

By: Representative Osborne

To: Apportionment and
Elections

HOUSE BILL NO. 1347

1 AN ACT TO CREATE THE "MISSISSIPPI VOTER PROTECTION ACT"; TO
2 CREATE BANS ON VOTER INTIMIDATION AND VOTER SUPPRESSION; TO CREATE
3 A VOTER'S BILL OF RIGHTS AND REQUIRE TO BE POSTED AT EVERY POLLING
4 PLACE, TO BE INCLUDED WITH EVERY DISTRIBUTION OF OFFICIAL SAMPLE
5 BALLOTS AND TO BE OFFERED TO VOTERS AT POLLING PLACES; TO REQUIRE
6 THE SECRETARY OF STATE TO CREATE A MANUAL OF UNIFORM POLLING PLACE
7 PROCEDURES AND ADOPT THE MANUAL BY REGULATION; TO BRING FORWARD
8 SECTIONS 97-13-37 AND 97-13-39, MISSISSIPPI CODE OF 1972, FOR THE
9 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the
12 "Mississippi Voter Protection Act."

13 **SECTION 2.** (1) The Legislature finds that:

14 (a) Mississippi has a history of voter suppression and
15 discrimination. Recent elections have exposed serious flaws in
16 our nation's voting systems. Across the nation, millions of
17 registered voters who wanted to vote were turned away or
18 discouraged from voting due to voter intimidation and suppression
19 tactics, as well as through communications failures and mistakes.

20 (b) In Mississippi, it is the policy to encourage as
21 many registered voters as possible to vote and it is the policy of



22 the State of Mississippi to discourage anyone from using any means
23 to intimidate registered voters in an effort to prevent them from
24 casting a legal vote.

25 (c) In order to protect the right to vote for all its
26 citizens, it is the intention of this legislation to ban voter
27 intimidation and voter suppression, establish a voter's bill of
28 rights, and provide election officials and voters a manual of
29 election procedures.

30 (2) This law is enacted to protect and enhance the most
31 basic right in a democracy, that all qualified adults are
32 guaranteed the right to vote.

33 **SECTION 3.** (1) The following words and phrases shall have
34 the meanings as defined in this section unless the context clearly
35 indicates otherwise:

36 (a) "Board" means the State Board of Election
37 Commissioners.

38 (b) "Election" means any federal, state or local
39 election held in the state.

40 (c) "Local election supervisor" means a person or group
41 of persons directing the conduct of elections for any city or
42 county.

43 (d) "Election official" means a person or group of
44 persons directing the conduct of elections at the precinct, county
45 or statewide level.



46 (2) (a) **Voter intimidation.** A person is guilty of voter
47 intimidation if he or she uses or threatens force, violence or any
48 tactic of coercion or intimidation to induce or compel any other
49 person to:

50 (i) Vote or refrain from voting;

51 (ii) Vote or refrain from voting for any
52 particular candidate or ballot measure; or

53 (iii) Refrain from registering to vote.

54 (b) **Voter suppression.** A person is guilty of voter
55 suppression if he or she knowingly attempts to prevent or deter
56 another person from voting or registering to vote based on
57 fraudulent, deceptive or spurious grounds or information. Voter
58 suppression includes, but is not limited to, the following:

59 (i) Challenging another person's right to register
60 to vote or to vote based on knowingly false information;

61 (ii) Attempting to induce another person to
62 refrain from registering to vote or voting by providing that
63 person with knowingly false information; or

64 (iii) Attempting to induce another person to
65 refrain from registering to vote or voting at the proper place or
66 time by providing that person with knowingly false information
67 about the date, time, place or manner of the election.

68 (3) (a) **Voter's Bill of Rights.** Local election officials
69 shall post a voter's bill of rights at every polling place,
70 include it with every distribution of official sample ballots and



71 offer it to voters at polling places, in accordance with
72 procedures approved by the board. The text of this document shall
73 be:

74 "VOTER'S BILL OF RIGHTS

75 Every registered voter in this state has the right to:

- 76 1. Inspect a sample ballot before voting.
- 77 2. Cast a ballot if he or she is in line when
78 the polls are closing.
- 79 3. Ask for and receive assistance in voting,
80 including assistance in languages other than English where
81 required by federal or state law.
- 82 4. Receive a replacement ballot if he or she
83 makes a mistake before the ballot is cast, where paper ballots are
84 used.
- 85 5. Cast an affidavit ballot if his or her
86 eligibility to vote is in question.
- 87 6. Vote free from coercion or intimidation by
88 election officials or any other person.
- 89 7. Cast a ballot using voting equipment that
90 accurately counts all votes."

