

By: Harden

To: Elections

SENATE BILL NO. 2180

1 AN ACT TO PROVIDE THAT IN CASE OF A VACANCY IN THE OFFICE OF
 2 ATTORNEY GENERAL, SECRETARY OF STATE, STATE TREASURER, AUDITOR OF
 3 PUBLIC ACCOUNTS, COMMISSIONER OF INSURANCE, COMMISSIONER OF
 4 AGRICULTURE AND COMMERCE, AND STATE PUBLIC SERVICE COMMISSIONER,
 5 THE UNEXPIRED TERM OF WHICH EXCEEDS SIX MONTHS, AN ELECTION SHALL
 6 BE HELD ON THE NEXT REGULAR SPECIAL ELECTION DAY; TO PROVIDE AN
 7 EXCEPTION THERETO; TO PROVIDE THAT THE GOVERNOR SHALL APPOINT A
 8 QUALIFIED PERSON TO HOLD THE OFFICE UNTIL THE VACANCY IS FILLED BY
 9 ELECTION; TO AMEND SECTIONS 23-15-833 AND 23-15-837, MISSISSIPPI
 10 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 SECTION 1. In case of a vacancy in the office of Attorney
 13 General, Secretary of State, State Treasurer, Auditor of Public
 14 Accounts, Commissioner of Insurance, Commissioner of Agriculture
 15 and Commerce, and State Public Service Commissioner, the unexpired
 16 term of which shall exceed six (6) months, the Governor shall
 17 within ten (10) days after happening of such vacancy issue his
 18 proclamation calling an election to fill a vacancy in the vacant
 19 office to be held on the next regular special election day unless
 20 the vacancy shall occur before ninety (90) days prior to the
 21 general election in a year in which an election would normally be
 22 held for the vacant office as provided by law, in which case the
 23 person appointed by the Governor shall serve the unexpired portion
 24 of the term. Upon the occurring of such a vacancy, the Governor
 25 shall appoint a qualified person to hold the office and discharge

26 the duties thereof until the vacancy shall be filled by election
27 as provided in this section.

28 SECTION 2. Section 23-15-833, Mississippi Code of 1972, is
29 amended as follows:[CRG1]

30 23-15-833. Except as otherwise provided by law, the first
31 Tuesday after the first Monday in November of each year shall be
32 designated the regular special election day, and on that day an
33 election shall be held to fill any vacancy in county, county
34 district, * * * district attorney elective offices and the offices
35 enumerated in Section 1 of Senate Bill NO. _____, 2000 Regular
36 Session.

37 All special elections, or elections to fill vacancies, shall
38 in all respects be held, conducted and returned in the same manner
39 as general elections, except that where no candidate receives a
40 majority of the votes cast in such election, then a runoff
41 election shall be held two (2) weeks after such election and the
42 two (2) candidates who receive the highest popular votes for such
43 office shall have their names submitted as such candidates to the
44 said runoff and the candidate who leads in such runoff election
45 shall be elected to the office. When there is a tie in the first
46 election of those receiving next highest vote, these two (2) and
47 the one receiving the highest vote, none having received a
48 majority, shall go into the runoff election and whoever leads in
49 such runoff election shall be entitled to the office.

50 In those years when the regular special election day shall
51 occur on the same day as the general election, the names of
52 candidates in any special election and the general election shall
53 be placed on the same ballot, but shall be clearly distinguished
54 as general election candidates or special election candidates.

55 At any time a special election is held on the same day as a
56 party primary election, the names of the candidates in the special

57 election may be placed on the same ballot, but shall be clearly
58 distinguished as special election candidates or primary election
59 candidates.

60 SECTION 3. Section 23-15-837, Mississippi Code of 1972, is
61 amended as follows:[CRG2]

62 23-15-837. (1) When a special election shall have been
63 called to fill any state or state district office and where only
64 one (1) person has duly qualified with the State Board of Election
65 Commissioners to be a candidate in such special election within
66 the time prescribed by law for qualifying as such candidate, the
67 State Board of Election Commissioners shall make a finding and
68 determination of such fact duly entered upon its official minutes.

69 (2) A finding and determination and certification to office
70 by the State Board of Election Commissioners, as herein provided,
71 shall dispense with the holding of the special election.

72 (3) A certified copy of the finding and determination of the
73 State Board of Election Commissioners shall be forthwith filed
74 with the Governor, and the Governor shall appoint the candidate so
75 certified to fill the unexpired term.

76 SECTION 4. The Attorney General of the State of Mississippi
77 shall submit this act, immediately upon approval by the Governor,
78 or upon approval by the Legislature subsequent to a veto, to the
79 Attorney General of the United States or to the United States
80 District Court for the District of Columbia in accordance with the
81 provisions of the Voting Rights Act of 1965, as amended and
82 extended.

83 SECTION 5. This act shall take effect and be in force from
84 and after the date it is effectuated under Section 5 of the Voting

85 Rights Act of 1965, as amended and extended.