

By: Representative Hobgood-Wilkes

To: Apportionment and Elections

HOUSE BILL NO. 1311

1 AN ACT TO CREATE NEW SECTION 23-15-8, MISSISSIPPI CODE OF
2 1972, TO ENSURE THAT ALL NEW FEDERAL ELECTION FUNDS ARE
3 APPROPRIATED BY THE LEGISLATURE BEFORE DISPERSED TO ENSURE THAT
4 THE FUNDS ALLOCATED FAIRLY AND IN A MANNER THAT PROMOTES THE
5 LEGISLATURE'S GOAL OF FACILITATING FREE AND FAIR ELECTIONS; TO
6 DEFINE "NEW FEDERAL ELECTION FUNDS"; TO PROVIDE A NOTIFICATION
7 REQUIREMENT; TO PROVIDE A PENALTY FOR A VIOLATION; TO CREATE NEW
8 SECTION 23-15-9, MISSISSIPPI CODE OF 1972, TO ENSURE THAT ALL NEW
9 FEDERAL ELECTION GUIDANCE HAS BEEN PROPERLY REVIEWED BY THE STATE
10 BEFORE IMPLEMENTATION TO ENSURE THAT IT IS LAWFUL AND TO PROVIDE
11 THE STATE AN OPPORTUNITY TO CHALLENGE THE GUIDANCE IN COURT; TO
12 DEFINE "NEW FEDERAL ELECTION GUIDANCE"; TO PROVIDE A NOTIFICATION
13 REQUIREMENT; TO PROVIDE A PENALTY FOR A VIOLATION; TO CREATE NEW
14 SECTION 23-15-10, MISSISSIPPI CODE OF 1972, TO ENSURE THAT THE
15 GOVERNOR AND LEGISLATURE ARE NOTIFIED OF ALL COMMUNICATIONS MADE
16 OR PROVIDED TO STATE AGENCIES AND ENTITIES RESPONSIBLE FOR
17 OVERSEEING ELECTIONS BY THE UNITED STATES DEPARTMENT OF JUSTICE TO
18 ENABLE THE STATE TO RESPOND AS NEEDED; TO DEFINE "COMMUNICATION";
19 TO PROVIDE A NOTIFICATION REQUIREMENT; TO PROVIDE A PENALTY FOR A
20 VIOLATION; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** The following shall be codified as Section
23 23-15-8, Mississippi Code of 1972:

24 23-15-8. (1) The purpose of this section is to ensure that
25 all new federal election funds are appropriated by the Legislature
26 before dispersed to ensure that the funds are allocated fairly and



27 in a manner that promotes the Legislature's goal of facilitating
28 free and fair elections.

29 (2) For purposes of this section, "new federal election
30 funds" means any federal funds received after July 1, 2023, by a
31 person, group or entity charged by the state to administer any
32 official election(s). Nothing in this section shall pertain to
33 funding provided under the Help America Vote Act or any other
34 funding that already possesses a state or federal legal
35 requirement related to its dispersal as of July 1, 2023.

36 (3) Any person, group or entity charged by the state to
37 administer any official election(s) who disperses new federal
38 election funds in their official capacity shall notify the
39 Legislature of the availability of new federal election funds at
40 least thirty (30) days before the funds are available and whether
41 the person, group or entity intends to use the funds.

42 (4) All new federal election funds must be appropriated by
43 the Legislature before the funds may be dispersed by a person,
44 group or entity charged by the state to administer any official
45 election(s) unless otherwise required by state or federal law.

46 (5) A violation of this section shall result in a fine
47 against the person, group or entity charged by the state to
48 administer any official election(s) who disperses new federal
49 election funds in their official capacity, in the amount of the
50 new federal election funds dispersed and an additional fine of One
51 Thousand Dollars (\$1,000.00).



52 **SECTION 2.** The following shall be codified as Section
53 23-15-9, Mississippi Code of 1972:

54 23-15-9. (1) The purpose of this section is to ensure that
55 all new federal election guidance has been properly reviewed by
56 the Legislature before implementation to ensure that it is lawful
57 and to provide the state with an opportunity to challenge the
58 guidance in court.

59 (2) For purposes of this section, "new federal election
60 guidance" means any federal directive or guidance pertaining to
61 elections that was issued after July 1, 2023, including, but not
62 limited to, the following:

63 (a) Times, places and manner for carrying out
64 elections;

65 (b) Any federal directive or guidance issued by the
66 Department of Justice or any other federal executive agency
67 related to new or existing voting or election laws or procedures;

68 (c) Any federal directive or guidance that was not
69 published on the Secretary of State's website; and

70 (d) Any federal directive or guidance that was given
71 directly to any person, group or entity charged by the state to
72 administer any official election(s).

73 (3) Any person, group or entity charged by the state to
74 administer any official election(s) who intends to implement any
75 new federal election guidance shall provide notice to the



76 Legislature of that intent at least thirty (30) days before
77 implementing the guidance.

78 (4) No election official shall implement any new federal
79 election guidance, regardless of whether that guidance is
80 published on the Secretary of State's website, without an explicit
81 state or federal requirement to do so.

82 (5) If any new federal election guidance is implemented
83 without providing the notice required under this section, the
84 person, group or entity charged by the state to administer any
85 official election(s) that implemented the guidance shall be
86 charged a fine in the amount of Five Thousand Dollars (\$5,000.00)
87 to be levied every thirty (30) days until the implemented guidance
88 is formally withdrawn or paused until the notice and period of
89 review is finished.

90 **SECTION 3.** The following shall be codified as Section
91 23-15-10, Mississippi Code of 1972:

92 23-15-10. (1) The purpose of this section is to ensure that
93 the Governor and Legislature are notified of all communications
94 made or provided to state agencies and entities responsible for
95 overseeing elections by the United States Department of Justice
96 (DOJ) or any other federal executive branch agency, related to
97 elections and voting, to enable the state to respond as needed and
98 to ensure state agencies are not being unduly coerced by the
99 federal executive branch to potentially violate state law,
100 especially laws related to times, places and manner of elections.



101 (2) For purposes of this section, "communication(s)" means
102 any federal directive or guidance that is received after July 1,
103 2023, and passed through telephonic or electronic means, the mail,
104 or in-person, pertaining to elections, including the times, places
105 and manner for carrying out elections, to any state agency or
106 person, group, or entity charged by the state to administer any
107 official election(s). This includes, but is not limited to, any
108 guidance issued by the DOJ or an employee thereof, or any other
109 federal executive agency or an employee thereof, related to new or
110 existing voting or election laws or procedures.

111 (3) Any state agency, whether that agency is involved in
112 elections or not, or any person, group or entity charged by the
113 state to administer any official election(s), that sends or
114 receives a communication to or from the DOJ, or any other federal
115 executive branch agency, or an employee thereof, related to new or
116 existing voting or election laws, must provide notice to the
117 Governor and Legislature of this communication within five (5)
118 business days of receiving the communication.

119 (4) The notice requirement provided in subsection (3) of
120 this section shall be satisfied if the postmark date on the notice
121 sent to the Governor and Legislature, through certified mail,
122 outlining the communication received or sent, or both, shows that
123 the notice was sent within five (5) days of receiving the
124 communication.



125 (5) Failure to provide the notice required under this
126 section shall result in a fine in the amount of Five Hundred
127 Dollars (\$500.00) for each communication where notice was not
128 provided.

129 **SECTION 4.** This act shall take effect and be in force from
130 and after July 1, 2023.

