

By: Representative Reynolds

To: Apportionment and  
Elections

HOUSE BILL NO. 997

1 AN ACT TO AMEND SECTIONS 23-15-833 AND 23-15-981, MISSISSIPPI  
2 CODE OF 1972, TO EXTEND THE TIME PERIOD DURING WHICH RUNOFF  
3 ELECTIONS FOR JUDICIAL AND SPECIAL ELECTIONS ARE CONDUCTED; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-833, Mississippi Code of 1972, is  
7 amended as follows:

8 23-15-833. Except as otherwise provided by law, the first  
9 Tuesday after the first Monday in November of each year shall be  
10 designated the regular special election day, and on that day an  
11 election shall be held to fill any vacancy in county, county  
12 district, and district attorney elective offices.

13 All special elections, or elections to fill vacancies, shall  
14 in all respects be held, conducted and returned in the same manner  
15 as general elections, except that where no candidate receives a  
16 majority of the votes cast in such election, then a runoff  
17 election shall be held three (3) weeks after such election and the  
18 two (2) candidates who receive the highest popular votes for such  
19 office shall have their names submitted as such candidates to the  
20 said runoff and the candidate who leads in such runoff election  
21 shall be elected to the office. When there is a tie in the first  
22 election of those receiving next highest vote, these two (2) and  
23 the one receiving the highest vote, none having received a  
24 majority, shall go into the runoff election and whoever leads in  
25 such runoff election shall be entitled to the office.

26 In those years when the regular special election day shall  
27 occur on the same day as the general election, the names of  
28 candidates in any special election and the general election shall

29 be placed on the same ballot, but shall be clearly distinguished  
30 as general election candidates or special election candidates.

31 At any time a special election is held on the same day as a  
32 party primary election, the names of the candidates in the special  
33 election may be placed on the same ballot, but shall be clearly  
34 distinguished as special election candidates or primary election  
35 candidates.

36 **SECTION 2.** Section 23-15-981, Mississippi Code of 1972, is  
37 amended as follows:

38 23-15-981. If two (2) or more candidates qualify for  
39 judicial office, the names of those candidates shall be placed on  
40 the general election ballot. If any candidate for such an office  
41 receives a majority of the votes cast for such office in the  
42 general election, he shall be declared elected. If no candidate  
43 for such office receives a majority of the votes cast for such  
44 office in the general election, the names of the two (2)  
45 candidates receiving the highest number of votes for such office  
46 shall be placed on the ballot for a second election to be held  
47 three (3) weeks later in accordance with appropriate procedures  
48 followed in other elections involving runoff candidates.

49 **SECTION 3.** The Attorney General of the State of Mississippi  
50 shall submit this act, immediately upon approval by the Governor,  
51 or upon approval by the Legislature subsequent to a veto, to the  
52 Attorney General of the United States or to the United States  
53 District Court for the District of Columbia in accordance with the  
54 provisions of the Voting Rights Act of 1965, as amended and  
55 extended.

56 **SECTION 4.** This act shall take effect and be in force from  
57 and after the date it is effectuated under Section 5 of the Voting  
58 Rights Act of 1965, as amended and extended.