

By: Representative Sanford

To: Apportionment and Elections

HOUSE BILL NO. 860

1 AN ACT TO AMEND SECTIONS 23-15-193, 23-15-981, 23-15-213,
2 23-15-833, 37-5-9, 37-7-215, 37-7-217, 37-7-227 AND 37-7-711,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF THE RUNOFF ELECTION
4 FALLS DURING THE WEEK OF THE THANKSGIVING HOLIDAY, THEN THE RUNOFF
5 ELECTION SHALL BE FOUR WEEKS AFTER THE FIRST ELECTION; AND FOR
6 RELATED PURPOSES.

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

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

10 23-15-193. (1) At the election in 2023, and every four (4)
11 years thereafter, there shall be elected a Governor, Lieutenant
12 Governor, Secretary of State, Auditor of Public Accounts, State
13 Treasurer, Attorney General, three (3) public service
14 commissioners, three (3) Mississippi Transportation Commissioners,
15 Commissioner of Insurance, Commissioner of Agriculture and
16 Commerce, Senators and members of the House of Representatives in
17 the Legislature, district attorneys for the several districts,
18 clerks of the circuit and chancery courts of the several counties,
19 as well as sheriffs, coroners, assessors, surveyors and members of
20 the boards of supervisors, justice court judges and constables,



21 and all other officers to be elected by the people at the general
22 state election. All such officers shall hold their offices for a
23 term of four (4) years, and until their successors are elected and
24 qualified. The state officers shall be elected in the manner
25 prescribed in Section 140 of the Constitution.

26 (2) The state officers that receive a majority of votes cast
27 for the office at the general election shall be elected. If no
28 candidate receives a majority number of votes cast at the
29 election, then the two (2) candidates who receive the highest
30 number of votes cast shall have their names placed on the ballot
31 for the runoff election to be held three (3) weeks later. The
32 candidate who receives a majority of the votes cast in the runoff
33 election shall be elected. However, if no candidate receives a
34 majority vote cast at the election, and there is a tie in the
35 election of those receiving the next highest vote, then those
36 candidates receiving the next highest vote and the candidate
37 receiving the highest number of votes cast shall have their names
38 placed on the ballot for the runoff election to be held three (3)
39 weeks later, and whoever receives the majority of votes cast in
40 the runoff election shall be elected. If it appears that two (2)
41 or more candidates for state office have an equal number of votes
42 after the runoff election, the interested candidates shall appear
43 before the Chief Justice of the Mississippi Supreme Court within
44 two (2) days after the canvass and the tie shall be determined by
45 a toss of a coin or by lot fairly and publicly drawn, and a



46 certificate of election shall be given accordingly. If the runoff
47 election falls during the week of the Thanksgiving holiday, then
48 the runoff election shall be four (4) weeks after the general
49 election.

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

52 23-15-981. If two (2) or more candidates qualify for
53 judicial office, the names of those candidates shall be placed on
54 the general election ballot. If any candidate for such an office
55 receives a majority of the votes cast for such office in the
56 general election, he shall be declared elected. If no candidate
57 for such office receives a majority of the votes cast for such
58 office in the general election, the names of the two (2)
59 candidates receiving the highest number of votes for such office
60 shall be placed on the ballot for a second election to be held
61 three (3) weeks later in accordance with appropriate procedures
62 followed in other elections involving runoff candidates. If the
63 second election falls during the week of the Thanksgiving holiday,
64 then the second election shall be four (4) weeks after the general
65 election in accordance with appropriate procedures followed in
66 other elections involving runoff candidates.

67 **SECTION 3.** Section 23-15-213, Mississippi Code of 1972, is
68 amended as follows:

69 23-15-213. (1) There shall be elected five (5) election
70 commissioners for each county whose terms of office shall commence



71 on the first Monday of January following their election and who
72 shall serve for a term of four (4) years. Each of the
73 commissioners shall be required to attend a training seminar
74 provided by the Secretary of State and satisfactorily complete a
75 skills assessment, and before acting, shall take and subscribe the
76 oath of office prescribed by the Constitution. The oath shall be
77 filed in the office of the clerk of the chancery court. Upon
78 filing the oath of office, the election commissioner may be
79 provided access to the Statewide Elections Management System for
80 the purpose of performing his or her duties. Such skills
81 assessment shall only be required once every four (4) years.
82 While engaged in their duties, the commissioners shall be
83 conservators of the peace in the county, with all the duties and
84 powers of such.

