

By: Moak

To: Apportionment and
Elections

HOUSE BILL NO. 149

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,
2 TO DELETE JUSTICE COURT JUDGE AS ONE OF THE OFFICES TO BE ELECTED
3 AT THE GENERAL STATE ELECTION; TO AMEND SECTION 23-15-297,
4 MISSISSIPPI CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES
5 FROM THE LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN
6 ELECTION FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THIS SECTION, WHICH
8 REQUIRES THE NAMES OF ALL CANDIDATES NOMINATED FOR OFFICE TO BE
9 PRINTED ON THE BALLOT, SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO
10 AMEND SECTION 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
11 JUSTICE COURT JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE
12 DURING COURT TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977,
13 MISSISSIPPI CODE OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER
14 THE NONPARTISAN JUDICIAL ELECTION ACT; TO AMEND SECTION
15 23-15-1015, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE
16 COURT JUDGES SHALL BE ELECTED AT THE SAME TIME AS CHANCERY AND
17 CIRCUIT JUDGES; TO AMEND SECTION 23-15-197, MISSISSIPPI CODE OF
18 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
19 PURPOSES.

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

21 SECTION 1. Section 23-15-193, Mississippi Code of 1972, is
22 amended as follows:

23 23-15-193. At the election in 1995, and every four (4) years
24 thereafter, there shall be elected a Governor, Lieutenant
25 Governor, Secretary of State, Auditor of Public Accounts, State
26 Treasurer, Attorney General, three (3) public service
27 commissioners, three (3) Mississippi Transportation Commissioners,
28 Commissioner of Insurance, Commissioner of Agriculture and
29 Commerce, Senators and members of the House of Representatives in

30 the Legislature, district attorneys for the several districts,
31 clerks of the circuit and chancery courts of the several counties,
32 as well as sheriffs, coroners, assessors, surveyors and members of
33 the boards of supervisors * * * and constables, and all other
34 officers to be elected by the people at the general state
35 election. All * * * officers shall hold their offices for a term
36 of four (4) years, and until their successors are elected and
37 qualified. The state officers shall be elected in the manner
38 prescribed in Section 140 of the Constitution.

39 SECTION 2. Section 23-15-197, Mississippi Code of 1972, is
40 amended as follows:

41 23-15-197. (1) Times for holding primary and general
42 elections for congressional offices shall be as prescribed in
43 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

44 (2) Times for holding elections for the office of judge of
45 the Supreme Court shall be as prescribed in Section 23-15-991 and
46 Sections 23-15-974 through 23-15-985.

47 (3) Times for holding elections for the office of circuit
48 court judge, the office of chancery court judge and the office of
49 justice court judge shall be as prescribed in Sections 23-15-974
50 through 23-15-985 and Section 23-15-1015.

51 (4) Times for holding elections for the office of county
52 election commissioners shall be as prescribed in Section
53 23-15-213.

54 SECTION 3. Section 23-15-297, Mississippi Code of 1972, is
55 amended as follows:

56 23-15-297. Any candidate * * * entering the race for party
57 nominations for office shall first pay to the proper officer as
58 provided for in Section 23-15-299 for each primary election the
59 following amounts:

60 (a) Candidates for Governor not to exceed Three Hundred

61 Dollars (\$300.00).

62 (b) Candidates for Lieutenant Governor, Attorney
63 General, Secretary of State, State Treasurer, Auditor of Public
64 Accounts, Commissioner of Insurance, Commissioner of Agriculture
65 and Commerce, State Highway Commissioner and State Public Service
66 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

67 (c) Candidates for district attorney, not to exceed One
68 Hundred Dollars (\$100.00).

69 (d) Candidates for State Senator, State Representative,
70 sheriff, chancery clerk, circuit clerk, tax assessor, tax
71 collector, county attorney, county superintendent of education and
72 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

73 (e) Candidates for county surveyor, county
74 coroner * * * and constable, not to exceed Ten Dollars (\$10.00).

75 (f) Candidates for United States Senator, not to exceed
76 Three Hundred Dollars (\$300.00).

77 (g) Candidates for United States Representative, not to
78 exceed Two Hundred Dollars (\$200.00).

