

By: Representative Hurst

To: Apportionment and
Elections

HOUSE BILL NO. 1429

1 AN ACT TO AMEND SECTION 23-15-911, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE BALLOT BOX EXAMINATION PROCESS; TO PROVIDE THAT THE
3 TWELVE DAYS PROVIDED TO EXAMINE THE BALLOT BOX SHALL BE TWELVE
4 BUSINESS DAYS; TO PROVIDE A TIMEFRAME FOR ALLOWING THE EXAMINATION
5 TO OCCUR; TO PROVIDE THAT CERTAIN MATERIALS MAY BE COPIED DURING
6 THE EXAMINATION; TO PROVIDE WHAT INFORMATION MAY OR MAY NOT BE
7 REDACTED; AND FOR RELATED PURPOSES.

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

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

11 23-15-911. (1) (a) When the returns for a box and the
12 contents of the ballot box and the conduct of the election have
13 been canvassed and reviewed by the county election commission in
14 the case of general elections or the county executive committee in
15 the case of primary elections, all the contents of the box
16 required to be placed and sealed in the ballot box by the poll
17 managers shall be replaced therein by the election commission or
18 executive committee, as the case may be, and the box shall be
19 forthwith resealed and delivered to the circuit clerk, who shall
20 safely keep and secure the same against any tampering. At any



21 time within twelve (12) business days after the canvass and
22 examination of the box and its contents by the election commission
23 or executive committee, as the case may be, any candidate or his
24 or her representative authorized in writing by him or her shall
25 have the right of full examination of the box * * *, its contents
26 and anything used in the conduct of the election upon three (3)
27 days' notice of his or her application therefor served upon the
28 opposing candidates. The service of notice shall be provided to
29 each opposing candidate by delivering a copy personally to each
30 candidate, or by performing two (2) of the following:

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

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

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

41 (b) If service of notice cannot be made to any opposing
42 candidate, then notice may be posted on the door of each
43 candidate's usual place of abode. If any candidate's usual place
44 of residence is a multifamily dwelling, a copy of the notice must
45 be mailed to the candidate or candidates by United States



46 first-class mail, postage prepaid, return receipt requested.
47 Proof of service of notice upon any opposing candidate shall be
48 made to the circuit clerk within three (3) days before a full
49 examination of the ballot box may be conducted.

50 (c) Within five (5) business days of the other
51 candidate receiving notice, the examination shall be conducted in
52 the presence of the circuit clerk or his or her deputy or another
53 person designated by the circuit clerk who shall be charged with
54 the duty to see that none of the contents of the box are removed
55 from the presence of the clerk or in any way tampered with.
56 During the examination of the box and its content, no information
57 shall be redacted except for social security numbers. A candidate
58 may remove the ballots to copy, bring a copy machine into the room
59 where the ballots are kept to make copies of the ballots or take a
60 picture of the ballots; however, the candidate's birthday and
61 social security number shall be redacted before any copies are
62 made or pictures taken. Upon the completion of the examination
63 the box shall be resealed with all its original contents inside.
64 And if any contest or complaint before the court shall arise over
65 the box, it shall be kept intact and sealed until the court
66 hearing and another ballot box, if necessary, shall be furnished
67 for the precinct involved.

68 (2) The provisions of this section allowing the examination
69 of ballot boxes shall apply in the case of an election contest
70 regarding the seat of a member of the state Legislature. In such



71 a case, the results of the examination shall be reported by the
72 applicable circuit clerk to the Clerk of the House of
73 Representatives or the Secretary of the Senate, as the case may
74 be.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2024.

