

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2144: Runoff elections; amend to lengthen the timing requirement.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

19 **SECTION 1.** Section 23-15-191, Mississippi Code of 1972, is
20 amended as follows:
21 23-15-191. The first primary shall be held on the first
22 Tuesday after the first Monday of August preceding any regular or
23 general election; and the second primary shall be held * * * four
24 (4) weeks thereafter. The candidate * * * who receives a majority
25 of the votes cast in the election shall be the party nominee. If
26 no candidate receives a majority vote at the election, then the
27 two (2) candidates who receive the highest number of votes shall
28 have their names placed on the ballot for the second primary
29 election to be held * * * four (4) weeks later. The candidate who
30 receives the most votes in the second primary election shall be
31 the party nominee. However, if no candidate receives a majority
32 vote at the first primary, and there is a tie in the election of



33 those receiving the next highest vote, then those candidates
34 receiving the next highest vote and the candidate receiving the
35 highest vote shall have their names placed on the ballot for the
36 second primary election to be held * * * four (4) weeks later, and
37 whoever receives the most votes cast in the second primary
38 election shall be the party nominee.

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

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



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

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

80 **[Until December 31, 2027, this section shall read as follows:**



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

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

101 (b) At the general election in * * * 2027, the
102 qualified electors of the board of supervisors' Districts Two and
103 Four shall elect in their district one (1) election commissioner
104 who shall serve for a term of three (3) years.



105 (c) No more than one (1) commissioner shall be a
106 resident of and reside in each supervisor's district of the
107 county; it being the purpose of this section that the county board
108 of election commissioners shall consist of one (1) person from
109 each supervisor's district of the county and that each
110 commissioner be elected from the supervisor's district in which he
111 or she resides.

112 (3) Candidates for county election commissioner shall
113 qualify by filing with the clerk of the board of supervisors of
114 their respective counties a petition personally signed by not less
115 than fifty (50) qualified electors of the supervisor's district in
116 which they reside, requesting that they be a candidate, by 5:00
117 p.m. not later than February 1 of the year in which the election
118 occurs and unless the petition is filed within the required time,
119 their names shall not be placed upon the ballot. * * *

120 (4) The names of candidates for the office of election
121 commissioner which appear on the ballot at the general election
122 shall be grouped together on a separate portion of the ballot and
123 clearly identified as nonpartisan. The names of all candidates
124 for the office of election commissioner shall be listed in
125 alphabetical order on any ballot, and no reference to political
126 party affiliation shall appear on any ballot with respect to the
127 nonpartisan office of election commissioner or the candidate for
128 the nonpartisan office of election commissioner.



129 (* * *5) The petition shall have attached thereto a
130 certificate of the county registrar showing the number of
131 qualified electors on each petition, which shall be furnished by
132 the registrar on request. The board shall determine the
133 sufficiency of the petition, and if the petition contains the
134 required number of signatures and is filed within the time
135 required, the president of the board shall verify that the
136 candidate is a resident of the supervisor's district in which he
137 or she seeks election and that the candidate is otherwise
138 qualified as provided by law, and shall certify that the candidate
139 is qualified to the chair or secretary of the county election
140 commission and the names of the candidates shall be placed upon
141 the ballot for the ensuing election. No county election
142 commissioner shall serve or be considered as elected until he or
143 she has received a majority of the votes cast for the position or
144 post for which he or she is a candidate. If a majority vote is
145 not received in the first election, then the two (2) candidates
146 receiving the most votes for each position or post shall be placed
147 upon the ballot for a second election to be held * * * four (4)
148 weeks later in accordance with appropriate procedures followed in
149 other elections involving runoff candidates.

150 (* * *6) In the first meeting in January of each year, the
151 county election commissioners shall organize by electing a chair
152 and a secretary, who shall serve a one-year term. The county
153 election commissioners shall provide the names of the chair and



154 secretary to the Secretary of State and provide notice of any
155 change in officers which may occur during the year.

156 (* * *7) It shall be the duty of the chair to have the
157 official ballot printed and distributed at each general or special
158 election.

159 **[From and after January 1, 2028, this section shall read as**
160 **follows:]**

161 23-15-213. (1) There shall be elected five (5) election
162 commissioners for each county whose terms of office shall commence
163 on the first Monday of January following their election and who
164 shall serve for a term of four (4) years. Each of the
165 commissioners shall be required to attend a training seminar
166 provided by the Secretary of State and satisfactorily complete a
167 skills assessment, and before acting, shall take and subscribe the
168 oath of office prescribed by the Constitution. The oath shall be
169 filed in the office of the clerk of the chancery court. Upon
170 filing the oath of office, the election commissioner may be
171 provided access to the Statewide Elections Management System for
172 the purpose of performing his or her duties. Such skills
173 assessment shall only be required once every four (4) years.
174 While engaged in their duties, the commissioners shall be
175 conservators of the peace in the county, with all the duties and
176 powers of such.

