

By: Representative Owen

To: Judiciary B

HOUSE BILL NO. 400

1 AN ACT TO AMEND SECTIONS 97-13-3, 97-13-5, 97-13-7, 97-13-9,
2 97-13-35, 97-13-36, 97-13-37, 97-13-43, 23-15-93, 23-15-561,
3 23-15-627, 23-15-635, 23-15-751 AND 23-15-753, MISSISSIPPI CODE OF
4 1972, TO INCREASE THE PENALTIES FOR COMMITTING CERTAIN ELECTION
5 CRIMES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 97-13-3, Mississippi Code of 1972, is
8 amended as follows:

9 97-13-3. If any person shall offer or give a gift, money,
10 financial award, reward or other promise thereof to another for
11 the purpose of inducing him, by any unlawful means not amounting
12 to bribery, to procure any person to vote at any election for or
13 against any person or measure, the person so giving or offering
14 such reward shall, upon conviction thereof, be imprisoned in
15 the * * * State Penitentiary not more than * * * ten (10) years,
16 or fined not more than * * * Ten Thousand Dollars (\$10,000.00), or
17 both.

18 **SECTION 2.** Section 97-13-5, Mississippi Code of 1972, is
19 amended as follows:



20 97-13-5. Any such manager who shall proceed to any election
21 without having the ballot box locked and secured in the manner
22 directed by law, or who shall open and read or consent to any
23 other person opening and reading any ballot given him to be
24 deposited in the box at such election, before it is put into the
25 box, shall, upon conviction, be imprisoned in the * * * State
26 Penitentiary not more than * * * ten (10) years, or be fined not
27 more than * * * Ten Thousand Dollars (\$10,000.00), or both.

28 **SECTION 3.** Section 97-13-7, Mississippi Code of 1972, is
29 amended as follows:

30 97-13-7. Any manager of an election who, before the votes
31 are counted, shall dispose of or deposit the ballot box in a
32 manner not authorized by law, or shall, at any time after the
33 election has begun and before the ballots are counted, give access
34 to the ballot box with which he is entrusted to any other, shall,
35 upon conviction, be imprisoned in the * * * State Penitentiary not
36 more than * * * ten (10) years, or be fined not more than * * *
37 Ten Thousand Dollars (\$10,000.00), or both.

38 **SECTION 4.** Section 97-13-9, Mississippi Code of 1972, is
39 amended as follows:

40 97-13-9. If any manager or clerk of any election shall
41 knowingly make or consent to any false entry on the list of
42 persons voting, or shall permit to be put in the ballot box any
43 ballot not given by a voter, or shall take out of such box, or
44 permit to be so taken out, any ballot deposited therein except in



45 the manner prescribed by law, or shall, by any other act or
46 omission, designedly destroy or change the ballots given by the
47 electors, he shall, upon conviction, be punished by imprisonment
48 in the State Penitentiary for a term not * * * less than two (2)
49 years nor more than twenty (20) years, or be fined not more
50 than * * * Twenty Thousand Dollars (\$20,000.00), or both.

51 **SECTION 5.** Section 97-13-35, Mississippi Code of 1972, is
52 amended as follows:

53 97-13-35. (1) Any person who shall vote at any election,
54 not being legally qualified, or who shall vote in more than one
55 (1) county, or at more than one (1) place in any county or in any
56 city, town, or village entitled to separate representation, or who
57 shall vote out of the district of his legal domicile, or who shall
58 vote or attempt to vote in the primary election of one (1) party
59 when he shall have voted on the same date in the primary election
60 of another party, shall, upon conviction, be imprisoned in
61 the * * * State Penitentiary not * * * less than two (2) years nor
62 more than twenty (20) years, or be fined not more than * * *
63 Twenty Thousand Dollars (\$20,000.00), or both.

