

House Amendments to Senate Bill No. 2144

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 23-15-191, Mississippi Code of 1972,
9 is amended as follows:
10 23-15-191. The first primary shall be held on the first
11 Tuesday after the first Monday of August preceding any regular or
12 general election; and the second primary shall be held * * * four
13 (4) weeks thereafter. The candidate that receives a majority of
14 the votes cast in the election shall be the party nominee. If no
15 candidate receives a majority vote at the election, then the two
16 (2) candidates who receive the highest number of votes shall have
17 their names placed on the ballot for the second primary election
18 to be held * * * four (4) weeks later. The candidate who receives
19 the most votes in the second primary election shall be the party
20 nominee. However, if no candidate receives a majority vote at the
21 first primary, and there is a tie in the election of those
22 receiving the next highest vote, then those candidates receiving
23 the next highest vote and the candidate receiving the highest vote
24 shall have their names placed on the ballot for the second primary

25 election to be held * * * four (4) weeks later, and whoever
26 receives the most votes cast in the second primary election shall
27 be the party nominee.

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

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

46 (2) The state officers that receive a majority of votes cast
47 for the office at the general election shall be elected. If no
48 candidate receives a majority number of votes cast at the
49 election, then the two (2) candidates who receive the highest
50 number of votes cast shall have their names placed on the ballot

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

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

129 held * * * four (4) weeks later in accordance with appropriate
130 procedures followed in other elections involving runoff
131 candidates.

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

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

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

143 23-15-833. Except as otherwise provided by law, the first
144 Tuesday after the first Monday in November of each year shall be
145 designated the regular special election day, and on that day an
146 election shall be held to fill any vacancy in county, county
147 district, and district attorney elective offices, and any vacancy
148 in the office of circuit judge or chancellor.

149 All special elections, or elections to fill vacancies, shall
150 in all respects be held, conducted and returned in the same manner
151 as general elections, except that where no candidate receives a
152 majority of the votes cast in the election, a runoff election
153 shall be held * * * four (4) weeks after the election. The two
154 (2) candidates who receive the highest popular votes for the

155 office shall have their names submitted as the candidates to the
156 runoff and the candidate who leads in the runoff election shall be
157 elected to the office. When there is a tie in the first election
158 of those receiving the next highest vote, these two (2) and the
159 one receiving the highest vote, none having received a majority,
160 shall go into the runoff election and whoever leads in the runoff
161 election shall be entitled to the office.

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

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

174 23-15-981. If two (2) or more candidates qualify for
175 judicial office, the names of those candidates shall be placed on
176 the general election ballot. If any candidate for such an office
177 receives a majority of the votes cast for such office in the
178 general election, he shall be declared elected. If no candidate
179 for such office receives a majority of the votes cast for such
180 office in the general election, the names of the two (2)

181 candidates receiving the highest number of votes for such office
182 shall be placed on the ballot for a second election to be
183 held * * * four (4) weeks later in accordance with appropriate
184 procedures followed in other elections involving runoff
185 candidates.

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

188 23-15-1031. Except as provided by Section 23-15-1081, the
189 first primary election for Congressmen shall be held on the first
190 Tuesday in June of the years in which congressmen are elected, and
191 a second primary, if necessary, shall be held * * * four (4) weeks
192 thereafter. Each year in which a presidential election is held,
193 the congressional primary shall be held as provided in Section
194 23-15-1081. The election shall be held in all districts of the
195 state on the same day. Candidates for United States Senator shall
196 be nominated at the congressional primary next preceding the
197 general election at which a senator is to be elected and in the
198 same manner that congressmen are nominated. The chair and
199 secretary of the state executive committee shall certify the vote
200 for United States Senator to the Secretary of State in the same
201 manner that county executive committees certify the returns of
202 counties in general state and county primary elections.

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

205 23-15-1083. Beginning in 1988, as an alternative to the
206 congressional primary election date set forth in Section

207 23-15-1031, when a political party elects to conduct a
208 presidential preference primary, the first primary election for
209 congressmen, and senators, if senators are to be elected, shall be
210 held on the second Tuesday in March, and the second primary, when
211 one is necessary, shall be held * * * four (4) weeks thereafter,
212 and the election shall be held in all districts of the state on
213 the same day.

