

By: Senator(s) England

To: Elections

SENATE BILL NO. 2144

1 AN ACT TO AMEND SECTIONS 23-15-191, 23-15-193, 23-15-213,
2 23-15-833, 23-15-981, 23-15-1031, 23-15-1083, 37-5-9, 37-7-215,
3 37-7-217, 37-7-227 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO
4 CHANGE THE TIME PERIOD FOR RUN OFF ELECTION FROM THREE TO FOUR
5 WEEKS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-191, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-191. The first primary shall be held on the first
10 Tuesday after the first Monday of August preceding any regular or
11 general election; and the second primary shall be held * * * four
12 (4) weeks thereafter. The candidate that receives a majority of
13 the votes cast in the election shall be the party nominee. If no
14 candidate receives a majority vote at the election, then the two
15 (2) candidates who receive the highest number of votes shall have
16 their names placed on the ballot for the second primary election
17 to be held * * * four (4) weeks later. The candidate who receives
18 the most votes in the second primary election shall be the party
19 nominee. However, if no candidate receives a majority vote at the



20 first primary, and there is a tie in the election of those
21 receiving the next highest vote, then those candidates receiving
22 the next highest vote and the candidate receiving the highest vote
23 shall have their names placed on the ballot for the second primary
24 election to be held * * * four (4) weeks later, and whoever
25 receives the most votes cast in the second primary election shall
26 be the party nominee.

27 **SECTION 2.** Section 23-15-193, Mississippi Code of 1972, is
28 amended as follows:

29 23-15-193. (1) At the election in 2023, and every four (4)
30 years thereafter, there shall be elected a Governor, Lieutenant
31 Governor, Secretary of State, Auditor of Public Accounts, State
32 Treasurer, Attorney General, three (3) public service
33 commissioners, three (3) Mississippi Transportation Commissioners,
34 Commissioner of Insurance, Commissioner of Agriculture and
35 Commerce, Senators and members of the House of Representatives in
36 the Legislature, district attorneys for the several districts,
37 clerks of the circuit and chancery courts of the several counties,
38 as well as sheriffs, coroners, assessors, surveyors and members of
39 the boards of supervisors, justice court judges and constables,
40 and all other officers to be elected by the people at the general
41 state election. All such officers shall hold their offices for a
42 term of four (4) years, and until their successors are elected and
43 qualified. The state officers shall be elected in the manner
44 prescribed in Section 140 of the Constitution.



45 (2) The state officers that receive a majority of votes cast
46 for the office at the general election shall be elected. If no
47 candidate receives a majority number of votes cast at the
48 election, then the two (2) candidates who receive the highest
49 number of votes cast shall have their names placed on the ballot
50 for the runoff election to be held * * * four (4) weeks later.
51 The candidate who receives a majority of the votes cast in the
52 runoff election shall be elected. However, if no candidate
53 receives a majority vote cast at the election, and there is a tie
54 in the election of those receiving the next highest vote, then
55 those candidates receiving the next highest vote and the candidate
56 receiving the highest number of votes cast shall have their names
57 placed on the ballot for the runoff election to be held * * * four
58 (4) weeks later, and whoever receives the majority of votes cast
59 in the runoff election shall be elected. If it appears that two
60 (2) or more candidates for state office have an equal number of
61 votes after the runoff election, the interested candidates shall
62 appear before the Chief Justice of the Mississippi Supreme Court
63 within two (2) days after the canvass and the tie shall be
64 determined by a toss of a coin or by lot fairly and publicly
65 drawn, and a certificate of election shall be given accordingly.

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

68 23-15-213. (1) There shall be elected five (5) election
69 commissioners for each county whose terms of office shall commence



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

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

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

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



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

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

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



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

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

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

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

142 23-15-833. Except as otherwise provided by law, the first
143 Tuesday after the first Monday in November of each year shall be
144 designated the regular special election day, and on that day an



145 election shall be held to fill any vacancy in county, county
146 district, and district attorney elective offices, and any vacancy
147 in the office of circuit judge or chancellor.

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

161 In those years when the regular special election day shall
162 occur on the same day as the general election, the names of
163 candidates in any special election and the general election shall
164 be placed on the same ballot, but shall be clearly distinguished
165 as general election candidates or special election candidates. At
166 any time a special election is held on the same day as a party
167 primary election, the names of the candidates in the special
168 election may be placed on the same ballot, but shall be clearly



169 distinguished as special election candidates or primary election
170 candidates.