177 (2) (a) At the general election in 2028 and every four (4)
178 years thereafter, the qualified electors of the board of



179 supervisors' Districts One, Three and Five shall elect in their
180 district one (1) election commissioner.

181 (b) At the general election in 2030 and every four (4)
182 years thereafter, the qualified electors of the board of
183 supervisors' Districts Two and Four shall elect in their district
184 one (1) election commissioner.

185 (c) No more than one (1) commissioner shall be a
186 resident of and reside in each supervisor's district of the
187 county; it being the purpose of this section that the county board
188 of election commissioners shall consist of one (1) person from
189 each supervisor's district of the county and that each
190 commissioner be elected from the supervisor's district in which he
191 or she resides.

192 (3) Candidates for county election commissioner shall
193 qualify by filing with the clerk of the board of supervisors of
194 their respective counties a petition personally signed by not less
195 than fifty (50) qualified electors of the supervisor's district in
196 which they reside, requesting that they be a candidate, by 5:00
197 p.m. not later than February 1 of the year in which the election
198 occurs and unless the petition is filed within the required time,
199 their names shall not be placed upon the ballot.

200 (4) The names of candidates for the office of election
201 commissioner who appear on the ballot at the general election
202 shall be grouped together on a separate portion of the ballot and
203 clearly identified as nonpartisan. The names of all candidates



204 for the office of election commissioner shall be listed in
205 alphabetical order on any ballot, and no reference to political
206 party affiliation shall appear on any ballot with respect to the
207 nonpartisan office of election commissioner or the candidate for
208 the nonpartisan office of election commissioner.

209 (5) The petition shall have attached thereto a certificate
210 of the county registrar showing the number of qualified electors
211 on each petition, which shall be furnished by the registrar on
212 request. The board shall determine the sufficiency of the
213 petition, and if the petition contains the required number of
214 signatures and is filed within the time required, the president of
215 the board shall verify that the candidate is a resident of the
216 supervisor's district in which he or she seeks election and that
217 the candidate is otherwise qualified as provided by law, and shall
218 certify that the candidate is qualified to the chair or secretary
219 of the county election commission and the names of the candidates
220 shall be placed upon the ballot for the ensuing election. No
221 county election commissioner shall serve or be considered as
222 elected until he or she has received a majority of the votes cast
223 for the position or post for which he or she is a candidate. If a
224 majority vote is not received in the first election, then the two
225 (2) candidates receiving the most votes for each position or post
226 shall be placed upon the ballot for a second election to be held
227 four (4) weeks later in accordance with appropriate procedures
228 followed in other elections involving runoff candidates.



229 (6) In the first meeting in January of each year, the county
230 election commissioners shall organize by electing a chair and a
231 secretary, who shall serve a one-year term. The county election
232 commissioners shall provide the names of the chair and secretary
233 to the Secretary of State and provide notice of any change in
234 officers which may occur during the year.

235 (7) It shall be the duty of the chair to have the official
236 ballot printed and distributed at each general or special
237 election.

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

240 23-15-833. Except as otherwise provided by law, the first
241 Tuesday after the first Monday in November of each year shall be
242 designated the regular special election day, and on that day an
243 election shall be held to fill any vacancy in county, county
244 district, and district attorney elective offices, and any vacancy
245 in the office of circuit judge or chancellor.

246 All special elections, or elections to fill vacancies, shall
247 in all respects be held, conducted and returned in the same manner
248 as general elections, except that where no candidate receives a
249 majority of the votes cast in the election, a runoff election
250 shall be held * * * four (4) weeks after the election. The two
251 (2) candidates who receive the highest popular votes for the
252 office shall have their names submitted as the candidates to the
253 runoff and the candidate who leads in the runoff election shall be



254 elected to the office. When there is a tie in the first election
255 of those receiving the next highest vote, these two (2) and the
256 one receiving the highest vote, none having received a majority,
257 shall go into the runoff election and whoever leads in the runoff
258 election shall be entitled to the office.

259 In those years when the regular special election day shall
260 occur on the same day as the general election, the names of
261 candidates in any special election and the general election shall
262 be placed on the same ballot, but shall be clearly distinguished
263 as general election candidates or special election candidates. At
264 any time a special election is held on the same day as a party
265 primary election, the names of the candidates in the special
266 election may be placed on the same ballot, but shall be clearly
267 distinguished as special election candidates or primary election
268 candidates.

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

271 23-15-981. If two (2) or more candidates qualify for
272 judicial office, the names of those candidates shall be placed on
273 the general election ballot. If any candidate for such an office
274 receives a majority of the votes cast for such office in the
275 general election, he shall be declared elected. If no candidate
276 for such office receives a majority of the votes cast for such
277 office in the general election, the names of the two (2)
278 candidates receiving the highest number of votes for such office



279 shall be placed on the ballot for a second election to be
280 held * * * four (4) weeks later in accordance with appropriate
281 procedures followed in other elections involving runoff
282 candidates.