85 (2) (a) At the general election in 2024 and every four (4)
86 years thereafter, the qualified electors of the board of
87 supervisors' Districts One, Three and Five shall elect in their
88 district one (1) election commissioner.

89 (b) At the general election in 2023 and every four (4)
90 years thereafter, the qualified electors of the board of
91 supervisors' Districts Two and Four shall elect in their district
92 one (1) election commissioner.

93 (c) No more than one (1) commissioner shall be a
94 resident of and reside in each supervisor's district of the
95 county; it being the purpose of this section that the county board



96 of election commissioners shall consist of one (1) person from
97 each supervisor's district of the county and that each
98 commissioner be elected from the supervisor's district in which he
99 or she resides.

100 (3) Candidates for county election commissioner shall
101 qualify by filing with the clerk of the board of supervisors of
102 their respective counties a petition personally signed by not less
103 than fifty (50) qualified electors of the supervisor's district in
104 which they reside, requesting that they be a candidate, by 5:00
105 p.m. not later than February 1 of the year in which the election
106 occurs and unless the petition is filed within the required time,
107 their names shall not be placed upon the ballot. All candidates
108 shall declare in writing their party affiliation, if any, to the
109 board of supervisors, and such party affiliation shall be shown on
110 the official ballot.

111 (4) The petition shall have attached thereto a certificate
112 of the county registrar showing the number of qualified electors
113 on each petition, which shall be furnished by the registrar on
114 request. The board shall determine the sufficiency of the
115 petition, and if the petition contains the required number of
116 signatures and is filed within the time required, the president of
117 the board shall verify that the candidate is a resident of the
118 supervisor's district in which he or she seeks election and that
119 the candidate is otherwise qualified as provided by law, and shall
120 certify that the candidate is qualified to the chair or secretary



121 of the county election commission and the names of the candidates
122 shall be placed upon the ballot for the ensuing election. No
123 county election commissioner shall serve or be considered as
124 elected until he or she has received a majority of the votes cast
125 for the position or post for which he or she is a candidate. If a
126 majority vote is not received in the first election, then the two
127 (2) candidates receiving the most votes for each position or post
128 shall be placed upon the ballot for a second election to be held
129 three (3) weeks later in accordance with appropriate procedures
130 followed in other elections involving runoff candidates. If the
131 second election falls during the week of the Thanksgiving holiday,
132 then the second election shall be four (4) weeks after the general
133 election in accordance with appropriate procedures followed in
134 other elections involving runoff candidates.

135 (5) In the first meeting in January of each year, the county
136 election commissioners shall organize by electing a chair and a
137 secretary, who shall serve a one-year term. The county election
138 commissioners shall provide the names of the chair and secretary
139 to the Secretary of State and provide notice of any change in
140 officers which may occur during the year.

141 (6) It shall be the duty of the chair to have the official
142 ballot printed and distributed at each general or special
143 election.

144 **SECTION 4.** Section 23-15-833, Mississippi Code of 1972, is
145 amended as follows:



146 23-15-833. Except as otherwise provided by law, the first
147 Tuesday after the first Monday in November of each year shall be
148 designated the regular special election day, and on that day an
149 election shall be held to fill any vacancy in county, county
150 district, and district attorney elective offices, and any vacancy
151 in the office of circuit judge or chancellor.

