

By: Representative Hines

To: Apportionment and  
Elections; Judiciary B

HOUSE BILL NO. 7

1 AN ACT TO PROHIBIT ANY APPOINTED OR ELECTED PUBLIC OFFICER  
2 FROM TAKING AN ACTIVE PART IN ANY PARTISAN POLITICAL CAMPAIGN OR  
3 PARTICIPATING IN ANY POLITICAL ACTIVITIES OF ANY KIND; TO AMEND  
4 SECTION 25-9-103, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
5 PRECEDING SECTION; TO BRING FORWARD SECTIONS 23-15-871, 43-1-13,  
6 21-31-27 AND 33-15-33, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE  
7 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** It shall be unlawful for any appointed or elected  
10 public officer to take an active part in any partisan political  
11 campaign or to participate in any political activities of any  
12 kind. For violation of this provision, the offending party shall  
13 be removed from office and in addition thereto, upon conviction,  
14 shall be guilty of a misdemeanor, subject to a fine of not more  
15 than Two Hundred Dollars (\$200.00).

16 **SECTION 2.** Section 25-9-103, Mississippi Code of 1972, is  
17 amended as follows:

18 25-9-103. The State Personnel Board herein established shall  
19 administer a state personnel system in accordance with the  
20 following principles:



21 (a) To recruit, select and advance employees on the  
22 basis of their relative ability, knowledge and skills, including  
23 open consideration of qualified applicants for initial  
24 appointment;

25 (b) To provide equitable and adequate compensation;

26 (c) To train employees, as needed, to assure high  
27 quality performance;

28 (d) To retain employees on the basis of the adequacy of  
29 their performance, to correct inadequate performance, and to  
30 separate employees whose inadequate performance cannot be  
31 corrected;

32 (e) To assure fair treatment of applicants and  
33 employees in all aspects of personnel administration without  
34 regard to political affiliation, race, national origin, sex,  
35 religious creed, age or disability;

36 (f) To assure that employees are free from coercion for  
37 partisan or political purposes and to prohibit employees from  
38 using their official authority for the purpose of interfering with  
39 or affecting the result of an election or a nomination for office  
40 and to prohibit appointed and elected public officers from taking  
41 an active part in any partisan political campaign or participating  
42 in any political activities of any kind;

43 (g) To provide authority for the establishment and  
44 abolishment of employment positions within the departments,



45 agencies and institutions covered under the provisions of this  
46 chapter.

47 **SECTION 3.** Section 23-15-871, Mississippi Code of 1972, is  
48 brought forward as follows:

49 23-15-871. (1) No corporation or any officer or employee  
50 thereof, or any member of a firm, or trustee or any member of any  
51 association, or any other employer, may direct or coerce, directly  
52 or indirectly, any employee to vote or not to vote for any  
53 particular person or group of persons in any election, or to  
54 discharge or to threaten to discharge any such employee, or to  
55 increase or decrease the salary or wages of an employee, or  
56 otherwise promote or demote the employee, because of his or her  
57 vote or failure to vote for any particular candidate or group of  
58 candidates.

59 (2) No employer, or employee having the authority to employ  
60 or discharge other employees, may make any statement public or  
61 private, or give out or circulate any report or statement,  
62 calculated to intimidate or coerce or otherwise influence any vote  
63 of an employee, and when any such statement has been circulated,  
64 it shall be the duty of the employer to publicly repudiate it or  
65 the employer shall be deemed by way of ratification to have made  
66 it himself or herself.

67 (3) No employee may be requested, directed or permitted to  
68 canvass for or against any candidate or render any other services  
69 for or against any candidate or group of candidates, during any of



70 the hours within which the salary of the employee as an employee  
71 is being paid or agreed to be paid. No employee may be allowed  
72 any vacation or leave of absence at the expense of the employer to  
73 render any service or services for or against any candidate or  
74 group of candidates, or to take any active part in any election  
75 campaign whatsoever, except the necessary time to cast his or her  
76 vote.

77 (4) The prohibitions of this section shall apply to all  
78 state, state district, county and county district officers, and to  
79 any board or commission and the members thereof by whatever name  
80 designated and whether elective or appointive, and to each one of  
81 those employed by them or any of them.

82 (5) No state, state district, county or county district  
83 officer, or any employee who directly or indirectly has the  
84 control, or who asserts that he or she has such power, over the  
85 expenditure of any public funds in this state shall state, suggest  
86 or intimate, publicly or privately, or in any manner or form, that  
87 any such expenditure shall depend upon or be influenced by the  
88 vote of any person, group of persons, or community or group of  
89 communities, whether for or against any candidate or group of  
90 candidates at any election.

91 (6) This section and every part of it shall apply also to  
92 all federal officers, agents, employees, boards and commissions as  
93 to any interference contrary to the provisions of this chapter, in  
94 the elections of this state.



95 (7) Any violation of this section shall be a violation of  
96 Section 97-13-37 and shall be referred to a district attorney for  
97 prosecution.

98 **SECTION 4.** Section 43-1-13, Mississippi Code of 1972, is  
99 brought forward as follows:

100 43-1-13. (1) Except as otherwise provided in subsection (2)  
101 of this section, it shall be unlawful for a commissioner or any  
102 other employee of the state or county welfare departments to take  
103 an active part in any partisan political campaign. For violation  
104 of this provision the offending party shall be removed from office  
105 and in addition thereto, upon conviction, shall be guilty of a  
106 misdemeanor, subject to a fine of not more than Two Hundred  
107 Dollars (\$200.00).

108 (2) This section shall not preclude an individual from  
109 seeking elective office where the office sought is nonpartisan and  
110 is not within the judicial branch of government.

111 **SECTION 5.** Section 21-31-27, Mississippi Code of 1972, is  
112 brought forward as follows:

113 21-31-27. No person holding any office, place, position or  
114 employment subject to civil service, is under any obligation to  
115 contribute to any political fund or to render any political  
116 service to any person or party whatsoever, and no person shall be  
117 removed, reduced in grade or salary, or otherwise prejudiced for  
118 refusing so to do. No public officer, whether elected or  
119 appointed, shall discharge, promote, demote or in any manner



120 change the official rank, employment or compensation of any person  
121 under civil service, or promise or threaten so to do, for giving  
122 or withholding, or neglecting to make any contribution of money,  
123 or service, or any other valuable thing, for any political  
124 purpose.

125 If any person holding any office, place, position or  
126 employment subject to civil service, actively participates in  
127 political activity in any primary or election in a municipality  
128 where he is employed, it shall be deemed cause for removal.

129 **SECTION 6.** Section 33-15-33, Mississippi Code of 1972, is  
130 brought forward as follows:

131 33-15-33. No individual employed by or for an organization  
132 for emergency management established under the authority of this  
133 article shall, while acting under authority of his position or  
134 representing himself in his official capacity, participate in any  
135 form of political activity, and no such organization shall be  
136 employed directly or indirectly for political purposes.

137 **SECTION 7.** This act shall take effect and be in force from  
138 and after July 1, 2019.

