

By: Representative McCarty

To: Apportionment and  
Elections; Constitution

HOUSE BILL NO. 1241

1 AN ACT TO PROVIDE FOR ELECTIONS BY RANKED-CHOICE VOTING FOR  
2 UNITED STATES SENATOR, UNITED STATES REPRESENTATIVE, STATEWIDE  
3 ELECTED OFFICIALS, STATE SENATOR AND REPRESENTATIVE; TO PROVIDE  
4 DEFINITIONS; TO PROVIDE THE PROCEDURES FOR HOW TO DETERMINE A  
5 WINNER USING THE RANKED-CHOICE VOTING METHOD OF VOTING; TO PROVIDE  
6 THE PROCEDURES IN THE CASE OF A TIE; TO PROVIDE THAT THE SECRETARY  
7 OF STATE SHALL CONDUCT AN EVALUATION OF IMPLEMENTATION OF  
8 RANKED-CHOICE VOTING FOR ELECTIONS FOR THE OFFICES OF UNITED  
9 STATES SENATOR, UNITED STATES REPRESENTATIVE, STATEWIDE ELECTED  
10 OFFICIALS, STATE SENATOR AND STATE REPRESENTATIVE, INCLUDING, BUT  
11 NOT LIMITED TO, IDENTIFICATION OF STATUTORY CONFLICTS; TO PROVIDE  
12 THAT THE EVALUATION MUST INCLUDE AN ESTIMATE OF THE COSTS  
13 ASSOCIATED WITH THE IMPLEMENTATION OF RANKED-CHOICE VOTING; TO  
14 PROVIDE THAT NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF  
15 THIS ACT, THE SECRETARY OF STATE SHALL SUBMIT A REPORT TO THE  
16 HOUSE OF REPRESENTATIVES APPORTIONMENT AND ELECTIONS COMMITTEE AND  
17 THE SENATE ELECTIONS COMMITTEE, INCLUDING RECOMMENDED LEGISLATION,  
18 FOR THE ADMINISTRATION OF RANKED-CHOICE VOTING FOR CERTAIN  
19 ELECTIONS; TO REQUIRE THE HOUSE OF REPRESENTATIVES APPORTIONMENT  
20 AND ELECTIONS COMMITTEE AND THE SENATE ELECTIONS COMMITTEE TO  
21 SUBMIT LEGISLATION BASED ON THE SECRETARY OF STATE'S REPORT TO THE  
22 2023 REGULAR SESSION OF THE MISSISSIPPI LEGISLATURE; AND FOR  
23 RELATED PURPOSES.

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

25 **SECTION 1.** For the purposes of this section, the following  
26 words and phrases shall have the meanings in this section unless  
27 the context clearly indicates otherwise:



28           (a) "Elections determined by ranked-choice voting"  
29 means United States Senator, United States Representative,  
30 statewide elected officials, State Senator and State  
31 Representative, including any nominations by primary election, for  
32 the offices.

33           (b) "Ranked-choice voting" means the method of casting  
34 and tabulating votes in which voters rank candidates in order of  
35 preference, tabulation proceeds in sequential rounds in which  
36 last-place candidates are defeated and the candidate with the most  
37 votes in the final round is elected.

38           (c) "Batch elimination" means the simultaneous defeat  
39 of multiple candidates for whom it is mathematically impossible to  
40 be elected.

41           (d) "Continuing ballot" means a ballot that is not an  
42 exhausted ballot.

43           (e) "Continuing candidate" means a candidate who has  
44 not been defeated.

45           (f) "Exhausted ballot" means a ballot that does not  
46 rank any continuing candidate, contains an overvote at the highest  
47 continuing ranking or contains two (2) or more sequential skipped  
48 rankings before its highest continuing ranking.

49           (g) "Highest continuing ranking" means the highest  
50 ranking on a voter's ballot for a continuing candidate.

51           (h) "Last-place candidate" means the candidate with the  
52 fewest votes in a round of the ranked-choice voting tabulation.