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

285 23-15-1031. Except as provided by Section 23-15-1081, the
286 first primary election for Congressmen shall be held on the first
287 Tuesday in June of the years in which congressmen are elected, and
288 a second primary, if necessary, shall be held * * * four (4) weeks
289 thereafter. Each year in which a presidential election is held,
290 the congressional primary shall be held as provided in Section
291 23-15-1081. The election shall be held in all districts of the
292 state on the same day. Candidates for United States Senator shall
293 be nominated at the congressional primary next preceding the
294 general election at which a senator is to be elected and in the
295 same manner that congressmen are nominated. The chair and
296 secretary of the state executive committee shall certify the vote
297 for United States Senator to the Secretary of State in the same
298 manner that county executive committees certify the returns of
299 counties in general state and county primary elections.

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

302 23-15-1083. Beginning in 1988, as an alternative to the
303 congressional primary election date set forth in Section



304 23-15-1031, when a political party elects to conduct a
305 presidential preference primary, the first primary election for
306 congressmen, and senators, if senators are to be elected, shall be
307 held on the second Tuesday in March, and the second primary, when
308 one is necessary, shall be held * * * four (4) weeks thereafter,
309 and the election shall be held in all districts of the state on
310 the same day.

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

313 37-5-9. The name of any qualified elector who is a candidate
314 for the county board of education shall be placed on the ballot
315 used in the general elections by the county election
316 commissioners, provided that the candidate files with the county
317 election commissioners, not more than ninety (90) days and not
318 less than sixty (60) days prior to the date of such general
319 election, a petition of nomination signed by not less than fifty
320 (50) qualified electors of the county residing within each
321 supervisors district. Where there are less than one hundred (100)
322 qualified electors in said supervisors district, it shall only be
323 required that said petition of nomination be signed by at least
324 twenty percent (20%) of the qualified electors of such supervisors
325 district. The candidate in each supervisors district who receives
326 the majority of votes cast in the district shall be declared
327 elected. If no candidate receives a majority of the votes cast at
328 the election, a runoff shall be held between the two (2)



329 candidates receiving the highest number of votes in the first
330 election. The runoff election, in the event that such is
331 necessary, shall be held * * * four (4) weeks after the first
332 election.

333 When any member of the county board of education is to be
334 elected from the county at large under the provisions of this
335 chapter, then the petition required by the preceding paragraph
336 hereof shall be signed by the required number of qualified
337 electors residing in any part of the county outside of the
338 territory embraced within a municipal separate school district or
339 special municipal separate school district. The candidate who
340 receives the majority of votes cast in the election shall be
341 declared elected. If no candidate receives a majority of the
342 votes cast at the election, a runoff shall be held between the two
343 (2) candidates receiving the highest number of votes in the first
344 election. The runoff election, in the event that such is
345 necessary, shall be held * * * four (4) weeks after the first
346 election.

347 In no case shall any qualified elector residing within a
348 municipal separate school district or special municipal separate
349 school district be eligible to sign a petition of nomination for
350 any candidate for the county board of education under any of the
351 provisions of this section.

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



354 37-7-215. All such elections shall be held on the first
355 Tuesday after the first Monday in November of each year and in the
356 same manner as general state and county elections are held and
357 conducted. In the event a runoff is necessary the runoff shall be
358 held * * * four (4) weeks thereafter.

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

361 37-7-217. (1) The county election commissioners shall
362 indicate on the ballot which of the persons whose names appear
363 thereon are candidates for a full term, and which of such persons,
364 if any, are candidates for an unexpired term or terms.

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

368 (3) A person elected shall assume the duties of his office
369 for the full term on the first day of January if the election is
370 for the full term. A person elected to an unexpired term shall
371 assume office immediately.

372 (4) The county election commissioners shall forthwith
373 certify the results of the election to the superintendent of the
374 municipal separate or special municipal separate school district,
375 as the case may be, which certificate shall be delivered to such
376 superintendent within five (5) days following the first election.

377 (5) If a person does not receive a majority of the votes
378 cast at the election, a runoff shall be held between the two (2)



379 persons receiving the highest number of votes at the first
380 election. In the event a runoff is necessary, the runoff shall be
381 held four (4) weeks thereafter.

