

Senate Amendments to House Bill No. 400

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

12 97-13-3. If any person shall offer or give a gift, money,
13 financial award, reward or other promise thereof to another for
14 the purpose of inducing him, by any unlawful means not amounting
15 to bribery, to procure any person to vote at any election for or
16 against any person or measure, the person so giving or offering
17 such reward shall, upon conviction thereof, be imprisoned in
18 the * * * State Penitentiary not more than * * * ten (10) years,
19 or fined not more than * * * Five Thousand Dollars (\$5,000.00), or
20 both.

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

23 97-13-5. Any such manager who shall proceed to any election
24 without having the ballot box locked and secured in the manner
25 directed by law, or who shall open and read or consent to any
26 other person opening and reading any ballot given him to be

27 deposited in the box at such election, before it is put into the
28 box, shall, upon conviction, be imprisoned in the * * * State
29 Penitentiary not more than * * * ten (10) years, or be fined not
30 more than * * * Five Thousand Dollars (\$5,000.00), or both.

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

33 97-13-7. Any manager of an election who, before the votes
34 are counted, shall dispose of or deposit the ballot box in a
35 manner not authorized by law, or shall, at any time after the
36 election has begun and before the ballots are counted, give access
37 to the ballot box with which he is entrusted to any other, shall,
38 upon conviction, be imprisoned in the * * * State Penitentiary not
39 more than * * * ten (10) years, or be fined not more than * * *
40 Five Thousand Dollars (\$5,000.00), or both.

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

43 97-13-9. If any manager or clerk of any election shall
44 knowingly make or consent to any false entry on the list of
45 persons voting, or shall permit to be put in the ballot box any
46 ballot not given by a voter, or shall take out of such box, or
47 permit to be so taken out, any ballot deposited therein except in
48 the manner prescribed by law, or shall, by any other act or
49 omission, designedly destroy or change the ballots given by the
50 electors, he shall, upon conviction, be punished by imprisonment
51 in the State Penitentiary for a term not * * * less than two (2)

52 years nor more than twenty (20) years, or be fined not more
53 than * * * Ten Thousand Dollars (\$10,000.00), or both.

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

56 97-13-35. (1) Any person who shall vote at any election,
57 not being legally qualified, or who shall vote in more than one
58 (1) county, or at more than one (1) place in any county or in any
59 city, town, or village entitled to separate representation, or who
60 shall vote out of the district of his legal domicile, or who shall
61 vote or attempt to vote in the primary election of one (1) party
62 when he shall have voted on the same date in the primary election
63 of another party, shall, upon conviction, be imprisoned in
64 the * * * State Penitentiary not * * * less than two (2) years nor
65 more than twenty (20) years, or be fined not more than * * * Five
66 Thousand Dollars (\$5,000.00), or both.

67 (2) Any person who shall vote in the second primary election
68 of one (1) party when he voted in the first primary election of
69 another party preceding the same regular, special, or general
70 election shall, upon conviction, be guilty of a * * * felony and
71 be imprisoned in the * * * State Penitentiary not * * * less than
72 two (2) years nor more than twenty (20) years, or be fined not
73 more than * * * Five Thousand Dollars (\$5,000.00), or both.

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

76 97-13-36. Any person who shall knowingly vote at any
77 election in more than one (1) county or at more than one (1) place

78 in any county, municipality or other political subdivision with
79 the intent to have more than one (1) vote counted in any election
80 shall be guilty of the crime of multiple voting and, upon
81 conviction, shall be imprisoned in the State Penitentiary
82 not * * * less than two (2) years nor more than twenty (20) years,
83 or be fined not more than * * * Ten Thousand Dollars (\$10,000.00),
84 or both * * *.

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

87 97-13-37. Whoever shall procure, or endeavor to procure, the
88 vote of any elector, or the influence of any person over other
89 electors, at any election, for himself or any candidate, by means
90 of violence, threats of violence, or threats of withdrawing
91 custom, or dealing in business or trade, or of enforcing the
92 payment of a debt, or of bringing a suit or criminal prosecution,
93 or by any other threat or injury to be inflicted by him, or by his
94 means, or shall violate any provision of Section 23-15-871 or
95 23-15-874, shall, upon conviction, be imprisoned in the county
96 jail not * * * less than two (2) years nor more than twenty (20)
97 years, or be fined not more than * * * Five Thousand Dollars
98 (\$5,000.00), or both.

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

101 97-13-43. Any person who willfully tampers with or damages
102 any voting machine or tabulating computer or device to be used or
103 being used at or in connection with any election or who prevents

104 or attempts to prevent the correct operation of any voting machine
105 or tabulating computer or device shall be guilty of a felony and,
106 upon conviction, be punished by imprisonment for not * * * less
107 than two (2) years nor more than twenty (20) years, or be
108 fined * * * Ten Thousand Dollars (\$10,000.00), or both.