79 SECTION 4. Section 23-15-359, Mississippi Code of 1972, is
80 amended as follows:

81 23-15-359. (1) The ballot shall contain the names of all
82 candidates who have been put in nomination, not less than sixty
83 (60) days before the day of the election, by the primary election
84 of any political party. There shall be printed on the ballots the
85 names of all persons so nominated, whether the nomination be
86 otherwise known or not, upon the written request of one or more of
87 the candidates so nominated, or of any qualified elector who will
88 make oath that he was a participant in the primary election, and

89 that the person whose name is presented by him was nominated by
90 the primary election. The commissioner shall * * * have printed
91 on the ballot in any general or special election the name of any
92 candidate who, not having been nominated by a political party,
93 shall have been requested to be a candidate for any office by a
94 petition filed as provided for in subsection (3) or (4) of this
95 section, as appropriate, and signed by not less than the following
96 number of qualified electors:

97 (a) For an office elected by the state at large, not
98 less than one thousand (1,000) qualified electors.

99 (b) For an office elected by the qualified electors of
100 a Supreme Court district, not less than three hundred (300)
101 qualified electors.

102 (c) For an office elected by the qualified electors of
103 a congressional district, not less than two hundred (200)
104 qualified electors.

105 (d) For an office elected by the qualified electors of
106 a circuit or chancery court district, not less than one hundred
107 (100) qualified electors.

108 (e) For an office elected by the qualified electors of
109 a senatorial or representative district, not less than fifty (50)
110 qualified electors.

111 (f) For an office elected by the qualified electors of
112 a county, not less than fifty (50) qualified electors.

113 (g) For an office elected by the qualified electors of
114 a supervisors district or justice court district, not less than
115 fifteen (15) qualified electors.

116 (2) Unless the petition required above shall be filed as

117 provided for in subsection (3) or (4) of this section, as
118 appropriate, the name of the person requested to be a candidate,
119 unless nominated by a political party, shall not be placed upon
120 the ballot. The ballot shall contain the names of each candidate
121 for each office, and the names shall be listed under the name of
122 the political party the candidate represents as provided by law
123 and as certified to the circuit clerk by the State Executive
124 Committee of such political party. In the event the candidate
125 qualifies as an independent as herein provided, he shall be listed
126 on the ballot as an independent candidate.

127 (3) Petitions for offices described in paragraphs (a), (b),
128 (c) and (d) of subsection (1) of this section, and petitions for
129 offices described in paragraph (e) of subsection (1) of this
130 section for districts composed of more than one (1) county or
131 parts of more than one (1) county, shall be filed with the State
132 Board of Election Commissioners by no later than 5:00 p.m. on the
133 same date by which candidates for nominations in the political
134 party primary elections are required to pay the fee provided for
135 in Section 23-15-297, Mississippi Code of 1972.

136 (4) Petitions for offices described in paragraphs (f) and
137 (g) of subsection (1) of this section, and petitions for offices
138 described in paragraph (e) of subsection (1) of this section for
139 districts composed of one (1) county or less, shall be filed with
140 the proper circuit clerk by no later than 5:00 p.m. on the same
141 date by which candidates for nominations in the political party
142 elections are required to pay the fee provided for in Section
143 23-15-297. The circuit clerk shall notify the county
144 commissioners of election of all persons who have filed petitions

145 with the clerk. The notification shall occur within two (2)
146 business days and shall contain all necessary information.

147 (5) The commissioners may * * * have printed upon the ballot
148 any local issue election matter that is authorized to be held on
149 the same date as the regular or general election pursuant to
150 Section 23-15-375; * * * however, * * * the ballot form of the
151 local issue must be filed with the commissioners of election by
152 the appropriate governing authority not less than sixty (60) days
153 before the date of the election.

154 (6) The provisions of this section shall not apply to
155 municipal elections or to the election of the offices of justice
156 of the Supreme Court, judge of the Court of Appeals, circuit
157 judge, chancellor, county court judge, family court judge and
158 justice court judge.

159 (7) Nothing in this section shall prohibit special elections
160 to fill vacancies in either house of the Legislature from being
161 held as provided in Section 23-15-851. In all elections conducted
162 under the provisions of Section 23-15-851 the commissioner shall
163 have printed on the ballot the name of any candidate who, not
164 having been nominated by a political party, shall have been
165 requested to be a candidate for any office by a petition filed
166 with the commissioner not less than ten (10) working days before
167 the election, and signed by not less than fifty (50) qualified
168 electors.