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

216 37-5-9. The name of any qualified elector who is a candidate
217 for the county board of education shall be placed on the ballot
218 used in the general elections by the county election
219 commissioners, provided that the candidate files with the county
220 election commissioners, not more than ninety (90) days and not
221 less than sixty (60) days prior to the date of such general
222 election, a petition of nomination signed by not less than fifty
223 (50) qualified electors of the county residing within each
224 supervisors district. Where there are less than one hundred (100)
225 qualified electors in said supervisors district, it shall only be
226 required that said petition of nomination be signed by at least
227 twenty percent (20%) of the qualified electors of such supervisors
228 district. The candidate in each supervisors district who receives
229 the majority of votes cast in the district shall be declared
230 elected. If no candidate receives a majority of the votes cast at
231 the election, a runoff shall be held between the two (2)
232 candidates receiving the highest number of votes in the first

233 election. The runoff election, in the event that such is
234 necessary, shall be held * * * four (4) weeks after the first
235 election.

236 When any member of the county board of education is to be
237 elected from the county at large under the provisions of this
238 chapter, then the petition required by the preceding paragraph
239 hereof shall be signed by the required number of qualified
240 electors residing in any part of the county outside of the
241 territory embraced within a municipal separate school district or
242 special municipal separate school district. The candidate who
243 receives the majority of votes cast in the election shall be
244 declared elected. If no candidate receives a majority of the
245 votes cast at the election, a runoff shall be held between the two
246 (2) candidates receiving the highest number of votes in the first
247 election. The runoff election, in the event that such is
248 necessary, shall be held * * * four (4) weeks after the first
249 election.

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

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

257 37-7-215. All such elections shall be held on the first
258 Tuesday after the first Monday in November of each year and in the

259 same manner as general state and county elections are held and
260 conducted. In the event a runoff is necessary the runoff shall be
261 held * * * four (4) weeks thereafter.

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

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

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

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

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

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

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

287 37-7-227. (1) The county election commissioners shall
288 indicate on the ballot which of the persons whose names appear
289 thereon are candidates for a full term, and which of such persons,
290 if any, are candidates for an unexpired term or terms. The
291 candidate who receives a majority of the votes cast, either for a
292 full term or for an unexpired term or terms, as indicated on the
293 ballot, shall be declared elected, and the person or persons
294 elected to a full term shall assume the duties of his office on
295 the first day of January of the year following such election. The
296 person or persons elected to an unexpired term(s) shall assume
297 office immediately. If no candidate receives a majority of the
298 votes cast at the election, a runoff shall be held in the same
299 manner * * * four (4) weeks after the election between the two (2)
300 candidates receiving the highest number of votes upon the first
301 ballot.

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

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

308 37-7-711. In all such special municipal separate school
309 districts which may be so organized, reorganized or reconstituted
310 to embrace the entire county in which the majority of the

311 inhabitants of the county reside outside the corporate limits of
312 the municipality, the name of any qualified elector who is a
313 candidate for the board of trustees of such special municipal
314 separate school district, whether such person be a candidate for
315 an unexpired term or for a full term, shall be placed on the
316 ballot used in the elections, provided that the candidate files
317 with the county election commissioners, not more than ninety (90)
318 days and not less than sixty (60) days prior to the date of such
319 general election, a petition of nomination signed by not less than
320 fifty (50) qualified electors of the county. Where there are less
321 than one hundred (100) qualified electors in said area represented
322 by the trustee, it shall only be required that said petition of
323 nomination be signed by at least twenty percent (20%) of the
324 qualified electors in said area. However, in any such special
325 municipal separate school district which embraces the entire
326 county and which borders the Mississippi River and in which
327 Interstate Highway 20 and United States Highway 61 intersect and
328 having a population in excess of forty-seven thousand (47,000)
329 according to the 1990 federal decennial census, the candidate
330 shall be required to file a petition of nomination with the county
331 election commissioners not less than sixty (60) days prior to the
332 date of such general election, in addition to the other
333 requirements prescribed herein.

334 The candidate in each election who receives the majority of
335 votes cast in the election shall be declared to have been elected.
336 If no candidate receives a majority of the votes cast at the

337 election, a runoff shall be held between the two (2) candidates
338 receiving the highest number of votes in the first election. The
339 runoff election, in the event that such is necessary, shall be
340 held * * * four (4) weeks after the first election.

341 **SECTION 13.** This act shall take effect and be in force from
342 and after January 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 23-15-171, 23-15-191, 23-15-193,
2 23-15-213, 23-15-833, 23-15-857, 23-15-981, 23-15-1031,
3 23-15-1083, 37-5-9, 37-7-215, 37-7-217, 37-7-227 AND 37-7-711,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FOR HOLDING RUNOFF
5 ELECTIONS TO FOUR WEEKS AFTER THE FIRST ELECTION INSTEAD OF THREE
6 WEEKS; AND FOR RELATED PURPOSES.

HR31\SB2144A.1J

Andrew Ketchings
Clerk of the House of Representatives