152 All special elections, or elections to fill vacancies, shall
153 in all respects be held, conducted and returned in the same manner
154 as general elections, except that where no candidate receives a
155 majority of the votes cast in the election, a runoff election
156 shall be held three (3) weeks after the election. The two (2)
157 candidates who receive the highest popular votes for the office
158 shall have their names submitted as the candidates to the runoff
159 and the candidate who leads in the runoff election shall be
160 elected to the office. When there is a tie in the first election
161 of those receiving the next highest vote, these two (2) and the
162 one receiving the highest vote, none having received a majority,
163 shall go into the runoff election and whoever leads in the runoff
164 election shall be entitled to the office. If the runoff election
165 falls during the week of the Thanksgiving holiday, then the runoff
166 election shall be four (4) weeks after the general election.

167 In those years when the regular special election day shall
168 occur on the same day as the general election, the names of
169 candidates in any special election and the general election shall
170 be placed on the same ballot, but shall be clearly distinguished



171 as general election candidates or special election candidates. At
172 any time a special election is held on the same day as a party
173 primary election, the names of the candidates in the special
174 election may be placed on the same ballot, but shall be clearly
175 distinguished as special election candidates or primary election
176 candidates.

177 **SECTION 5.** Section 37-5-9, Mississippi Code of 1972, is
178 amended as follows:

179 37-5-9. The name of any qualified elector who is a candidate
180 for the county board of education shall be placed on the ballot
181 used in the general elections by the county election
182 commissioners, provided that the candidate files with the county
183 election commissioners, not more than ninety (90) days and not
184 less than sixty (60) days prior to the date of such general
185 election, a petition of nomination signed by not less than fifty
186 (50) qualified electors of the county residing within each
187 supervisors district. Where there are less than one hundred (100)
188 qualified electors in said supervisors district, it shall only be
189 required that said petition of nomination be signed by at least
190 twenty percent (20%) of the qualified electors of such supervisors
191 district. The candidate in each supervisors district who receives
192 the majority of votes cast in the district shall be declared
193 elected. If no candidate receives a majority of the votes cast at
194 the election, a runoff shall be held between the two (2)
195 candidates receiving the highest number of votes in the first



196 election. The runoff election, in the event that such is
197 necessary, shall be held three (3) weeks after the first election.
198 If the runoff election falls during the week of the Thanksgiving
199 holiday, then the runoff election shall be four (4) weeks after
200 the first election.

201 When any member of the county board of education is to be
202 elected from the county at large under the provisions of this
203 chapter, then the petition required by the preceding paragraph
204 hereof shall be signed by the required number of qualified
205 electors residing in any part of the county outside of the
206 territory embraced within a municipal separate school district or
207 special municipal separate school district. The candidate who
208 receives the majority of votes cast in the election shall be
209 declared elected. If no candidate receives a majority of the
210 votes cast at the election, a runoff shall be held between the two
211 (2) candidates receiving the highest number of votes in the first
212 election. The runoff election, in the event that such is
213 necessary, shall be held three (3) weeks after the first election.
214 If the runoff election falls during the week of the Thanksgiving
215 holiday, then the runoff election shall be four (4) weeks after
216 the first election.

217 In no case shall any qualified elector residing within a
218 municipal separate school district or special municipal separate
219 school district be eligible to sign a petition of nomination for



220 any candidate for the county board of education under any of the
221 provisions of this section.

222 **SECTION 6.** Section 37-7-215, Mississippi Code of 1972, is
223 amended as follows:

224 37-7-215. All such elections shall be held on the first
225 Tuesday after the first Monday in November of each year and in the
226 same manner as general state and county elections are held and
227 conducted. In the event a runoff is necessary the runoff shall be
228 held three (3) weeks thereafter. If the runoff election falls
229 during the week of the Thanksgiving holiday, then the runoff
230 election shall be four (4) weeks after the first election.

231 **SECTION 7.** Section 37-7-217, Mississippi Code of 1972, is
232 amended as follows:

233 37-7-217. (1) The county election commissioners shall
234 indicate on the ballot which of the persons whose names appear
235 thereon are candidates for a full term, and which of such persons,
236 if any, are candidates for an unexpired term or terms.

237 (2) The qualified electors of each school district operating
238 under Section 37-7-215 shall vote on the date specified in that
239 section and at the special trustee election districts.