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

111 23-15-93. If any election commissioner or registrar shall
112 refuse or neglect to perform any of the duties imposed upon him or
113 her by this chapter regarding the registration of electors, or
114 shall knowingly permit any person to sign a false affidavit or
115 otherwise knowingly permit any person to violate any provision of
116 this chapter regarding the registration of electors, or shall
117 violate any of the provisions of this chapter regarding the
118 registration of electors, or if any officer taking the affidavits
119 as provided in this chapter regarding registration of electors
120 shall make any false statement in his or her certificate thereto
121 attached, he or she shall be deemed guilty of a crime and shall be
122 punished by a fine not exceeding * * * Five Thousand Dollars
123 (\$5,000.00) or by imprisonment in the State Penitentiary not
124 exceeding * * * ten (10) years, or both, and shall be removed from
125 office.

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

128 23-15-561. (1) It shall be unlawful during any primary or
129 any other election for any candidate for any elective office or

130 any representative of such candidate or any other person to
131 publicly or privately put up or in any way offer any prize, cash
132 award or other item of value to be raffled, drawn for, played for
133 or contested for in order to encourage persons to vote or to
134 refrain from voting in any election.

135 (2) Any person who shall violate the provisions of
136 subsection (1) of this section shall, upon conviction thereof, be
137 punished by a fine in an amount not to exceed * * * Seven Thousand
138 Five Hundred Dollars (\$7,500.00).

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

142 (a) Disqualification as a candidate in the race for the
143 elective office; or

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

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

148 23-15-627. Any elector described in Section 23-15-713 may
149 request an absentee ballot application and vote in person at the
150 office of the registrar in the county in which he or she resides.
151 The registrar shall be responsible for furnishing an absentee
152 ballot application form to any elector authorized to receive an
153 absentee ballot. Except as otherwise provided in Section
154 23-15-625, absentee ballot applications shall be furnished to a
155 person only upon the oral or written request of the elector who

156 seeks to vote by absentee ballot; however, the parent, child,
157 spouse, sibling, legal guardian, those empowered with a power of
158 attorney for that elector's affairs or agent of the elector, who
159 is designated in writing and witnessed by a resident of this state
160 who shall write his or her physical address on such designation,
161 may orally request an absentee ballot application on behalf of the
162 elector. The written designation shall be valid for one (1) year
163 after the date of the designation. An absentee ballot application
164 must have the seal of the circuit or municipal clerk affixed to it
165 and be initialed by the registrar or his or her deputy in order to
166 be used to obtain an absentee ballot. A reproduction of an
167 absentee ballot application shall not be valid unless it is a
168 reproduction provided by the office of the registrar of the
169 jurisdiction in which the election is being held and which
170 contains the seal and initials required by this section. Such
171 application shall be substantially in the following form:

172 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

184 () I am a member of the Merchant Marine or the American Red
185 Cross and am a citizen of Mississippi or spouse or dependent of
186 such member.

187 () I am a disabled war veteran who is a patient in any
188 hospital and am a citizen of Mississippi or spouse or dependent of
189 such veteran.

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

194 () I am a citizen of Mississippi temporarily residing
195 outside the territorial limits of the United States and the
196 District of Columbia.

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

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

206 () I have a temporary or permanent physical
207 disability * * *.

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

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

214 () I am a member of the congressional delegation, or spouse
215 or dependent of a member of the congressional delegation.

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

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

220 Mail 'Absent Elector's Ballot' to me at the following address
221 _____.

222 () I wish to receive an absentee ballot for the runoff
223 election _____.

224 I realize that I can be fined up to * * * Seven Thousand Five
225 Hundred Dollars (\$7,500.00) and sentenced up to * * * ten (10)
226 years in the Penitentiary for making a false statement in this
227 application and for selling my vote and violating the Mississippi
228 Absentee Voter Law. (This sentence is to be in bold print.)

229 If you are temporarily or permanently disabled, you are not
230 required to have this application notarized or signed by an
231 official authorized to administer oaths for absentee balloting.

232 You are required to sign this application in the proper place and
233 have a person eighteen (18) years of age or older witness your
234 signature and sign this application in the proper place.

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

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

239 _____
240 (Signature of absent elector)

241 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
242 2__.

243 _____
244 (Official authorized to administer oaths
245 for absentee balloting.)

246 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
247 DISABLED:

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

252 _____
253 (Signature of witness)

254 CERTIFICATE OF DELIVERY

255 I hereby certify that _____ (print name of voter)
256 has requested that I, _____ (print name of person

257 delivering application), deliver to the voter this absentee ballot
258 application.

