

HOUSE BILL NO. 1585  
(As Passed the House)

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



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

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

109           **SECTION 3.** This act shall take effect and be in force from  
110    and after July 1, 2025, and shall stand repealed on June 30, 2025.

