

By: Representative Powell

To: Apportionment and  
Elections

HOUSE BILL NO. 1276

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE STATE OFFICERS THAT RECEIVE A MAJORITY OF  
3 VOTES CAST FOR THE OFFICE AT THE GENERAL ELECTION SHALL BE  
4 ELECTED, BUT IF NO CANDIDATE RECEIVES A MAJORITY NUMBER OF VOTES  
5 CAST AT THE ELECTION, THEN THE TWO CANDIDATES WHO RECEIVE THE  
6 HIGHEST NUMBER OF VOTES CAST SHALL HAVE THEIR NAMES PLACED ON THE  
7 BALLOT FOR THE RUNOFF ELECTION TO BE HELD THREE WEEKS LATER; TO  
8 AMEND SECTIONS 23-15-603 AND 7-3-5, MISSISSIPPI CODE OF 1972, TO  
9 CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-193, Mississippi Code of 1972, is  
12 amended as follows:

13 23-15-193. (1) At the election in \* \* \* 2023, and every  
14 four (4) years thereafter, there shall be elected a Governor,  
15 Lieutenant Governor, Secretary of State, Auditor of Public  
16 Accounts, State Treasurer, Attorney General, three (3) public  
17 service commissioners, three (3) Mississippi Transportation  
18 Commissioners, Commissioner of Insurance, Commissioner of  
19 Agriculture and Commerce, Senators and members of the House of  
20 Representatives in the Legislature, district attorneys for the  
21 several districts, clerks of the circuit and chancery courts of



22 the several counties, as well as sheriffs, coroners, assessors,  
23 surveyors and members of the boards of supervisors, justice court  
24 judges and constables, and all other officers to be elected by the  
25 people at the general state election. All such officers shall  
26 hold their offices for a term of four (4) years, and until their  
27 successors are elected and qualified. The state officers shall be  
28 elected in the manner prescribed in Section 140 of the  
29 Constitution.

30 (2) The state officers that receive a majority of votes cast  
31 for the office at the general election shall be elected. If no  
32 candidate receives a majority number of votes cast at the  
33 election, then the two (2) candidates who receive the highest  
34 number of votes cast shall have their names placed on the ballot  
35 for the runoff election to be held three (3) weeks later. The  
36 candidate who receives a majority of the votes cast in the runoff  
37 election shall be elected. However, if no candidate receives a  
38 majority vote cast at the election, and there is a tie in the  
39 election of those receiving the next highest vote, then those  
40 candidates receiving the next highest vote and the candidate  
41 receiving the highest number of votes cast shall have their names  
42 placed on the ballot for the runoff election to be held three (3)  
43 weeks later, and whoever receives the majority of votes cast in  
44 the runoff election shall be elected. If it appears that two (2)  
45 or more candidates for state office have an equal number of votes,  
46 the interested candidates shall appear before the election



47 commissioners within two (2) days after the canvass and the tie  
48 shall be determined by a toss of a coin or by lot fairly and  
49 publicly drawn, and a certificate of election shall be given  
50 accordingly.

51 **SECTION 2.** Section 23-15-603, Mississippi Code of 1972, is  
52 amended as follows:

53 23-15-603. (1) The election commissioners shall, within ten  
54 (10) days after the general election and within ten (10) days  
55 after a runoff election, if one is required, transmit to the  
56 Secretary of State, to be filed in his or her office, a statement  
57 of the whole number of votes given in their county and the whole  
58 number of votes given in each precinct in their county, for each  
59 candidate for any office at the election; but the returns of every  
60 election for Governor, Lieutenant Governor, Secretary of State,  
61 Attorney General, Auditor of Public Accounts, State Treasurer,  
62 Commissioner of Insurance and other state officers, shall each be  
63 made out separately, sealed up together and transmitted to the  
64 seat of government, directed to the Secretary of State, and  
65 endorsed the "VOTE FOR STATE OFFICERS \* \* \*." \* \* \* In addition  
66 to the other information required pursuant to this subsection, the  
67 returns for state officers shall contain a statement of the whole  
68 number of votes given in each House of Representative district or  
69 portion thereof for each candidate for state office at the  
70 election.



71           (2) Constitutional amendments shall be voted for at the time  
72 fixed by the concurrent resolution. The election, whether held  
73 separately or with other elections, shall be conducted, in all  
74 respects, as required for elections generally. The election  
75 commissioners shall, within ten (10) days after the election,  
76 transmit to the Secretary of State a statement of the whole number  
77 of votes given in their county and the whole number of votes given  
78 in each precinct in their county for or against constitutional  
79 amendments.

80           (3) The statements certified by the election commissioners  
81 and transmitted to the Secretary of State, as required by this  
82 section, shall be tabulated by the Secretary of State \* \* \*.  
83 Certified county vote totals shall represent the final results of  
84 the election.

85           (4) The statements required by this section shall contain a  
86 certification, signed and dated by a majority of the election  
87 commissioners, which shall read as follows:

88                   "We, the undersigned election commissioners, do  
89 hereby certify that this statement of the whole number  
90 of votes contains the official vote for the election  
91 reflected therein."

92           (5) The statements required by this section shall be  
93 transmitted to the Secretary of State on such forms and by such  
94 methods as may be required by rules and regulations promulgated by  
95 the Secretary of State.



96           **SECTION 3.** Section 7-3-5, Mississippi Code of 1972, is  
97 amended as follows:

98           7-3-5. The Secretary of State shall keep a correct register  
99 of all official acts and proceedings of the Governor \* \* \* and  
100 take charge of and safely keep in his office the returns of all  
101 elections by the people \* \* \*. He shall lay all official  
102 documents before either branch of the Legislature when required;  
103 he shall receive from the Clerk of the House of Representatives  
104 and the Secretary of the Senate, and shall carefully keep and  
105 preserve in his office, the journals, papers and proceedings of  
106 both houses of the Legislature; and he shall carefully keep and  
107 preserve the enrolled acts and resolutions of the Legislature,  
108 maps, charts and other property of the state remaining at the seat  
109 of government, the keeping of which is not otherwise provided for.  
110 He shall act as the custodian of the apostille issued by the  
111 Department of Authentications Office of the Hague Conference on  
112 Private International Law and shall act as the authorizing  
113 official for public documents under the Hague agreement of 1961.

114           **SECTION 4.** This act shall take effect and be in force from  
115 and after July 1, 2023.

