

Serial: 192657

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-M-00967

FILED

IN RE: CHRIS McDANIEL

JUL 17 2014

Petitioner

SUPREME COURT CLERK

ORDER

Before the Court en banc is the Emergency Petition for Writ of Mandamus and Petitioner's Supplement to Emergency Petition for Writ of Mandamus filed by Chris McDaniel, the Response to Emergency Petition for Writ of Mandamus filed by Gayle K. Parker, Harrison County Circuit Clerk, and the State of Mississippi's Response to Emergency Petition for Writ of Mandamus filed by the Mississippi Attorney General.

McDaniel requests the Court command Parker to allow him "access to and full examination of all of the original election materials from the June 24, 2014[,] Republican Party primary runoff election, including such poll books and materials necessary to confirm the validity and legality of votes cast in that runoff election," pursuant to Mississippi Code section 23-15-911. Both Parker and the Attorney General respond that a candidate's right to a full examination of the ballot box and its contents under section 23-15-911 does not include poll books.

After due consideration, we can discern no legal requirement that poll books be included in the contents of ballot boxes, *see* Miss. Code Ann. § 23-15-591, nor are any allegations before us that the poll books at issue here were found in the Harrison County ballot boxes. Poll books, instead, are official records of all persons qualified to vote in a particular county and are properly preserved and maintained by the circuit clerk. *See* Miss. Code Ann. § 23-15-135. Access to information contained in poll books is controlled by Mississippi Code section 23-15-165 and the Mississippi Public

Records Act referenced therein. Thereunder, the circuit clerk must redact voters' "social security numbers, telephone numbers and date of birth and age information" prior to "inspection, examination, copying, or reproduction." Miss. Code Ann. § 23-15-165(a)-(b).

Thus, we find that McDaniel's petition for mandamus should be denied.

IT IS THEREFORE ORDERED that the Emergency Petition for Writ of Mandamus is hereby denied.

SO ORDERED, this the 17 day of July, 2014.



JOSIAH D. COLEMAN
JUSTICE

RANDOLPH, P.J., KITCHENS AND CHANDLER, JJ., MAKE THE FOLLOWING STATEMENT:

We would neither grant nor deny relief based on the limited pleadings before this Court. We know not what, if any, evidence was adduced or exhibits were entered in the Circuit Court proceedings, for none is before this Court. We would require a Rule 33 Conference for all interested parties to aid the Court in disposition of this matter (See MRAP 33).

DICKINSON, P.J., AND PIERCE, J., NOT PARTICIPATING.