HOUSE BILL NO. 330

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

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

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

23-15-911. (1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission in the case of general elections or the county executive committee in the case of primary elections, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission or executive committee, as the case may be, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of
the box are removed from the presence of the clerk or in any way tampered with. The candidate or his representatives have the right to require the circuit clerk to photocopy any and all contents of the boxes including, but not limited to, all ballots, recapitulation tallies, pollbooks, voter signature registers and any other items from the election. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

(2) The provisions of this section allowing the examination of ballot boxes shall apply in the case of an election contest regarding the seat of a member of the state Legislature. In such a case, the results of the examination shall be reported by the applicable circuit clerk to the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

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

(4) There will be no charge to the candidate who requested the recanvassing, if the results of the election have changed or if an error was found. The candidate shall pay the per diem of the election commissioners if the results of the election did not change or an error was not found.
SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

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