64 (2) Any person who shall vote in the second primary election
65 of one (1) party when he voted in the first primary election of
66 another party preceding the same regular, special, or general
67 election shall, upon conviction, be guilty of a * * * felony and
68 be imprisoned in the * * * State Penitentiary not * * * less than



69 two (2) years nor more than twenty (20) years, or be fined not
70 more than * * * Twenty Thousand Dollars (\$20,000.00), or both.

71 **SECTION 6.** Section 97-13-36, Mississippi Code of 1972, is
72 amended as follows:

73 97-13-36. Any person who shall knowingly vote at any
74 election in more than one (1) county or at more than one (1) place
75 in any county, municipality or other political subdivision with
76 the intent to have more than one (1) vote counted in any election
77 shall be guilty of the crime of multiple voting and, upon
78 conviction, shall be imprisoned in the State Penitentiary
79 not * * * less than two (2) years nor more than twenty (20) years,
80 or be fined not more than * * * Twenty Thousand Dollars
81 (\$20,000.00), or both * * *.

82 **SECTION 7.** Section 97-13-37, Mississippi Code of 1972, is
83 amended as follows:

84 97-13-37. Whoever shall procure, or endeavor to procure, the
85 vote of any elector, or the influence of any person over other
86 electors, at any election, for himself or any candidate, by means
87 of violence, threats of violence, or threats of withdrawing
88 custom, or dealing in business or trade, or of enforcing the
89 payment of a debt, or of bringing a suit or criminal prosecution,
90 or by any other threat or injury to be inflicted by him, or by his
91 means, or shall violate any provision of Section 23-15-871 or
92 23-15-874, shall, upon conviction, be imprisoned in the county
93 jail not * * * less than two (2) years nor more than twenty (20)



94 years, or be fined not more than * * * Twenty Thousand Dollars
95 (\$20,000.00), or both.

96 **SECTION 8.** Section 97-13-43, Mississippi Code of 1972, is
97 amended as follows:

98 97-13-43. Any person who willfully tampers with or damages
99 any voting machine or tabulating computer or device to be used or
100 being used at or in connection with any election or who prevents
101 or attempts to prevent the correct operation of any voting machine
102 or tabulating computer or device shall be guilty of a felony and,
103 upon conviction, be punished by imprisonment for not * * * less
104 than two (2) years nor more than twenty (20) years, or be
105 fined * * * Twenty Thousand Dollars (\$20,000.00), or both.

106 **SECTION 9.** Section 23-15-93, Mississippi Code of 1972, is
107 amended as follows:

108 23-15-93. If any election commissioner or registrar shall
109 refuse or neglect to perform any of the duties imposed upon him or
110 her by this chapter regarding the registration of electors, or
111 shall knowingly permit any person to sign a false affidavit or
112 otherwise knowingly permit any person to violate any provision of
113 this chapter regarding the registration of electors, or shall
114 violate any of the provisions of this chapter regarding the
115 registration of electors, or if any officer taking the affidavits
116 as provided in this chapter regarding registration of electors
117 shall make any false statement in his or her certificate thereto
118 attached, he or she shall be deemed guilty of a crime and shall be



119 punished by a fine not exceeding * * * Ten Thousand Dollars
120 (\$10,000.00) or by imprisonment in the State Penitentiary not
121 exceeding * * * ten (10) years, or both, and shall be removed from
122 office.

123 **SECTION 10.** Section 23-15-561, Mississippi Code of 1972, is
124 amended as follows:

125 23-15-561. (1) It shall be unlawful during any primary or
126 any other election for any candidate for any elective office or
127 any representative of such candidate or any other person to
128 publicly or privately put up or in any way offer any prize, cash
129 award or other item of value to be raffled, drawn for, played for
130 or contested for in order to encourage persons to vote or to
131 refrain from voting in any election.

132 (2) Any person who shall violate the provisions of
133 subsection (1) of this section shall, upon conviction thereof, be
134 punished by a fine in an amount not to exceed * * * Ten Thousand
135 Dollars (\$10,000.00).