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

384 37-7-227. (1) The county election commissioners shall
385 indicate on the ballot which of the persons whose names appear
386 thereon are candidates for a full term, and which of such persons,
387 if any, are candidates for an unexpired term or terms. The
388 candidate who receives a majority of the votes cast, either for a
389 full term or for an unexpired term or terms, as indicated on the
390 ballot, shall be declared elected, and the person or persons
391 elected to a full term shall assume the duties of his office on
392 the first day of January of the year following such election. The
393 person or persons elected to an unexpired term(s) shall assume
394 office immediately. If no candidate receives a majority of the
395 votes cast at the election, a runoff shall be held in the same
396 manner * * * four (4) weeks after the election between the two (2)
397 candidates receiving the highest number of votes upon the first
398 ballot.

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



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

405 37-7-711. In all such special municipal separate school
406 districts which may be so organized, reorganized or reconstituted
407 to embrace the entire county in which the majority of the
408 inhabitants of the county reside outside the corporate limits of
409 the municipality, the name of any qualified elector who is a
410 candidate for the board of trustees of such special municipal
411 separate school district, whether such person be a candidate for
412 an unexpired term or for a full term, shall be placed on the
413 ballot used in the elections, provided that the candidate files
414 with the county election commissioners, not more than ninety (90)
415 days and not less than sixty (60) days prior to the date of such
416 general election, a petition of nomination signed by not less than
417 fifty (50) qualified electors of the county. Where there are less
418 than one hundred (100) qualified electors in said area represented
419 by the trustee, it shall only be required that said petition of
420 nomination be signed by at least twenty percent (20%) of the
421 qualified electors in said area. However, in any such special
422 municipal separate school district which embraces the entire
423 county and which borders the Mississippi River and in which
424 Interstate Highway 20 and United States Highway 61 intersect and
425 having a population in excess of forty-seven thousand (47,000)
426 according to the 1990 federal decennial census, the candidate
427 shall be required to file a petition of nomination with the county



428 election commissioners not less than sixty (60) days prior to the
429 date of such general election, in addition to the other
430 requirements prescribed herein.

431 The candidate in each election who receives the majority of
432 votes cast in the election shall be declared to have been elected.
433 If no candidate receives a majority of the votes cast at the
434 election, a runoff shall be held between the two (2) candidates
435 receiving the highest number of votes in the first election. The
436 runoff election, in the event that such is necessary, shall be
437 held * * * four (4) weeks after the first election.

438 **SECTION 13.** (1) Ranked choice voting, also known as instant
439 runoff voting, is prohibited in statewide, county, local,
440 municipal and school district elections in the State of
441 Mississippi.

442 (2) Any voting method that allows electors to rank
443 candidates for an office in order of preference and has ballots
444 cast that will be tabulated in multiple rounds following the
445 elimination of a candidate until a single candidate attains a
446 majority shall not be used in determining the election or
447 nomination of any candidate for elective office in this state,
448 including elective offices for any county, municipality, school
449 district, state or federal office.

450 (3) Any existing or future ordinance or policy enacted or
451 adopted by a county, municipality, school district, or any other



452 local governmental entity that conflicts with this section is void
453 on and after July 1, 2024.

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

458 **SECTION 14.** This act shall take effect and be in force from
459 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 23-15-191, 23-15-193, 23-15-833,
2 23-15-981, 23-15-1031, 23-15-1083, 37-5-9, 37-7-215, 37-7-217,
3 37-7-227 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO REVISE THE
4 TIME FOR HOLDING RUNOFF ELECTIONS TO FOUR WEEKS AFTER THE FIRST
5 ELECTION INSTEAD OF THREE WEEKS; TO AMEND SECTION 23-15-213,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE NAMES OF CANDIDATES
7 FOR THE OFFICE OF ELECTION COMMISSIONER SHALL BE LISTED AS
8 NONPARTISAN ON A BALLOT; TO REVISE THE STAGGERED TERMS OF ELECTION
9 COMMISSIONERS IN DISTRICTS TWO AND FOUR; TO PROVIDE THAT THOSE
10 ELECTION COMMISSIONERS FROM DISTRICTS TWO AND FOUR ELECTED IN THE
11 2027 ELECTION SHALL BE ELECTED FOR A THREE-YEAR TERM; TO PROVIDE
12 THAT THOSE ELECTION COMMISSIONERS FROM DISTRICTS TWO AND FOUR
13 ELECTED IN THE 2030 ELECTION SHALL SERVE A FOUR-YEAR TERM AND
14 EVERY FOUR YEARS THEREAFTER; TO CREATE A NEW SECTION IN TITLE 23,
15 CHAPTER 15, ARTICLE 27, MISSISSIPPI CODE OF 1972, TO PROHIBIT
16 RANKED CHOICE VOTING IN STATEWIDE, COUNTY, LOCAL, MUNICIPAL OR
17 SCHOOL DISTRICT ELECTIONS; AND FOR RELATED PURPOSES.

X (SIGNED)
England

X (SIGNED)
Sanford

X (SIGNED)
Fillingane

X (SIGNED)
Tullos

X (SIGNED)
Tate

X (SIGNED)
Wallace