91 (b) In any political subdivision or precinct where
92 federal or state law requires the ballot to be made available in a
93 language other than English, the voter's bill of rights will also
94 be made available in such language or languages.



95 (3) The Secretary of State shall create a manual of uniform
96 polling place procedures and adopt the manual by regulation.
97 Local election officials shall ensure that the manuals are
98 available in hard copy or electronic format at every precinct in
99 the officials' jurisdictions on election day. The manual will
100 guide local election officials in the proper implementation of
101 election laws and procedures. The manual will be indexed by
102 subject and written in clear, unambiguous language. The manual
103 will provide specific examples of common problems encountered at
104 the polls on election day, and detail specific procedures for
105 resolving those problems. The manual will include, but not be
106 limited to, the following:

107 (a) Regulations governing solicitation by individuals
108 and groups at the polling place.

109 (b) Procedures to be followed with respect to voters
110 whose names are not on the precinct register.

111 (c) Proper operation of the voting system.

112 (d) Ballot handling procedures.

113 (e) Procedures governing spoiled ballots.

114 (f) Procedures to be followed after the polls close.

115 (g) Rights of voters at the polls.

116 (h) Procedures for handling emergency situations.

117 (i) Procedures for handling and processing provisional
118 ballots.

119 (j) Security procedures.



120 (4) (a) Whoever commits voter intimidation or conspires to
121 commit voter intimidation will be guilty of a felony, punishable
122 by up to three (3) years in prison and a fine of up to One Hundred
123 Thousand Dollars (\$100,000.00).

124 (b) Whoever commits voter suppression or conspires to
125 commit voter suppression will be guilty of a felony, punishable by
126 up to two (2) years in prison and a fine of up to Fifty Thousand
127 Dollars (\$50,000.00).

128 (c) Any person who willfully violates any other part of
129 this section will be guilty of a misdemeanor, punishable by up to
130 one (1) year in prison, a fine of up to Ten Thousand Dollars
131 (\$10,000.00), or both.

132 (d) The Secretary of State shall promulgate rules and
133 regulations as necessary to enforce this section.

134 (e) In addition to criminal and regulatory sanctions,
135 this section may be enforced by a private cause of action as
136 otherwise provided by law. In a successful action, the court shall
137 award the plaintiff costs and attorney's fees.

138 **SECTION 4.** Section 97-13-37, Mississippi Code of 1972, is
139 brought forward as follows:

140 97-13-37. Whoever shall procure, or endeavor to procure, the
141 vote of any elector, or the influence of any person over other
142 electors, at any election, for himself or any candidate, by means
143 of violence, threats of violence, or threats of withdrawing
144 custom, or dealing in business or trade, or of enforcing the



145 payment of a debt, or of bringing a suit or criminal prosecution,
146 or by any other threat or injury to be inflicted by him, or by his
147 means, or shall violate any provision of Section 23-15-871 or
148 23-15-874, shall, upon conviction, be imprisoned in the county
149 jail not more than one (1) year, or be fined not more than Three
150 Thousand Dollars (\$3,000.00), or both.

151 **SECTION 5.** Section 97-13-39, Mississippi Code of 1972, is
152 brought forward as follows:

153 97-13-39. (1) If any person shall, by illegal force, or
154 threats of force, prevent, or endeavor to prevent, any elector
155 from giving his vote, he shall, upon conviction, be imprisoned in
156 the county jail not more than one (1) year, or be fined not more
157 than Three Thousand Dollars (\$3,000.00), or both.

158 (2) If any person shall, utilize the requirements to provide
159 voter identification to intimidate a voter, or to prevent a person
160 from voting who is otherwise qualified to vote shall, upon
161 conviction, be imprisoned in the State Penitentiary not more than
162 five (5) years, or fined not more than Five Thousand Dollars
163 (\$5,000.00), or both.

164 **SECTION 6.** This act shall take effect and be in force from
165 and after July 1, 2024.