136 (3) Any candidate who shall violate the provisions of
137 subsection (1) of this section shall, upon conviction thereof, in
138 addition to the fine prescribed above, be punished by:

139 (a) Disqualification as a candidate in the race for the
140 elective office; or

141 (b) Removal from the elective office, if the offender
142 has been elected thereto.



143 **SECTION 11.** Section 23-15-627, Mississippi Code of 1972, is
144 amended as follows:

145 23-15-627. Any elector described in Section 23-15-713 may
146 request an absentee ballot application and vote in person at the
147 office of the registrar in the county in which he or she resides.
148 The registrar shall be responsible for furnishing an absentee
149 ballot application form to any elector authorized to receive an
150 absentee ballot. Except as otherwise provided in Section
151 23-15-625, absentee ballot applications shall be furnished to a
152 person only upon the oral or written request of the elector who
153 seeks to vote by absentee ballot; however, the parent, child,
154 spouse, sibling, legal guardian, those empowered with a power of
155 attorney for that elector's affairs or agent of the elector, who
156 is designated in writing and witnessed by a resident of this state
157 who shall write his or her physical address on such designation,
158 may orally request an absentee ballot application on behalf of the
159 elector. The written designation shall be valid for one (1) year
160 after the date of the designation. An absentee ballot application
161 must have the seal of the circuit or municipal clerk affixed to it
162 and be initialed by the registrar or his or her deputy in order to
163 be used to obtain an absentee ballot. A reproduction of an
164 absentee ballot application shall not be valid unless it is a
165 reproduction provided by the office of the registrar of the
166 jurisdiction in which the election is being held and which



167 contains the seal and initials required by this section. Such
168 application shall be substantially in the following form:

169 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

170 I, _____, duly qualified and registered in the ____ Precinct
171 of the County of _____, and State of Mississippi, coming within
172 the purview of the definition 'ABSENT ELECTOR' will be absent from
173 the county of my residence on election day, or unable to vote in
174 person because (check appropriate reason):

175 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
176 resident of Mississippi or have moved therefrom within thirty (30)
177 days of the coming presidential election.

178 () I am an enlisted or commissioned member, male or female,
179 of any component of the United States Armed Forces and am a
180 citizen of Mississippi, or spouse or dependent of such member.

181 () I am a member of the Merchant Marine or the American Red
182 Cross and am a citizen of Mississippi or spouse or dependent of
183 such member.

184 () I am a disabled war veteran who is a patient in any
185 hospital and am a citizen of Mississippi or spouse or dependent of
186 such veteran.

187 () I am a civilian attached to and serving outside of the
188 United States with any branch of the Armed Forces or with the
189 Merchant Marine or American Red Cross, and am a citizen of
190 Mississippi or spouse or dependent of such civilian.



191 () I am a citizen of Mississippi temporarily residing
192 outside the territorial limits of the United States and the
193 District of Columbia.

194 () I am a student, teacher or administrator at a college,
195 university, junior or community college, high, junior high,
196 elementary or grade school, whose studies or employment at such
197 institution necessitates my absence from the county of my voting
198 residence or spouse or dependent of such student, teacher or
199 administrator who maintains a common domicile outside the county
200 of my voting residence with such student, teacher or
201 administrator.

202 () I will be outside the county on election day.

203 () I have a temporary or permanent physical
204 disability * * *.

205 () I am sixty-five (65) years of age or older.

206 () I am the parent, spouse or dependent of a person with a
207 temporary or permanent physical disability who is hospitalized
208 outside his or her county of residence or more than fifty (50)
209 miles away from his or her residence, and I will be with such
210 person on election day.

211 () I am a member of the congressional delegation, or spouse
212 or dependent of a member of the congressional delegation.

213 () I am required to be at work on election day during the
214 times which the polls will be open.



215 I hereby make application for an official ballot, or ballots,
216 to be voted by me at the election to be held in _____, on _____.

217 Mail 'Absent Elector's Ballot' to me at the following address
218 _____.

219 () I wish to receive an absentee ballot for the runoff
220 election _____.