259 _____
260 (Signature of person delivering application)

261 _____
262 (Address of person delivering application)"

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

265 23-15-635. (1) The form of the elector's certificate,
266 attesting witness certification and certificate of person
267 providing voter assistance on the back of the envelope used by
268 absentee voters who are not absent voters as defined in Section
269 23-15-673, shall be as follows:

270 "ELECTOR'S CERTIFICATE

271 STATE OF _____

272 COUNTY OF _____

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

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

283 Penalties for vote fraud are up to * * * ten (10) years in prison
284 and a fine of up to * * * Seven Thousand Five Hundred Dollars
285 (\$7,500.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for
286 voter intimidation are * * * not less than two (2) years nor more
287 than twenty (20) years in jail and a fine of up to * * * Five
288 Thousand Dollars (\$5,000.00). (Miss. Code. Ann. Section
289 97-13-37.)

290 _____
291 (Signature of voter)

292 CERTIFICATE OF ATTESTING WITNESS

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

304 _____
305 (Attesting witness) (Address)

306 _____
307 (Official title) (City and State)

308 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

318 **Penalties for vote fraud are up to * * * ten (10) years in prison**
319 **and a fine of up to * * * Seven Thousand Five Hundred Dollars**
320 **(\$7,500.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for**
321 **voter intimidation are * * * not less than two (2) years nor more**
322 **than twenty (20) years in jail and a fine of up to * * * Five**
323 **Thousand Dollars (\$5,000.00). (Miss. Code. Ann. Section**
324 **97-13-37.)**

325 _____
326 Signature of person providing assistance

327 _____
328 Printed name of person providing assistance

329 _____
330 Address of person providing assistance

331 _____
332 Date and time assistance provided

333 _____
334 Family relationship to voter (if any)"

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

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

342 23-15-751. If any registrar or commissioner of elections
343 shall refuse or neglect to perform any of the duties prescribed by
344 Sections 23-15-621 through 23-15-735, or shall knowingly permit
345 any person to sign a false affidavit or otherwise knowingly permit
346 any person to violate Sections 23-15-621 through 23-15-735, or
347 shall violate any of the provisions thereof, or if any officer
348 taking the affidavits as provided in said acts shall make any
349 false statement in his certificate thereto attached, he shall,
350 upon conviction, be deemed guilty of a crime and shall be punished
351 by a fine not exceeding * * * Five Thousand Dollars (\$5,000.00) or
352 by imprisonment in the Penitentiary not exceeding * * * ten (10)
353 years, and shall be removed from office.

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

356 23-15-753. (1) Any person who willfully, unlawfully and
357 feloniously procures, seeks to procure, or seeks to influence the
358 vote of any person voting by absentee ballot, by the payment of
359 money, the promise of payment of money, or by the delivery of any
360 other item of value or promise to give the voter any item of

361 value, or by promising or giving the voter any favor or reward in
362 an effort to influence his vote, or any person who aids, abets,
363 assists, encourages, helps, or causes any person voting an
364 absentee ballot to violate any provision of law pertaining to
365 absentee voting, or any person who sells his vote for money,
366 favor, or reward, has been paid or promised money, a reward, a
367 favor or favors, or any other item of value, or any person who
368 shall willfully swear falsely to any affidavit provided for in
369 Sections 23-15-621 through 23-15-735, shall be guilty of the crime
370 of "vote fraud" and, upon conviction, shall be sentenced to pay a
371 fine of not * * * more than * * * Five Thousand Dollars
372 (\$5,000.00), or by imprisonment in the * * * State Penitentiary
373 for * * * not more than * * * ten (10) years, or by both fine and
374 imprisonment * * *.

375 (2) It shall be unlawful for any person who pays or
376 compensates another person for assisting voters in marking their
377 absentee ballots to base the pay or compensation on the number of
378 absentee voters assisted or the number of absentee ballots cast by
379 persons who have received the assistance. Any person who violates
380 this section, upon conviction, shall * * * be fined not * * * more
381 than * * * Seven Thousand Five Hundred Dollars (\$7,500.00), or
382 imprisoned in the State Penitentiary not * * * more than * * * ten
383 (10) years, or both.

384 **SECTION 15.** Any person who shall deny a person the right to
385 vote for a reason that is not provided in law shall be deemed
386 guilty of a crime and punished by a fine not exceeding Five

387 Thousand Dollars (\$5,000.00) or by imprisonment in the Department
388 of Corrections not exceeding ten (10) years, or both.

389 **SECTION 16.** This act shall take effect and be in force from
390 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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; TO CREATE A NEW SECTION OF LAW TO PROVIDE THAT ANY PERSON
6 WHO SHALL DENY A PERSON THE RIGHT TO VOTE SHALL BE DEEMED GUILTY
7 OF A CRIME; TO PROVIDE THE PENALTIES FOR THE CRIME; AND FOR
8 RELATED PURPOSES.

SS26\HB400A.1J

Eugene S. Clarke
Secretary of the Senate