

By: Representative Powell

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1276

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE STATE OFFICERS THAT RECEIVE A MAJORITY OF
3 VOTES CAST FOR THE OFFICE AT THE GENERAL ELECTION SHALL BE
4 ELECTED, BUT IF NO CANDIDATE RECEIVES A MAJORITY NUMBER OF VOTES
5 CAST AT THE ELECTION, THEN THE TWO CANDIDATES WHO RECEIVE THE
6 HIGHEST NUMBER OF VOTES CAST SHALL HAVE THEIR NAMES PLACED ON THE
7 BALLOT FOR THE RUNOFF ELECTION TO BE HELD THREE WEEKS LATER; TO
8 AMEND SECTIONS 23-15-603 AND 7-3-5, MISSISSIPPI CODE OF 1972, TO
9 CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-193, Mississippi Code of 1972, is
12 amended as follows:

13 23-15-193. (1) At the election in * * * 2023, and every
14 four (4) years thereafter, there shall be elected a Governor,
15 Lieutenant Governor, Secretary of State, Auditor of Public
16 Accounts, State Treasurer, Attorney General, three (3) public
17 service commissioners, three (3) Mississippi Transportation
18 Commissioners, Commissioner of Insurance, Commissioner of
19 Agriculture and Commerce, Senators and members of the House of
20 Representatives in the Legislature, district attorneys for the
21 several districts, clerks of the circuit and chancery courts of



the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

(2) The state officers that receive a majority of votes cast for the office at the general election shall be elected. If no candidate receives a majority number of votes cast at the election, then the two (2) candidates who receive the highest number of votes cast shall have their names placed on the ballot for the runoff election to be held three (3) weeks later. The candidate who receives a majority of the votes cast in the runoff election shall be elected. However, if no candidate receives a majority vote cast at the election, and there is a tie in the election of those receiving the next highest vote, then those candidates receiving the next highest vote and the candidate receiving the highest number of votes cast shall have their names placed on the ballot for the runoff election to be held three (3) weeks later, and whoever receives the majority of votes cast in the runoff election shall be elected. If it appears that two (2) or more candidates for state office have an equal number of votes after the runoff election, the interested candidates shall appear



47 before the Chief Justice of the Mississippi Supreme Court within
48 two (2) days after the canvass and the tie shall be determined by
49 a toss of a coin or by lot fairly and publicly drawn, and a
50 certificate of election shall be given accordingly.

51 **SECTION 2.** Section 23-15-603, Mississippi Code of 1972, is
52 amended as follows:

53 23-15-603. (1) The election commissioners shall, within ten
54 (10) days after the general election and within ten (10) days
55 after a runoff election, if one is required, transmit to the
56 Secretary of State, to be filed in his or her office, a statement
57 of the whole number of votes given in their county and the whole
58 number of votes given in each precinct in their county, for each
59 candidate for any office at the election; but the returns of every
60 election for Governor, Lieutenant Governor, Secretary of State,
61 Attorney General, Auditor of Public Accounts, State Treasurer,
62 Commissioner of Insurance and other state officers, shall each be
63 made out separately, sealed up together and transmitted to the
64 seat of government, directed to the Secretary of State, and
65 endorsed the "VOTE FOR STATE OFFICERS * * *." * * * In addition
66 to the other information required pursuant to this subsection, the
67 returns for state officers shall contain a statement of the whole
68 number of votes given in each House of Representative district or
69 portion thereof for each candidate for state office at the
70 election.



71 (2) Constitutional amendments shall be voted for at the time
72 fixed by the concurrent resolution. The election, whether held
73 separately or with other elections, shall be conducted, in all
74 respects, as required for elections generally. The election
75 commissioners shall, within ten (10) days after the election,
76 transmit to the Secretary of State a statement of the whole number
77 of votes given in their county and the whole number of votes given
78 in each precinct in their county for or against constitutional
79 amendments.

80 (3) The statements certified by the election commissioners
81 and transmitted to the Secretary of State, as required by this
82 section, shall be tabulated by the Secretary of State * * *.
83 Certified county vote totals shall represent the final results of
84 the election.

85 (4) The statements required by this section shall contain a
86 certification, signed and dated by a majority of the election
87 commissioners, which shall read as follows:

88 "We, the undersigned election commissioners, do
89 hereby certify that this statement of the whole number
90 of votes contains the official vote for the election
91 reflected therein."

92 (5) The statements required by this section shall be
93 transmitted to the Secretary of State on such forms and by such
94 methods as may be required by rules and regulations promulgated by
95 the Secretary of State.



96 **SECTION 3.** Section 7-3-5, Mississippi Code of 1972, is
97 amended as follows:

98 7-3-5. The Secretary of State shall keep a correct register
99 of all official acts and proceedings of the Governor * * * and
100 take charge of and safely keep in his office the returns of all
101 elections by the people * * *. He shall lay all official
102 documents before either branch of the Legislature when required;
103 he shall receive from the Clerk of the House of Representatives
104 and the Secretary of the Senate, and shall carefully keep and
105 preserve in his office, the journals, papers and proceedings of
106 both houses of the Legislature; and he shall carefully keep and
107 preserve the enrolled acts and resolutions of the Legislature,
108 maps, charts and other property of the state remaining at the seat
109 of government, the keeping of which is not otherwise provided for.
110 He shall act as the custodian of the apostille issued by the
111 Department of Authentications Office of the Hague Conference on
112 Private International Law and shall act as the authorizing
113 official for public documents under the Hague agreement of 1961.

114 **SECTION 4.** This act shall take effect and be in force from
115 and after July 1, 2023.