221 I realize that I can be fined up to * * * Ten Thousand
222 Dollars (\$10,000.00) and sentenced up to * * * ten (10) years in
223 the Penitentiary for making a false statement in this application
224 and for selling my vote and violating the Mississippi Absentee
225 Voter Law. (This sentence is to be in bold print.)

226 If you are temporarily or permanently disabled, you are not
227 required to have this application notarized or signed by an
228 official authorized to administer oaths for absentee balloting.
229 You are required to sign this application in the proper place and
230 have a person eighteen (18) years of age or older witness your
231 signature and sign this application in the proper place.

232 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
233 print.)

234 IN WITNESS WHEREOF I have hereunto set my hand and seal this
235 the ____ day of _____, 2____.

236 _____

237 (Signature of absent elector)

238 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
239 2____.



240 _____
241 (Official authorized to administer oaths
242 for absentee balloting.)

243 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
244 DISABLED:

245 I HEREBY CERTIFY that this application for an absent
246 elector's ballot was signed by the above-named elector in my
247 presence and that I am at least eighteen (18) years of age, this
248 the _____ day of _____, 2____.

249 _____
250 (Signature of witness)

251 CERTIFICATE OF DELIVERY

252 I hereby certify that _____ (print name of voter)
253 has requested that I, _____ (print name of person
254 delivering application), deliver to the voter this absentee ballot
255 application.

256 _____
257 (Signature of person delivering application)

258 _____
259 (Address of person delivering application)"

260 **SECTION 12.** Section 23-15-635, Mississippi Code of 1972, is
261 amended as follows:

262 23-15-635. (1) The form of the elector's certificate,
263 attesting witness certification and certificate of person
264 providing voter assistance on the back of the envelope used by



265 absentee voters who are not absent voters as defined in Section
266 23-15-673, shall be as follows:

267 "ELECTOR'S CERTIFICATE

268 STATE OF _____

269 COUNTY OF _____

270 I, _____, under penalty of perjury do solemnly swear
271 that this envelope contains the ballot marked by me indicating my
272 choice of the candidates or propositions to be submitted at the
273 election to be held on the ___ day of _____, 2____, and I
274 hereby authorize the registrar to place this envelope in the
275 ballot box on my behalf, and I further authorize the election
276 managers to open this envelope and place my ballot among the other
277 ballots cast before such ballots are counted, and record my name
278 on the poll list as if I were present in person and voted.

279 I further swear that I marked the enclosed ballot in secret.

280 **Penalties for vote fraud are up to * * * ten (10) years in prison**
281 **and a fine of up to * * * Ten Thousand Dollars (\$10,000.00).**

282 **(Miss. Code. Ann. Section 23-15-753.) Penalties for voter**
283 **intimidation are * * * not less than two (2) years nor more than**

284 **twenty (20) years in jail and a fine of up to * * * Twenty**
285 **Thousand Dollars (\$20,000.00). (Miss. Code. Ann. Section**

286 **97-13-37.)**

287 _____
288 (Signature of voter)

289 CERTIFICATE OF ATTESTING WITNESS



290 Under penalty of perjury I affirm that the above named voter
291 personally appeared before me, on this the ___ day of _____,
292 2____, and is known by me to be the person named, and who, after
293 being duly sworn or having affirmed, subscribed the foregoing oath
294 or affirmation. That the voter exhibited to me his or her blank
295 ballot; that the ballot was not marked or voted before the voter
296 exhibited the ballot to me; that the voter was not solicited or
297 advised by me to vote for any candidate, question or issue, and
298 that the voter, after marking his or her ballot, placed it in the
299 envelope, closed and sealed the envelope in my presence, and
300 signed and swore or affirmed the above certificate.

