

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2571

1 AN ACT TO AMEND SECTION 23-15-911, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ONCE THE DATE OF EXAMINATION OF THE BALLOT BOX HAS  
3 BEEN NOTICED TO ALL PARTIES, THE DATE OF EXAMINATION SHALL NOT BE  
4 RESCHEDULED UNLESS THE CIRCUIT CLERK DETERMINES THAT GOOD CAUSE  
5 EXISTS TO RESCHEDULE THE EXAMINATION; 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. (1) (a) When the returns for a box and the  
10 contents of the ballot box and the conduct of the election have  
11 been canvassed and reviewed by the county election commission in  
12 the case of general elections or the county executive committee in  
13 the case of primary elections, all the contents of the box  
14 required to be placed and sealed in the ballot box by the poll  
15 managers shall be replaced therein by the election commission or  
16 executive committee, as the case may be, and the box shall be  
17 forthwith resealed and delivered to the circuit clerk, who shall  
18 safely keep and secure the same against any tampering. At any  
19 time within twelve (12) days after the canvass and examination of



20 the box and its contents by the election commission or executive  
21 committee, as the case may be, any candidate or his or her  
22 representative authorized in writing by him or her shall have the  
23 right of full examination of the box and its contents upon three  
24 (3) days' notice of his or her application therefor served upon  
25 the opposing candidates. The service of notice shall be provided  
26 to each opposing candidate by delivering a copy personally to each  
27 candidate, or by performing two (2) of the following:

28 (i) By leaving a copy at each candidate's usual  
29 place of residence with a family member, who shall be no less than  
30 sixteen (16) years of age and, who resides in the candidate's  
31 residence;

32 (ii) By email or other electronic means, with  
33 receipt deemed upon transmission; or

34 (iii) By mailing a copy of the notice by  
35 registered or certified mail that is addressed to each opposing  
36 candidate at that candidate's residence with receipt deemed  
37 mailing.

38 (b) If service of notice cannot be made to any opposing  
39 candidate, then notice may be posted on the door of each  
40 candidate's usual place of abode. If any candidate's usual place  
41 of residence is a multi-family dwelling, a copy of the notice must  
42 be mailed to the candidate or candidates by United States  
43 first-class mail, postage prepaid, return receipt requested.  
44 Proof of service of notice upon any opposing candidate shall be



45 made to the circuit clerk within three (3) days before a full  
46 examination of the ballot box may be conducted. Once notice is  
47 perfected under paragraph (a) of this subsection, the date of  
48 examination shall not be rescheduled unless the circuit clerk  
49 determines that good cause exists to reschedule the examination.

50 (c) The examination shall be conducted in the presence  
51 of the circuit clerk or his or her deputy who shall be charged  
52 with the duty to see that none of the contents of the box are  
53 removed from the presence of the clerk or in any way tampered  
54 with. Upon the completion of the examination the box shall be  
55 resealed with all its original contents inside. And if any  
56 contest or complaint before the court shall arise over the box, it  
57 shall be kept intact and sealed until the court hearing and  
58 another ballot box, if necessary, shall be furnished for the  
59 precinct involved.

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

67 **SECTION 2.** This act shall take effect and be in force from  
68 and after July 1, 2022.

