

By: Representative Holland

To: Apportionment and
Elections

HOUSE BILL NO. 201

1 AN ACT TO AMEND SECTION 23-15-605, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A RUNOFF ELECTION WHERE TWO OR MORE CANDIDATES FOR
3 ANY DISTRICT OFFICE WHERE THE DISTRICT IS COMPOSED OF TWO OR MORE
4 COUNTIES, STANDING HIGHEST ON THE LIST, AND NOT ELECTED, HAVE AN
5 EQUAL NUMBER OF VOTES; TO AMEND SECTION 23-15-611, MISSISSIPPI
6 CODE OF 1972, TO AUTHORIZE A RUNOFF ELECTION WHERE TWO OR MORE OF
7 THE CANDIDATES IN MUNICIPAL ELECTIONS RECEIVING THE HIGHEST NUMBER
8 OF VOTES SHALL HAVE RECEIVED AN EQUAL NUMBER OF VOTES; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-605, Mississippi Code of 1972, is
12 amended as follows:

13 23-15-605. The Secretary of State, immediately after
14 receiving the returns of an election, not longer than thirty (30)
15 days after the election, shall sum up the whole number of votes
16 given for each candidate other than candidates for state offices,
17 legislative offices composed of one (1) county or less, county
18 offices and county district offices, according to the statements
19 of the votes certified to him and ascertain the person or persons
20 having the largest number of votes for each office, and declare
21 such person or persons to be duly elected; and thereupon all
22 persons chosen to any office at the election shall be commissioned
23 by the Governor; but if it appears that two (2) or more candidates
24 for any district office where the district is composed of two (2)
25 or more counties, standing highest on the list, and not elected,
26 have an equal number of votes, then a runoff election shall be
27 held two (2) weeks after such election and the candidate who leads
28 in such runoff shall be elected to the office. If such runoff
29 election results in the two (2) candidates having an equal number
30 of votes, a second runoff shall be held two (2) weeks after the

31 first runoff election. If the second runoff election results in
32 the two (2) candidates having an equal number of votes, then the
33 election shall be decided between the candidates having an equal
34 number of votes by lot, fairly and publicly drawn, under the
35 direction of the Governor and Secretary of State.

36 **SECTION 2.** Section 23-15-611, Mississippi Code of 1972, is
37 amended as follows:

38 23-15-611. (1) In municipal elections, managers of
39 elections shall, immediately upon the closing of the polls, count
40 the ballots and ascertain the number of votes cast in each voting
41 precinct for each of the candidates or ballot measures and make a
42 return thereof to the municipal election commissioners. On the
43 day following the election, the election commissioners shall
44 canvass the returns so received from all voting precincts and
45 shall, within five (5) days after such election, deliver to each
46 person receiving the highest number of votes a certificate of
47 election. If it shall appear that any two (2) or more of the
48 candidates receiving the highest number of votes shall have
49 received an equal number of votes, then a runoff election shall be
50 held two (2) weeks after such election and the candidate who leads
51 in such runoff shall be elected to the office. If such runoff
52 election results in the two (2) candidates having an equal number
53 of votes, a second runoff shall be held two (2) weeks after the
54 first runoff election. If the second runoff election results in
55 the two (2) candidates having an equal number of votes, then the
56 election shall be decided between the candidates having an equal
57 number of votes by lot, fairly and publicly drawn, under the
58 direction of the election commissioners with the aid of two (2) or
59 more qualified electors of the municipality.

60 (2) Within five (5) days after any election, the municipal
61 election commissioners shall transmit a statement to the Secretary
62 of State certifying the name or names of the person or persons
63 elected thereat, and such person or persons shall be issued

64 commissions by the Governor. The statement shall also include
65 vote totals for each candidate for each office and vote totals for
66 and against ballot measures, if any, including the vote totals for
67 each candidate a ballot measure in each precinct in the
68 municipality.

69 (3) The statements required by this subsection shall contain
70 a certification, signed and dated by a majority of the municipal
71 election commissioners, which shall read as follows:

72 "We, the undersigned municipal election commissioners,
73 do hereby certify that this statement contains the official
74 vote for the election reflected therein."

75 (4) The statements required by this section shall be
76 transmitted to the Secretary of State on such forms and by such
77 methods as may be required by rules and regulations promulgated by
78 the Secretary of State.

79 **SECTION 3.** This act shall take effect and be in force from
80 and after July 1, 2006.