171 **SECTION 5.** Section 23-15-981, Mississippi Code of 1972, is
172 amended as follows:

173 23-15-981. If two (2) or more candidates qualify for
174 judicial office, the names of those candidates shall be placed on
175 the general election ballot. If any candidate for such an office
176 receives a majority of the votes cast for such office in the
177 general election, he or she shall be declared elected. If no
178 candidate for such office receives a majority of the votes cast
179 for such office in the general election, the names of the two (2)
180 candidates receiving the highest number of votes for such office
181 shall be placed on the ballot for a second election to be
182 held * * * four (4) weeks later in accordance with appropriate
183 procedures followed in other elections involving runoff
184 candidates.

185 **SECTION 6.** Section 23-15-1031, Mississippi Code of 1972, is
186 amended as follows:

187 23-15-1031. Except as provided by Section 23-15-1081, the
188 first primary election for Congressmen shall be held on the first
189 Tuesday in June of the years in which congressmen are elected, and
190 a second primary, if necessary, shall be held * * * four (4) weeks
191 thereafter. Each year in which a presidential election is held,
192 the congressional primary shall be held as provided in Section
193 23-15-1081. The election shall be held in all districts of the



194 state on the same day. Candidates for United States Senator shall
195 be nominated at the congressional primary next preceding the
196 general election at which a senator is to be elected and in the
197 same manner that congressmen are nominated. The chair and
198 secretary of the state executive committee shall certify the vote
199 for United States Senator to the Secretary of State in the same
200 manner that county executive committees certify the returns of
201 counties in general state and county primary elections.

202 **SECTION 7.** Section 23-15-1083, Mississippi Code of 1972, is
203 amended as follows:

204 23-15-1083. Beginning in 1988, as an alternative to the
205 congressional primary election date set forth in Section
206 23-15-1031, when a political party elects to conduct a
207 presidential preference primary, the first primary election for
208 congressmen, and senators, if senators are to be elected, shall be
209 held on the second Tuesday in March, and the second primary, when
210 one is necessary, shall be held * * * four (4) weeks thereafter,
211 and the election shall be held in all districts of the state on
212 the same day.

213 **SECTION 8.** Section 37-5-9, Mississippi Code of 1972, is
214 amended as follows:

215 37-5-9. The name of any qualified elector who is a candidate
216 for the county board of education shall be placed on the ballot
217 used in the general elections by the county election
218 commissioners, provided that the candidate files with the county



219 election commissioners, not more than ninety (90) days and not
220 less than sixty (60) days prior to the date of such general
221 election, a petition of nomination signed by not less than fifty
222 (50) qualified electors of the county residing within each
223 supervisors district. Where there are less than one hundred (100)
224 qualified electors in said supervisors district, it shall only be
225 required that said petition of nomination be signed by at least
226 twenty percent (20%) of the qualified electors of such supervisors
227 district. The candidate in each supervisors district who receives
228 the majority of votes cast in the district shall be declared
229 elected. If no candidate receives a majority of the votes cast at
230 the election, a runoff shall be held between the two (2)
231 candidates receiving the highest number of votes in the first
232 election. The runoff election, in the event that such is
233 necessary, shall be held * * * four (4) weeks after the first
234 election.

235 When any member of the county board of education is to be
236 elected from the county at large under the provisions of this
237 chapter, then the petition required by the preceding paragraph
238 hereof shall be signed by the required number of qualified
239 electors residing in any part of the county outside of the
240 territory embraced within a municipal separate school district or
241 special municipal separate school district. The candidate who
242 receives the majority of votes cast in the election shall be
243 declared elected. If no candidate receives a majority of the



244 votes cast at the election, a runoff shall be held between the two
245 (2) candidates receiving the highest number of votes in the first
246 election. The runoff election, in the event that such is
247 necessary, shall be held * * * four (4) weeks after the first
248 election.

249 In no case shall any qualified elector residing within a
250 municipal separate school district or special municipal separate
251 school district be eligible to sign a petition of nomination for
252 any candidate for the county board of education under any of the
253 provisions of this section.

