

By: Representative Eubanks

To: Apportionment and
Elections

HOUSE BILL NO. 1500

1 AN ACT TO AMEND SECTION 23-15-615, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT, IN ADDITION TO THE PROCEDURAL AUDIT CONDUCTED BY
 3 THE SECRETARY OF STATE, THE ELECTION COMMISSIONERS, IN CONJUNCTION
 4 WITH THE REGISTRAR, SHALL MANUALLY TABULATE THE BALLOTS CAST IN
 5 THE PRECINCTS THAT THE SECRETARY OF STATE HAS CONDUCTED A
 6 PROCEDURAL AUDIT IN AND COMPARE THE RESULTS WITH THE RESULTS
 7 PRODUCED BY THE VOTING MACHINE; TO PROVIDE THAT IF A DISCREPANCY
 8 OF MORE THAN ONE PERCENT EXISTS, THE ELECTION COMMISSIONERS, IN
 9 CONJUNCTION WITH THE REGISTRAR, SHALL COMMENCE A FULL MANUAL HAND
 10 COUNT OF BALLOTS; TO PROVIDE THAT THE REGISTRAR SHALL PROMPTLY
 11 REPORT RESULTS OF THE MANUAL TABULATION TO THE SECRETARY OF STATE;
 12 TO PROVIDE WHAT SHALL BE INCLUDED IN THE REPORT; TO PROVIDE THAT
 13 THE SECRETARY OF STATE SHALL PUBLISH HIS REPORT AS WELL AS THE
 14 REPORT OF THE ELECTION COMMISSIONERS ON HIS OFFICIAL WEBSITE; AND
 15 FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 23-15-615, Mississippi Code of 1972, is
 18 amended as follows:

19 23-15-615. The Secretary of State shall be authorized to
 20 audit election procedures of the 2023, 2024, 2026 and 2027 general
 21 elections in the counties of this state. The conduction of an
 22 audit shall not create excessive interference with the general
 23 duties and responsibilities of the Secretary of State, county
 24 registrar, and county election commission.



25 (a) The Secretary of State shall audit all eighty-two
26 (82) counties by randomly selecting from each of the congressional
27 districts during the 2023, 2024, 2026 and 2027 general elections,
28 and randomly selecting no more than twenty-five percent (25%) of
29 the total precincts or no more than five (5) precincts, whichever
30 is less in each county. No county or precinct shall be selected
31 for audit on the basis of race, geographical location or voting
32 trends.

33 (i) If the Secretary of State finds any issues
34 that could affect the outcome of an election or cause voters to be
35 disenfranchised, then the Secretary of State, in partnership with
36 the local county election officials, shall develop a plan to
37 correct those issues, which shall include additional training.

38 (ii) The Secretary of State will have the
39 discretion to randomly select the counties and precincts that will
40 be audited, but must do so at least ninety (90) days before the
41 election to be audited. No audit shall occur if the election is
42 challenged as provided in Sections 23-15-927, 23-15-951 or
43 23-15-955. No audit shall occur until after a ballot box
44 examination has occurred and the period to contest an election has
45 expired, or if a runoff election occurs, the audit shall occur
46 after the runoff election.

47 (b) In conducting a procedural audit, the Secretary of
48 State shall audit the following:



49 (i) Procedures for testing of OMR equipment before
50 counting ballots, including the ballots used for testing of OMR
51 equipment, as required by Section 23-15-521;

52 (ii) Ballot accounting reports, seal logs, poll
53 books, and receipt books as required to be kept by Section
54 23-15-519;

55 (iii) Absentee ballots, absentee ballot
56 applications, and absentee ballot envelopes, along with the list
57 provided to the resolution board, to ensure appropriate processing
58 and counting of absentee ballots as required by Section 23-15-631
59 et seq.; and

60 (iv) Affidavit ballots and affidavit ballot
61 envelopes, including affidavit ballot receipt book to ensure
62 compliance with appropriate processing and counting of affidavit
63 ballots as required by Section 23-15-573.

64 (c) (i) In addition, no later than thirty (30) days
65 after a primary or general election, the election commissioners,
66 in conjunction with the registrar, shall manually tabulate the
67 ballots cast in the precincts that the Secretary of State has
68 conducted a procedural audit in and compare the results with the
69 results produced by the voting machine. In the event a
70 discrepancy of more than one percent (1%) exists, the election
71 commissioners, in conjunction with the registrar, shall commence a
72 full manual hand count of ballots.



73 (ii) The registrar shall promptly report results
74 of the manual tabulation to the Secretary of State. The report
75 shall include, but is not limited to:

76 1. The total number of voters marked as VOTED
77 in the pollbook of each precinct in the county;

78 2. The sum of the total number of voters who
79 signed the receipt book at the polling place on election day and
80 the total number of voters who cast an absentee ballot;

81 3. The total number of ballots received by
82 the poll managers from local election officials;

83 4. The sum of the total number of paper
84 ballots voted on election day, the number of unused ballots and
85 the number of spoiled ballots;

86 5. The total number of electronic ballots
87 cast; and

88 6. The total number of ballots cast.

89 (* * *d) By January 20, 2027, the Secretary of State
90 shall provide a recommendation to the Mississippi Legislature on
91 whether the procedures to be audited in paragraph (b) should be
92 expanded or reduced.

93 (* * *e) The Secretary of State shall develop a
94 post-election audit manual which shall detail the policies and
95 procedures for conducting post-election audits. The post-election
96 audit manual shall not be altered less than ninety (90) days



97 before an election in which the post-election audit manual shall
98 be utilized in conducting a post-election audit.

99 (* * *f) No later than one hundred twenty (120) days
100 after the election that the Secretary of State and the election
101 commissioners * * * are auditing, the Secretary of State shall
102 compile a report of the procedural audits conducted and shall
103 submit the report to the Governor, Lieutenant Governor, Speaker of
104 the House of Representatives and Chairmen of the Senate and House
105 Election Committees. Prior to submitting the report, the
106 Secretary of State shall allow the local county election officials
107 to review the report and provide comments that will be submitted
108 along with the report. The report shall first list all counties
109 audited alphabetically with any major finding which may affect the
110 outcome of the election and whether any voters were
111 disenfranchised, then list out a detailed report of any major or
112 minor findings, along with recommended changes to both county and
113 Secretary of State practices. The Secretary of State shall also
114 post the report on the official website of the Secretary of State.

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

