

By: Representative Stringer

To: Apportionment and  
Elections

HOUSE BILL NO. 1274

1 AN ACT TO AMEND SECTIONS 23-15-193 AND 23-15-605, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT THE PERSONS RECEIVING THE HIGHEST  
3 NUMBER OF VOTES FOR OFFICES IN THE GENERAL STATE ELECTION SHALL BE  
4 ELECTED; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 23-15-193, Mississippi Code of 1972, is  
7 amended as follows:

8 23-15-193. At the election in 1995, and every four (4) years  
9 thereafter, there shall be elected a Governor, Lieutenant  
10 Governor, Secretary of State, Auditor of Public Accounts, State  
11 Treasurer, Attorney General, three (3) public service  
12 commissioners, three (3) Mississippi Transportation Commissioners,  
13 Commissioner of Insurance, Commissioner of Agriculture and  
14 Commerce, Senators and members of the House of Representatives in  
15 the Legislature, district attorneys for the several districts,  
16 clerks of the circuit and chancery courts of the several counties,  
17 as well as sheriffs, coroners, assessors, surveyors and members of  
18 the boards of supervisors, justice court judges and constables,  
19 and all other officers to be elected by the people at the general  
20 state election. All such officers shall hold their offices for a  
21 term of four (4) years, and until their successors are elected and  
22 qualified. The state officers shall be elected in the manner  
23 prescribed in Section 23-15-605.

24 SECTION 2. Section 23-15-605, Mississippi Code of 1972, is  
25 amended as follows:

26 23-15-605. The Secretary of State, immediately after  
27 receiving the returns of an election, not longer than thirty (30)

28 days after the election, shall sum up the whole number of votes  
29 given for each candidate \* \* \*, ascertain the person or persons  
30 having the largest number of votes for each office, and declare  
31 such person or persons to be duly elected; and thereupon all  
32 persons chosen to any office at the election shall be commissioned  
33 by the Governor; but if it appears that two (2) or more candidates  
34 for any district office where the district is composed of two (2)  
35 or more counties, standing highest on the list, and not elected,  
36 have an equal number of votes, the election shall be forthwith  
37 decided between the candidates having an equal number of votes by  
38 lot, fairly and publicly drawn, under the direction of the  
39 Governor and Secretary of State.

40 SECTION 3. The Attorney General of the State of Mississippi  
41 shall submit this act, immediately upon approval by the Governor,  
42 or upon approval by the Legislature subsequent to a veto, to the  
43 Attorney General of the United States or to the United States  
44 District Court for the District of Columbia in accordance with the  
45 provisions of the Voting Rights Act of 1965, as amended and  
46 extended.

47 SECTION 4. This act shall take effect and be in force from  
48 and after the date that House Concurrent Resolution No. \_\_\_\_\_,  
49 2001 Regular Session, is ratified by the electorate, provided that  
50 this act is effectuated under Section 5 of the Voting Rights Act  
51 of 1965, as amended and extended.