviction, be * * * imprisoned
167 in the county jail not more than one (1) year, or be fined not
168 more than Three Thousand Dollars (\$3,000.00), or both.

169 **SECTION 15.** Section 97-13-35, Mississippi Code of 1972, is
170 amended as follows:

171 97-13-35. (1) Any person who shall vote at any election,
172 not being legally qualified, or who shall vote in more than one
173 (1) county, or at more than one (1) place in any county or in any
174 city, town, or village entitled to separate representation, or who
175 shall vote out of the district of his legal domicile, or who shall
176 vote or attempt to vote in the primary election of one (1) party
177 when he shall have voted on the same date in the primary election



178 of another party, shall, * * * upon conviction, * * * be
179 imprisoned in the county jail not more than one (1) year, or be
180 fined not more than One Thousand Dollars (\$1,000.00), or both.

181 (2) Any person who shall vote in the second primary election
182 of one (1) party when he voted in the first primary election of
183 another party preceding the same regular, special, or general
184 election shall, upon conviction, be guilty of a misdemeanor and be
185 imprisoned in the county jail not more than six (6) months, or be
186 fined not more than Five Hundred Dollars (\$500.00), or both.

187 **SECTION 16.** Section 97-13-36, Mississippi Code of 1972, is
188 amended as follows:

189 97-13-36. Any person who shall knowingly vote at any
190 election in more than one (1) county or at more than one (1) place
191 in any county, municipality or other political subdivision with
192 the intent to have more than one (1) vote counted in any election
193 shall be guilty of the crime of multiple voting and, upon
194 conviction, shall be * * * imprisoned in the State Penitentiary
195 not more than five (5) years, or be fined not more than Five
196 Thousand Dollars (\$5,000.00), or both; or in a county jail not
197 more than one (1) year, or be fined not more than One Thousand
198 Dollars (\$1,000.00), or both.

199 **SECTION 17.** Section 97-13-37, Mississippi Code of 1972, is
200 amended as follows:

201 97-13-37. Whoever shall procure, or endeavor to procure, the
202 vote of any elector, or the influence of any person over other



203 electors, at any election, for himself or any candidate, by means
204 of violence, threats of violence, or threats of withdrawing
205 custom, or dealing in business or trade, or of enforcing the
206 payment of a debt, or of bringing a suit or criminal prosecution,
207 or by any other threat or injury to be inflicted by him, or by his
208 means, or shall violate any provision of Section 23-15-871 or
209 23-15-874, shall, upon conviction, be * * * imprisoned in the
210 county jail not more than one (1) year, or be fined not more than
211 Three Thousand Dollars (\$3,000.00), or both.

212 **SECTION 18.** Section 97-13-39, Mississippi Code of 1972, is
213 amended as follows:

214 97-13-39. (1) If any person shall, by illegal force, or
215 threats of force, prevent, or endeavor to prevent, any elector
216 from giving his vote, he shall, upon conviction, be * * *
217 imprisoned in the county jail not more than one (1) year, or * * *
218 be fined not more than Three Thousand Dollars (\$3,000.00), or
219 both.

220 (2) If any person shall, utilize the requirements to provide
221 voter identification to intimidate a voter, or to prevent a person
222 from voting who is otherwise qualified to vote shall, upon
223 conviction, be imprisoned in the State Penitentiary not more than
224 five (5) years, or fined not more than Five Thousand Dollars
225 (\$5,000.00), or both.

226 **SECTION 19.** This section shall be codified as Section
227 97-13-41, Mississippi Code of 1972:



228 97-13-41. Any person who shall knowingly make a false entry,
229 unauthorized revision, removal, or alteration in the Statewide
230 Elections Management System or poll book, shall, upon conviction
231 thereof, be imprisoned in the State Penitentiary for a term not
232 exceeding ten (10) years, and be liable to the action of the
233 aggrieved party.

234 **SECTION 20.** This section shall be codified as Section
235 97-13-43, Mississippi Code of 1972:

236 97-13-43. Any person who willfully tampers with or damages
237 any voting machine or tabulating computer or device to be used or
238 being used at or in connection with any election or who prevents
239 or attempts to prevent the correct operation of any voting machine
240 or tabulating computer or device shall be guilty of a felony and,
241 upon conviction, be punished by imprisonment for not more than ten
242 (10) years, or be fined Five Thousand Dollars (\$5,000.00), or
243 both.

244 **SECTION 21.** This section shall be codified as Section
245 97-13-45, Mississippi Code of 1972:

246 97-13-45. Any voter who shall, except as provided by law,
247 allow his ballot to be seen by any person, or who shall make a
248 false statement as to his inability to mark his ballot, or who
249 shall place any mark upon his ballot by which it can afterwards be
250 identified as the ballot voted by him, shall be punished by a fine
251 of not less than Twenty-five Dollars (\$25.00) nor more than One
252 Hundred Dollars (\$100.00).



253 **SECTION 22.** Sections 23-15-117, 23-15-531.13 and 23-15-555,
254 Mississippi Code of 1972, which make it unlawful to make false
255 entries or unauthorized revision to poll books, which make it
256 unlawful for a voter to show his ballot to any other person, make
257 a false statement as to his inability to read the ballot or
258 interfere with any voter inside the voting compartment, are
259 repealed.

260 **SECTION 23.** This act shall take effect and be in force from
261 and after January 1, 2017.

