

By: Representative Osborne

To: Apportionment and  
Elections

## HOUSE BILL NO. 678

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



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

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

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

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

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

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

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

(d) "Election official" means a person or group of persons directing the conduct of elections at the precinct, county 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



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

"VOTER'S BILL OF RIGHTS

Every registered voter in this state has the right to:

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

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



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

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

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

(c) Proper operation of the voting system.

(d) Ballot handling procedures.

(e) Procedures governing spoiled ballots.

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

(g) Rights of voters at the polls.

(h) Procedures for handling emergency situations.

(i) Procedures for handling and processing provisional ballots.

(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, 2025.

