HOUSE BILL NO. 1307

1   AN ACT TO PROVIDE THAT THE LEGISLATURE FINDS THAT THE
2   AUDITING OF ELECTION RESULTS IS NECESSARY TO ENSURE EFFECTIVE
3   ELECTION ADMINISTRATION AND PUBLIC CONFIDENCE IN THE ELECTION
4   PROCESS; TO PROVIDE DEFINITIONS; TO PROVIDE THAT THE SECRETARY OF
5   STATE SHALL DEVELOP AN AUDIT PROCESS WITH THE ASSISTANCE OF
6   STATISTICAL EXPERTS THAT RELIES UPON STATISTICAL AUDITS MAKING USE
7   OF BEST PRACTICES FOR CONDUCTING SUCH AUDITS; TO PROVIDE THAT
8   FOLLOWING EACH PRIMARY, GENERAL, SPECIAL OR RUNOFF ELECTION, EACH
9   COUNTY SHALL MAKE USE OF A STATISTICAL AUDIT; TO AUTHORIZE THE
10 SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS TO
11 IMPLEMENT THE AUDIT PROCESS; AND FOR RELATED PURPOSES.

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

13   **SECTION 1.** (1) The Legislature finds that the auditing of

14 election results is necessary to ensure effective election

15 administration and public confidence in the election process.

16 Further, statistical audits provide a more effective manner of

17 conducting audits than traditional audit methods in that those

18 methods typically require only limited resources for election

19 races with wide margins of victory while investing greater

20 resources in close races.

21   (2) The following words and phrases shall have the meanings

22 defined herein unless the context clearly indicates otherwise:

23   (a) "Incorrect outcome" means an outcome that is

24 inconsistent with the election outcome that would be obtained by

25 conducting a full recount.

26   (b) "Statistical audit" means an audit protocol that

27 makes use of statistical methods and is designed to limit to

28 acceptable levels the risk of certifying a preliminary election

29 outcome that constitutes an incorrect outcome.

30   (3) The Secretary of State shall develop an audit process

31 with the assistance of statistical experts and that relies upon

32 statistical audits making use of best practices for conducting

33 such audits. Such best practices shall include:

34   (a) All ballot types must be eligible to be included in

35 every audit, including, but not limited to, mail-in absentee

36 ballots, affidavit ballots, in-person absentee ballots and

37 election day ballots;

38   (b) Audits shall be conducted in a public forum, and

39 observers shall be allowed to watch the process;

40   (c) Audit results shall be able to reverse preliminary

41 outcomes if the audit determines they are incorrect; and

42   (d) Audits shall be conducted on the entire process of

43 voting, including voter registration, machine tabulation, ballot

44 security, ballot, voting system design and any other process as

45 determined by the Secretary of State through rule and regulation.

46   (4) Following each primary, general, special or runoff

47 election, each county shall make use of a statistical audit in

48 accordance with the requirements of this section. Races to be

49 audited must be selected in accordance with procedures established

50 by the Secretary of State, and all contested races are eligible

51 for such selection.

52   (5) The Secretary of State shall promulgate rules and

53 regulations as may be necessary to implement and administer the

54 requirements of this section. In connection with the promulgation

55 of the rules, the Secretary of State shall consult with recognized

56 statistical experts, equipment vendors, circuit clerks and

57 registrars and any other election experts as needed, and shall

58 consider best practices for conducting audits.

59   (6) The Legislature may, at any time, require a

60 comprehensive audit of election results using the standards

61 promulgated by the Secretary of State. This audit may be

62 requested by the Legislature while not in session with the consent

63 of the Speaker of the House of Representatives and the Lieutenant

64 Governor.

65   **SECTION 2.** Section 1 of this act shall be codified as a new

66 section in Chapter 15, Title 23, Mississippi Code of 1972.

67   **SECTION 3.** This act shall take effect and be in force from

68 and after July 1, 2023.