

By: Representative Hurst

To: Apportionment and
Elections

HOUSE BILL NO. 1585

1 AN ACT TO AMEND SECTIONS 23-15-611 AND 21-9-19, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A
3 MAJORITY VOTE IN A MUNICIPAL ELECTION SHALL BE ELECTED; TO PROVIDE
4 THAT IF NO CANDIDATE RECEIVES A MAJORITY, THEN A RUN OFF ELECTION
5 SHALL BE HELD THREE WEEKS LATER; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-611, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-611. (1) In municipal elections, poll managers shall,
10 immediately upon the closing of the polls, count the ballots and
11 ascertain the number of votes cast in each voting precinct for
12 each of the candidates or ballot measures and make a return
13 thereof to the municipal election commissioners. On the day
14 following the election, the election commissioners shall canvass
15 the returns so received from all voting precincts and shall,
16 within six (6) days after the election, deliver to each person
17 receiving * * * a majority of votes a certificate of election.
18 * * * If no candidate receives a majority vote at the election,
19 the two (2) candidates receiving the highest number of votes shall



20 have their names placed on the ballot for the election to be held
21 three (3) weeks thereafter. The candidate receiving a majority of
22 the votes cast in the election shall be elected. However, if no
23 candidate receives a majority and there is a tie in the election
24 of those receiving the next highest vote, those receiving the next
25 highest vote and the candidate receiving the highest vote shall
26 have their names placed on the ballot for the election to be held
27 three (3) weeks thereafter, and whoever receives the most votes
28 cast in the election shall be elected. Should the election held
29 three (3) weeks thereafter result in a tie vote, the prevailing
30 candidate shall be decided by a toss of a coin or by lot fairly
31 and publicly drawn under the supervision of the election
32 commission.

33 (2) (a) Within six (6) days after any election, the
34 municipal election commissioners shall transmit a statement to the
35 Secretary of State certifying the name or names of the person or
36 persons elected, and such person or persons shall be issued
37 commissions by the Governor. The statement shall also include
38 vote totals for each candidate for each office and vote totals for
39 and against ballot measures, if any, including the vote totals for
40 each candidate and ballot measure in each precinct in the
41 municipality.

42 (b) The statements required by this subsection (2)
43 shall contain a certification, signed and dated by a majority of
44 the municipal election commissioners, which shall read as follows:



45 "We, the undersigned municipal election commissioners, do
46 hereby certify that this statement contains the official vote for
47 the election reflected therein."

48 (c) The statements required by this subsection (2)
49 shall be transmitted to the Secretary of State on such forms and
50 by such methods as may be required by rules and regulations
51 promulgated by the Secretary of State.

52 (d) If the statement certifying the names of the
53 persons elected is not transmitted to the Secretary of State as
54 required by this subsection (2), the Secretary of State may issue
55 a show cause order directing the municipal election commissioners
56 to provide to the Secretary of State written response containing
57 the reasons for their failure to transmit the statement. The
58 municipal election commissioners shall file their response to the
59 show cause order with the Secretary of State within five (5)
60 working days after the issuance of the show cause order. If the
61 statement certifying the names of the persons elected is not
62 transmitted to the Secretary of State within five (5) working days
63 after the issuance of the show cause order, the Secretary of State
64 may petition a court of competent jurisdiction to compel the
65 municipal election commissioners to comply with this subsection
66 (2). If the statement certifying the names of the persons elected
67 is received by the Secretary of State within five (5) days after
68 the issuance of the show cause order, a response to the show cause
69 order shall not be required.



70 **SECTION 2.** Section 21-9-19, Mississippi Code of 1972, is
71 amended as follows:

72 21-9-19. At all elections held to choose a mayor and
73 councilmen, or any of them, the choice of the person or persons
74 voting shall be indicated and the ballots shall be marked in like
75 manner as is provided by law for general state and county
76 elections.

77 The poll managers at all special and general elections for
78 mayor and councilmen, or any of them, shall immediately, upon the
79 closing of the polls, count the ballots and ascertain the number
80 of votes cast in each voting precinct for each of the candidates
81 and make return thereof to the municipal election commissioners.
82 On the day following any special or general election, the
83 municipal election commissioners shall canvass the returns so
84 received from all the voting precincts, and shall within six (6)
85 business days after such special or general election, deliver to
86 each person receiving * * * a majority of votes a certificate of
87 election. * * * If no candidate receives a majority vote at the
88 election, the two (2) candidates receiving the highest number of
89 votes shall have their names placed on the ballot for the election
90 to be held three (3) weeks thereafter. The candidate receiving a
91 majority of the votes cast in the election shall be elected.
92 However, if no candidate receives a majority and there is a tie in
93 the election of those receiving the next highest vote, those
94 receiving the next highest vote and the candidate receiving the



highest vote shall have their names placed on the ballot for the
election to be held three (3) weeks thereafter, and whoever
receives the most votes cast in the election shall be elected.
Should the election held three (3) weeks thereafter result in a
tie vote, the prevailing candidate shall be decided by a toss of a
coin or by lot fairly and publicly drawn under the supervision of
the election commission.

The election commissioners shall, within ten (10) business
days after any special or general election, certify to the
Secretary of State the name or names of the person or persons
elected at such special or general election, and the Secretary of
State shall, immediately upon receiving such certificates, deliver
the same to the Governor, who shall immediately issue commissions
to the persons mentioned in certificate.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2025.

