

By: Senator(s) England

To: Elections

SENATE BILL NO. 2144  
(As Sent to Governor)

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; TO CREATE A NEW SECTION IN TITLE 23, CHAPTER 15, ARTICLE  
7 27, MISSISSIPPI CODE OF 1972, TO PROHIBIT RANKED-CHOICE VOTING IN  
8 STATEWIDE, COUNTY, LOCAL, MUNICIPAL OR SCHOOL DISTRICT ELECTIONS;  
9 AND FOR RELATED PURPOSES.

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

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

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



22 the most votes in the second primary election shall be the party  
23 nominee. However, if no candidate receives a majority vote at the  
24 first primary, and there is a tie in the election of those  
25 receiving the next highest vote, then those candidates receiving  
26 the next highest vote and the candidate receiving the highest vote  
27 shall have their names placed on the ballot for the second primary  
28 election to be held \* \* \* four (4) weeks later, and whoever  
29 receives the most votes cast in the second primary election shall  
30 be the party nominee.

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

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



47 qualified. The state officers shall be elected in the manner  
48 prescribed in Section 140 of the Constitution.

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

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



72           23-15-213. (1) There shall be elected five (5) election  
73 commissioners for each county whose terms of office shall commence  
74 on the first Monday of January following their election and who  
75 shall serve for a term of four (4) years. Each of the  
76 commissioners shall be required to attend a training seminar  
77 provided by the Secretary of State and satisfactorily complete a  
78 skills assessment, and before acting, shall take and subscribe the  
79 oath of office prescribed by the Constitution. The oath shall be  
80 filed in the office of the clerk of the chancery court. Upon  
81 filing the oath of office, the election commissioner may be  
82 provided access to the Statewide Elections Management System for  
83 the purpose of performing his or her duties. Such skills  
84 assessment shall only be required once every four (4) years.  
85 While engaged in their duties, the commissioners shall be  
86 conservators of the peace in the county, with all the duties and  
87 powers of such.

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

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



96           (c) No more than one (1) commissioner shall be a  
97 resident of and reside in each supervisor's district of the  
98 county; it being the purpose of this section that the county board  
99 of election commissioners shall consist of one (1) person from  
100 each supervisor's district of the county and that each  
101 commissioner be elected from the supervisor's district in which he  
102 or she resides.

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

114           (4) The petition shall have attached thereto a certificate  
115 of the county registrar showing the number of qualified electors  
116 on each petition, which shall be furnished by the registrar on  
117 request. The board shall determine the sufficiency of the  
118 petition, and if the petition contains the required number of  
119 signatures and is filed within the time required, the president of  
120 the board shall verify that the candidate is a resident of the



121 supervisor's district in which he or she seeks election and that  
122 the candidate is otherwise qualified as provided by law, and shall  
123 certify that the candidate is qualified to the chair or secretary  
124 of the county election commission and the names of the candidates  
125 shall be placed upon the ballot for the ensuing election. No  
126 county election commissioner shall serve or be considered as  
127 elected until he or she has received a majority of the votes cast  
128 for the position or post for which he or she is a candidate. If a  
129 majority vote is not received in the first election, then the two  
130 (2) candidates receiving the most votes for each position or post  
131 shall be placed upon the ballot for a second election to be  
132 held \* \* \* four (4) weeks later in accordance with appropriate  
133 procedures followed in other elections involving runoff  
134 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 \* \* \* four (4) weeks after the election. The two  
157 (2) candidates who receive the highest popular votes for the  
158 office shall have their names submitted as the candidates to the  
159 runoff 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.

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



171 primary election, the names of the candidates in the special  
172 election may be placed on the same ballot, but shall be clearly  
173 distinguished as special election candidates or primary election  
174 candidates.

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

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

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

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





196 the congressional primary shall be held as provided in Section  
197 23-15-1081. The election shall be held in all districts of the  
198 state on the same day. Candidates for United States Senator shall  
199 be nominated at the congressional primary next preceding the  
200 general election at which a senator is to be elected and in the  
201 same manner that congressmen are nominated. The chair and  
202 secretary of the state executive committee shall certify the vote  
203 for United States Senator to the Secretary of State in the same  
204 manner that county executive committees certify the returns of  
205 counties in general state and county primary elections.

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

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

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

219 37-5-9. The name of any qualified elector who is a candidate  
220 for the county board of education shall be placed on the ballot



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

239 When any member of the county board of education is to be  
240 elected from the county at large under the provisions of this  
241 chapter, then the petition required by the preceding paragraph  
242 hereof shall be signed by the required number of qualified  
243 electors residing in any part of the county outside of the  
244 territory embraced within a municipal separate school district or  
245 special municipal separate school district. The candidate who



246 receives the majority of votes cast in the election shall be  
247 declared elected. If no candidate receives a majority of the  
248 votes cast at the election, a runoff shall be held between the two  
249 (2) candidates receiving the highest number of votes in the first  
250 election. The runoff election, in the event that such is  
251 necessary, shall be held \* \* \* four (4) weeks after the first  
252 election.

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

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

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

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

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



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

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

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

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

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

290 37-7-227. (1) The county election commissioners shall  
291 indicate on the ballot which of the persons whose names appear  
292 thereon are candidates for a full term, and which of such persons,  
293 if any, are candidates for an unexpired term or terms. The  
294 candidate who receives a majority of the votes cast, either for a  
295 full term or for an unexpired term or terms, as indicated on the



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

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

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

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



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

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

344 **SECTION 13.** (1) Ranked-choice voting, also known as instant  
345 runoff voting, is prohibited in statewide, county, local,



346 municipal and school district elections in the State of  
347 Mississippi.

348 (2) Any voting method that allows electors to rank  
349 candidates for an office in order of preference and has ballots  
350 cast that will be tabulated in multiple rounds following the  
351 elimination of a candidate until a single candidate attains a  
352 majority shall not be used in determining the election or  
353 nomination of any candidate for elective office in this state,  
354 including elective offices for any county, municipality, school  
355 district, state or federal office.

356 (3) Any existing or future ordinance or policy enacted or  
357 adopted by a county, municipality, school district, or any other  
358 local governmental entity that conflicts with this section is void  
359 on and after July 1, 2024.

360 (4) This section shall not apply to electors who are  
361 entitled to vote absentee ballot under the federal Uniformed and  
362 Overseas Citizens Absentee Voting Act, 52 USC Section 20301 et  
363 seq., as amended.

364 **SECTION 14.** Section 13 of this act shall take effect and be  
365 in force from and after July 1, 2024. The remainder of this act  
366 shall take effect and be in force from and after January 1, 2025.