53 (i) "Mathematically impossible to be elected," with  
54 respect to a candidate, means either:

55 (i) The candidate cannot be elected because  
56 the candidate's vote total in a round of the ranked-choice voting  
57 tabulation plus all votes that could possibly be transferred to  
58 the candidate in future rounds from candidates with fewer votes or  
59 an equal number of votes would not be enough to surpass the  
60 candidate with the next-higher vote total in the round; or

61 (ii) The candidate has a lower vote total  
62 than a candidate described in subparagraph (i) of this paragraph  
63 (i).

64 (j) "Overvote" means a circumstance in which a voter  
65 has ranked more than one (1) candidate at the same ranking.

66 (k) "Ranking" means the number assigned on a ballot by  
67 a voter to a candidate to express the voter's preference for that  
68 candidate. Ranking number one is the highest ranking, ranking  
69 number 2 is the next-highest ranking and so on.

70 (l) "Round" means an instance of the sequence of voting  
71 tabulation steps established in subsection (2) of this act.

72 (m) "Skipped ranking" means a circumstance in which a  
73 voter has left a ranking blank and ranks a candidate at a  
74 subsequent ranking.

75 **SECTION 2.** (1) For elections determined by ranked-choice  
76 voting, the ballot must be simple and easy to understand and allow  
77 a voter to rank candidates for an office in order of preference. A



78 voter may include no more than one (1) write-in candidate among  
79 that voter's ranked choices for each office.

80 (2) The Secretary of State shall immediately certify the  
81 nomination of each person nominated by the primary election.

82 **SECTION 3.** (1) Except as otherwise provided in subsections  
83 (2) and (3) of this section, the following procedures shall be  
84 used to determine the winner in an election for an office elected  
85 by ranked-choice voting. Tabulation must proceed in rounds. In  
86 each round, the number of votes for each continuing candidate must  
87 be counted. Each continuing ballot counts as one (1) vote for its  
88 highest-ranked continuing candidate for that round. Exhausted  
89 ballots are not counted for any continuing candidate. The round  
90 then ends with one (1) of the following two (2) potential  
91 outcomes:

92 (a) If there are two (2) or fewer continuing  
93 candidates, the candidate with the most votes is declared the  
94 winner of the election.

95 (b) If there are more than two (2) continuing  
96 candidates, the last-place candidate is defeated and a new round  
97 begins.

98 (2) A tie under this section between candidates for the most  
99 votes in the final round or a tie between last-place candidates in  
100 any round must be decided by lot, fairly drawn, and the candidate  
101 chosen by lot is defeated. The result of the tie resolution must  
102 be recorded and reused in the event of a recount. Election



103 officials may resolve prospective ties between candidates before  
104 the election.

105 (3) Modification of a ranked-choice voting ballot and  
106 tabulation is permitted in accordance with the following:

107 (a) The number of allowable rankings may be limited to  
108 no fewer than six (6).

109 (b) Two (2) or more candidates may be defeated  
110 simultaneously by batch elimination in any round of tabulation.

111 (4) For all statutory and constitutional provisions in the  
112 state pertaining to the rights of political parties, the number of  
113 votes cast for a party's candidate for an office elected by  
114 ranked-choice voting is the number of votes credited to that  
115 candidate after the initial counting in the first round as  
116 provided in subsection (1) of this section.

117 **SECTION 4.** The Secretary of State shall conduct an  
118 evaluation of implementation of ranked-choice voting for elections  
119 for the offices of United States Senator, United States  
120 Representative, statewide elected officials, State Senator and  
121 State Representative, including, but not limited to,  
122 identification of statutory conflicts between House Concurrent  
123 Resolution 29, 2021 Regular Session, and relevant provisions of  
124 the Mississippi Code of 1972. The evaluation must include an  
125 estimate of the costs associated with the implementation of  
126 ranked-choice voting. No later than thirty (30) days after the  
127 effective date of this act, the Secretary of State shall submit a



128 report to the House of Representatives Apportionment and Elections  
129 Committee and the Senate Elections Committee, including  
130 recommended legislation, for the administration of ranked-choice  
131 voting for the elections as described in this act. The House of  
132 Representatives Apportionment and Elections Committee and the  
133 Senate Elections Committee shall submit legislation based on the  
134 report described in this section to the 2023 Regular Session of  
135 the Mississippi Legislature.

136       **SECTION 5.** This act shall take effect and be in force from  
137 and after ratification by the electorate of House Concurrent  
138 Resolution No. 29, 2021 Regular Session.