301 _____
302 (Attesting witness) (Address)
303 _____
304 (Official title) (City and State)

305 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

306 (To be completed only if the voter has received assistance in
307 marking the enclosed ballot.) I, under penalty of perjury, hereby
308 certify that the above-named voter declared to me that he or she
309 is blind, temporarily or permanently physically disabled, or
310 cannot read or write, and that the voter requested that I assist
311 the voter in marking the enclosed absentee ballot. I hereby
312 certify that the ballot preferences on the enclosed ballot are
313 those communicated by the voter to me, and that I have marked the
314 enclosed ballot in accordance with the voter's instructions.



315 Penalties for vote fraud are up to * * * ten (10) years in prison
316 and a fine of up to * * * Ten Thousand Dollars (\$10,000.00).
317 (Miss. Code. Ann. Section 23-15-753.) Penalties for voter
318 intimidation are * * * not less than two (2) years nor more than
319 twenty (20) years in jail and a fine of up to * * * Twenty
320 Thousand Dollars (\$20,000.00). (Miss. Code. Ann. Section
321 97-13-37.)

322 _____
323 Signature of person providing assistance

324 _____
325 Printed name of person providing assistance

326 _____
327 Address of person providing assistance

328 _____
329 Date and time assistance provided

330 _____
331 Family relationship to voter (if any)"

332 (2) The envelope shall have printed on the flap on the back
333 of the envelope in bold print and in a distinguishing color, the
334 following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS**
335 **ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND**
336 **AN ATTESTING WITNESS."**

337 **SECTION 13.** Section 23-15-751, Mississippi Code of 1972, is
338 amended as follows:



339 23-15-751. If any registrar or commissioner of elections
340 shall refuse or neglect to perform any of the duties prescribed by
341 Sections 23-15-621 through 23-15-735, or shall knowingly permit
342 any person to sign a false affidavit or otherwise knowingly permit
343 any person to violate Sections 23-15-621 through 23-15-735, or
344 shall violate any of the provisions thereof, or if any officer
345 taking the affidavits as provided in said acts shall make any
346 false statement in his certificate thereto attached, he shall,
347 upon conviction, be deemed guilty of a crime and shall be punished
348 by a fine not exceeding * * * Ten Thousand Dollars (\$10,000.00) or
349 by imprisonment in the Penitentiary not exceeding * * * ten (10)
350 years, and shall be removed from office.

351 **SECTION 14.** Section 23-15-753, Mississippi Code of 1972, is
352 amended as follows:

353 23-15-753. (1) Any person who willfully, unlawfully and
354 feloniously procures, seeks to procure, or seeks to influence the
355 vote of any person voting by absentee ballot, by the payment of
356 money, the promise of payment of money, or by the delivery of any
357 other item of value or promise to give the voter any item of
358 value, or by promising or giving the voter any favor or reward in
359 an effort to influence his vote, or any person who aids, abets,
360 assists, encourages, helps, or causes any person voting an
361 absentee ballot to violate any provision of law pertaining to
362 absentee voting, or any person who sells his vote for money,
363 favor, or reward, has been paid or promised money, a reward, a



364 favor or favors, or any other item of value, or any person who
365 shall willfully swear falsely to any affidavit provided for in
366 Sections 23-15-621 through 23-15-735, shall be guilty of the crime
367 of "vote fraud" and, upon conviction, shall be sentenced to pay a
368 fine of not * * * more than * * * Ten Thousand Dollars
369 (\$10,000.00), or by imprisonment in the * * * State Penitentiary
370 for * * * not more than * * * ten (10) years, or by both fine and
371 imprisonment * * *.

372 (2) It shall be unlawful for any person who pays or
373 compensates another person for assisting voters in marking their
374 absentee ballots to base the pay or compensation on the number of
375 absentee voters assisted or the number of absentee ballots cast by
376 persons who have received the assistance. Any person who violates
377 this section, upon conviction, shall * * * be fined not * * * more
378 than * * * Ten Thousand Dollars (\$10,000.00), or imprisoned in the
379 State Penitentiary not * * * more than * * * ten (10) years, or
380 both.

381 **SECTION 15.** This act shall take effect and be in force from
382 and after July 1, 2023.

