

By: Representative Moore

To: Apportionment and  
Elections

HOUSE BILL NO. 856

1 AN ACT TO AMEND SECTION 23-15-753, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PENALTY FOR VOTE FRAUD IN VOTING BY ABSENTEE  
3 BALLOT; TO AMEND SECTION 23-15-889, MISSISSIPPI CODE OF 1972, TO  
4 INCREASE THE PENALTY FOR A PERSON SELLING OR OFFERING TO SELL HIS  
5 VOTE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-753, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-753. (1) Any person who willfully, unlawfully and  
10 feloniously procures, seeks to procure, or seeks to influence the  
11 vote of any person voting by absentee ballot, by the payment of  
12 money, the promise of payment of money, or by the delivery of any  
13 other item of value or promise to give the voter any item of  
14 value, or by promising or giving the voter any favor or reward in  
15 an effort to influence his vote, or any person who aids, abets,  
16 assists, encourages, helps, or causes any person voting an  
17 absentee ballot to violate any provision of law pertaining to  
18 absentee voting, or any person who sells his vote for money,  
19 favor, or reward, has been paid or promised money, a reward, a  
20 favor or favors, or any other item of value, or any person who  
21 shall willfully swear falsely to any affidavit provided for in  
22 Sections 23-15-621 through 23-15-735, shall be guilty of the crime  
23 of "vote fraud" and, upon conviction, shall be sentenced to pay a  
24 fine of Fifty Thousand Dollars (\$50,000.00) and sentenced to the  
25 custody of the Department of Corrections for not less than five  
26 (5) years nor more than ten (10) years.

27 (2) It shall be unlawful for any person who pays or  
28 compensates another person for assisting voters in marking their

29 absentee ballots to base the pay or compensation on the number of  
30 absentee voters assisted or the number of absentee ballots cast by  
31 persons who have received the assistance. Any person who violates  
32 this section, upon conviction shall, be fined not less than One  
33 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars  
34 (\$5,000.00), or imprisoned in the Penitentiary not less than one  
35 (1) year nor more than five (5) years, or both.

36 **SECTION 2.** Section 23-15-889, Mississippi Code of 1972, is  
37 amended as follows:

38 23-15-889. It shall be unlawful for any person to sell or  
39 offer to sell his vote and it shall be likewise unlawful for any  
40 person to offer money or anything of substantial value to anyone  
41 for his vote. Anyone violating the provisions of this section  
42 shall be guilty of a felony and upon conviction shall be fined  
43 Fifty Thousand Dollars (\$50,000.00) and shall be sentenced to the  
44 custody of the Department of Corrections for not less than five  
45 (5) years nor more than ten (10) years.

46 **SECTION 3.** The Attorney General of the State of Mississippi  
47 shall submit this act, immediately upon approval by the Governor,  
48 or upon approval by the Legislature subsequent to a veto, to the  
49 Attorney General of the United States or to the United States  
50 District Court for the District of Columbia in accordance with the  
51 provisions of the Voting Rights Act of 1965, as amended and  
52 extended.

53 **SECTION 4.** This act shall take effect and be in force from  
54 and after the date it is effectuated under Section 5 of the Voting  
55 Rights Act of 1965, as amended and extended.