240 (3) A person elected shall assume the duties of his office
241 for the full term on the first day of January if the election is
242 for the full term. A person elected to an unexpired term shall
243 assume office immediately.



244 (4) The county election commissioners shall forthwith
245 certify the results of the election to the superintendent of the
246 municipal separate or special municipal separate school district,
247 as the case may be, which certificate shall be delivered to such
248 superintendent within five (5) days following the first election.

249 (5) If a person does not receive a majority of the votes
250 cast at the election, a runoff shall be held between the two (2)
251 persons receiving the highest number of votes at the first
252 election. If the runoff election falls during the week of the
253 Thanksgiving holiday, then the runoff election shall be the
254 following week.

255 **SECTION 8.** Section 37-7-227, Mississippi Code of 1972, is
256 amended as follows:

257 37-7-227. (1) The county election commissioners shall
258 indicate on the ballot which of the persons whose names appear
259 thereon are candidates for a full term, and which of such persons,
260 if any, are candidates for an unexpired term or terms. The
261 candidate who receives a majority of the votes cast, either for a
262 full term or for an unexpired term or terms, as indicated on the
263 ballot, shall be declared elected, and the person or persons
264 elected to a full term shall assume the duties of his office on
265 the first day of January of the year following such election. The
266 person or persons elected to an unexpired term(s) shall assume
267 office immediately. If no candidate receives a majority of the
268 votes cast at the election, a runoff shall be held in the same



269 manner three (3) weeks after the election between the two (2)
270 candidates receiving the highest number of votes upon the first
271 ballot. If the runoff election falls during the week of the
272 Thanksgiving holiday, then the runoff election shall be four (4)
273 weeks after the election between the two (2) candidates receiving
274 the highest number of votes upon the first ballot.

275 (2) Notwithstanding any other provision of law, if an
276 election for school board trustees occurs on a Tuesday, during a
277 general election, any runoff for such election shall occur three
278 (3) weeks after the election. If the runoff election falls during
279 the week of the Thanksgiving holiday, then the runoff election
280 shall be four (4) weeks after the election.

281 **SECTION 9.** Section 37-7-711, Mississippi Code of 1972, is
282 amended as follows:

283 37-7-711. In all such special municipal separate school
284 districts which may be so organized, reorganized or reconstituted
285 to embrace the entire county in which the majority of the
286 inhabitants of the county reside outside the corporate limits of
287 the municipality, the name of any qualified elector who is a
288 candidate for the board of trustees of such special municipal
289 separate school district, whether such person be a candidate for
290 an unexpired term or for a full term, shall be placed on the
291 ballot used in the elections, provided that the candidate files
292 with the county election commissioners, not more than ninety (90)
293 days and not less than sixty (60) days prior to the date of such



294 general election, a petition of nomination signed by not less than
295 fifty (50) qualified electors of the county. Where there are less
296 than one hundred (100) qualified electors in said area represented
297 by the trustee, it shall only be required that said petition of
298 nomination be signed by at least twenty percent (20%) of the
299 qualified electors in said area. However, in any such special
300 municipal separate school district which embraces the entire
301 county and which borders the Mississippi River and in which
302 Interstate Highway 20 and United States Highway 61 intersect and
303 having a population in excess of forty-seven thousand (47,000)
304 according to the 1990 federal decennial census, the candidate
305 shall be required to file a petition of nomination with the county
306 election commissioners not less than sixty (60) days prior to the
307 date of such general election, in addition to the other
308 requirements prescribed herein.

309 The candidate in each election who receives the majority of
310 votes cast in the election shall be declared to have been elected.
311 If no candidate receives a majority of the votes cast at the
312 election, a runoff shall be held between the two (2) candidates
313 receiving the highest number of votes in the first election. The
314 runoff election, in the event that such is necessary, shall be
315 held three (3) weeks after the first election. If the runoff
316 election falls during the week of the Thanksgiving holiday, then
317 the runoff election shall be four (4) weeks after the first
318 election.



319 **SECTION 10.** This act shall take effect and be in force from
320 and after July 1, 2024.

