

By: Martinson

To: Apportionment and  
Elections

HOUSE BILL NO. 413

1 AN ACT TO AMEND SECTION 23-15-911, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A CANDIDATE MAY REQUIRE THE CIRCUIT CLERK TO COPY  
3 THE BALLOTS LOCATED IN THE BALLOT BOX AFTER ANY PRIMARY OR GENERAL  
4 ELECTION; TO AUTHORIZE THE CIRCUIT CLERK TO CHARGE THE CANDIDATE  
5 THE ACTUAL COST OF COPYING THE BALLOTS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 23-15-911, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-911. When the returns for a box and the contents of  
10 the ballot box and the conduct of the election \* \* \* have been  
11 canvassed and reviewed by the county election commission in the  
12 case of general elections or the county executive committee in the  
13 case of primary elections, all the contents of the box required to  
14 be placed and sealed in the ballot box by the managers shall be  
15 replaced in the ballot box by the election commission or executive  
16 committee, as the case may be, and the box shall be forthwith  
17 resealed and delivered to the circuit clerk, who shall safely keep  
18 and secure the same against any tampering therewith. At any time  
19 within twelve (12) days after the canvass and examination of the  
20 box and its contents by the election commission or executive  
21 committee, as the case may be, any candidate or his representative  
22 authorized in writing by him shall have the right to fully examine

23 the box and its contents upon three (3) days' notice of his  
24 application therefor served upon the opposing candidate or  
25 candidates, or upon any member of their family over the age of  
26 eighteen (18) years, which examination shall be conducted in the  
27 presence of the circuit clerk or his deputy who shall be charged  
28 with the duty to see that none of the contents of the box are  
29 removed from the presence of the clerk or in any way tampered  
30 with. The candidate or his representatives have the right to  
31 require the circuit clerk to photocopy or xerox any and all  
32 contents of the boxes including, but not limited to, all ballots,  
33 recapitulation tallies, poll books, voter signature registers, and  
34 any other items from the election. Upon the completion of the  
35 examination the box shall be resealed with all its contents as it  
36 was before the examination. And if any contest or complaint  
37 before the court shall arise over the box, it shall be kept intact  
38 and sealed until the court hearing and another ballot box, if  
39 necessary, shall be furnished for the precinct involved.

40 The election commissioners or the executive committee, as the  
41 case may be, must recount, recanvass and recertify the election if  
42 the candidate who is questioning the election can show that a  
43 possible error or errors were made such that, if they were  
44 corrected, they would change the outcome of the election. If upon  
45 recanvassing and recertification the outcome of the election would  
46 be changed, those in charge of the election will correctly  
47 recertify the results, declare the winner of the election and  
48 notify the Secretary of State as to the change in the vote count.

49 There will be no charge to the candidate who requested the  
50 recanvassing, if the results of the election have changed or if an  
51 error was found. The candidate shall pay the per diem of the  
52 election commissioners if the results of the election did not  
53 change or an error was not found.

54           SECTION 2. The Attorney General of the State of Mississippi  
55 shall submit this act, immediately upon approval by the Governor,  
56 or upon approval by the Legislature subsequent to a veto, to the  
57 Attorney General of the United States or to the United States  
58 District Court for the District of Columbia in accordance with the  
59 provisions of the Voting Rights Act of 1965, as amended and  
60 extended.

61           SECTION 3. This act shall take effect and be in force from  
62 and after the date it is effectuated under Section 5 of the Voting  
63 Rights Act of 1965, as amended and extended.