254 **SECTION 9.** Section 37-7-215, Mississippi Code of 1972, is
255 amended as follows:

256 37-7-215. All such elections shall be held on the first
257 Tuesday after the first Monday in November of each year and in the
258 same manner as general state and county elections are held and
259 conducted. In the event a runoff is necessary the runoff shall be
260 held * * * four (4) weeks thereafter.

261 **SECTION 10.** Section 37-7-217, Mississippi Code of 1972, is
262 amended as follows:

263 37-7-217. (1) The county election commissioners shall
264 indicate on the ballot which of the persons whose names appear
265 thereon are candidates for a full term, and which of such persons,
266 if any, are candidates for an unexpired term or terms.



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

270 (3) A person elected shall assume the duties of his or her
271 office for the full term on the first day of January if the
272 election is for the full term. A person elected to an unexpired
273 term shall assume office immediately.

274 (4) The county election commissioners shall forthwith
275 certify the results of the election to the superintendent of the
276 municipal separate or special municipal separate school district,
277 as the case may be, which certificate shall be delivered to such
278 superintendent within five (5) days following the first election.

279 (5) If a person does not receive a majority of the votes
280 cast at the election, a runoff shall be held four (4) weeks
281 thereafter, between the two (2) persons receiving the highest
282 number of votes at the first election.

283 **SECTION 11.** Section 37-7-227, Mississippi Code of 1972, is
284 amended as follows:

285 37-7-227. (1) The county election commissioners shall
286 indicate on the ballot which of the persons whose names appear
287 thereon are candidates for a full term, and which of such persons,
288 if any, are candidates for an unexpired term or terms. The
289 candidate who receives a majority of the votes cast, either for a
290 full term or for an unexpired term or terms, as indicated on the
291 ballot, shall be declared elected, and the person or persons



292 elected to a full term shall assume the duties of his or her
293 office on the first day of January of the year following such
294 election. The person or persons elected to an unexpired term(s)
295 shall assume office immediately. If no candidate receives a
296 majority of the votes cast at the election, a runoff shall be held
297 in the same manner * * * four (4) weeks after the election between
298 the two (2) candidates receiving the highest number of votes upon
299 the first ballot.

300 (2) Notwithstanding any other provision of law, if an
301 election for school board trustees occurs on a Tuesday, during a
302 general election, any runoff for such election shall occur * * *
303 four (4) weeks after the election.

304 **SECTION 12.** Section 37-7-711, Mississippi Code of 1972, is
305 amended as follows:

306 37-7-711. In all such special municipal separate school
307 districts which may be so organized, reorganized or reconstituted
308 to embrace the entire county in which the majority of the
309 inhabitants of the county reside outside the corporate limits of
310 the municipality, the name of any qualified elector who is a
311 candidate for the board of trustees of such special municipal
312 separate school district, whether such person be a candidate for
313 an unexpired term or for a full term, shall be placed on the
314 ballot used in the elections, provided that the candidate files
315 with the county election commissioners, not more than ninety (90)
316 days and not less than sixty (60) days prior to the date of such



317 general election, a petition of nomination signed by not less than
318 fifty (50) qualified electors of the county. Where there are less
319 than one hundred (100) qualified electors in said area represented
320 by the trustee, it shall only be required that said petition of
321 nomination be signed by at least twenty percent (20%) of the
322 qualified electors in said area. However, in any such special
323 municipal separate school district which embraces the entire
324 county and which borders the Mississippi River and in which
325 Interstate Highway 20 and United States Highway 61 intersect and
326 having a population in excess of forty-seven thousand (47,000)
327 according to the 1990 federal decennial census, the candidate
328 shall be required to file a petition of nomination with the county
329 election commissioners not less than sixty (60) days prior to the
330 date of such general election, in addition to the other
331 requirements prescribed herein.

332 The candidate in each election who receives the majority of
333 votes cast in the election shall be declared to have been elected.
334 If no candidate receives a majority of the votes cast at the
335 election, a runoff shall be held between the two (2) candidates
336 receiving the highest number of votes in the first election. The
337 runoff election, in the event that such is necessary, shall be
338 held * * * four (4) weeks after the first election.

339 **SECTION 13.** This act shall take effect and be in force from
340 and after July 1, 2024.