169 SECTION 5. Section 23-15-973, Mississippi Code of 1972, is
170 amended as follows:

171 23-15-973. It shall be the duty of the judges of the circuit
172 court to give a reasonable time and opportunity to the candidates

173 for the office of judge of the Supreme Court, judges of the Court
174 of Appeals, circuit judge, chancellor and justice court judge to
175 address the people during court terms. In order to give further
176 and every possible emphasis to the fact that the * * * judicial
177 offices are not political but are to be held without favor and
178 with absolute impartiality as to all persons, and because of the
179 jurisdiction conferred upon the courts by this chapter, the judges
180 thereof should be as far removed as possible from any political
181 affiliations or obligations. It shall be unlawful for any
182 candidate for any of the offices mentioned in this section to
183 align himself with any candidate or candidates for any other
184 office or with any political faction or any political party at any
185 time during any primary or general election campaign. Likewise it
186 shall be unlawful for any candidate for any other office nominated
187 or to be nominated at any primary election, wherein any candidate
188 for any of the judicial offices in this section mentioned, is or
189 are to be nominated, to align himself with any one or more of the
190 candidates for the offices or to take any part whatever in any
191 nomination for any one or more of the judicial offices, except to
192 cast his individual vote. Any candidate for any office, whether
193 nominated with or without opposition, at any primary wherein a
194 candidate for any one of the judicial offices * * * mentioned in
195 this section is to be nominated who shall deliberately, knowingly
196 and willfully violate the provisions of this section shall forfeit
197 his nomination, or if elected at the following general election by
198 virtue of said nomination, his election shall be void.

199 SECTION 6. Section 23-15-975, Mississippi Code of 1972, is
200 amended as follows:

201 23-15-975. As used in Sections 23-15-974 through 23-15-985
202 of this subarticle, the term "judicial office" includes the office
203 of justice of the Supreme Court, judge of the Court of Appeals,
204 circuit judge, chancellor, county court judge, family court judge
205 and justice court judge. All * * * justices and judges, except
206 justice court judges, shall be full-time positions and the
207 justices and judges shall not engage in the practice of law before
208 any court, administrative agency or other judicial or
209 quasi-judicial forum except as provided by law for finalizing
210 pending cases after election to judicial office.

211 SECTION 7. Section 23-15-977, Mississippi Code of 1972, is
212 amended as follows:

213 23-15-977. (1) All candidates for judicial office as
214 defined in Section 23-15-975 of this subarticle shall file their
215 intent to be a candidate with the proper officials not later than
216 the first Friday after the first Monday in May before the general
217 election for judicial office and shall pay to the proper officials
218 the following amounts:

219 (a) Candidates for Supreme Court judge and Court of
220 Appeals, the sum of Two Hundred Dollars (\$200.00).

221 (b) Candidates for circuit judge and chancellor, the
222 sum of One Hundred Dollars (\$100.00).

223 (c) Candidates for county judge, family court judge and
224 justice court judge, the sum of Fifteen Dollars (\$15.00).

225 (2) Candidates for judicial offices listed in paragraphs (a)
226 and (b) of subsection (1) of this section shall file their intent
227 to be a candidate with, and pay the proper assessment made
228 pursuant to subsection (1) of this section to, the State Board of

229 Election Commissioners.

230 (3) Candidates for judicial offices listed in paragraph (c)
231 of subsection (1) of this section shall file their intent to be a
232 candidate with, and pay the proper assessment made pursuant to
233 subsection (1) of this section to, the circuit clerk of the proper
234 county. The circuit clerk shall notify the county commissioners
235 of election of all persons who have filed their intent to be a
236 candidate filed with, and paid the proper assessment to, such
237 clerk. The notification shall occur within two (2) business days
238 and shall contain all necessary information.

239 SECTION 8. Section 23-15-1015, Mississippi Code of 1972, is
240 amended as follows:

241 23-15-1015. On Tuesday after the first Monday in November
242 1986, and every four (4) years thereafter and concurrently with
243 the election for representatives in Congress, there shall be held
244 an election in every county for judges of the several circuit,
245 chancery and justice court districts. The laws regulating the
246 general elections shall, except as otherwise provided for in
247 Sections 23-15-974 through 23-15-985, apply to and govern
248 elections of judges of the circuit and chancery courts.

249 SECTION 9. The Attorney General of the State of Mississippi
250 shall submit this act, immediately upon approval by the Governor,
251 or upon approval by the Legislature subsequent to a veto, to the
252 Attorney General of the United States or to the United States
253 District Court for the District of Columbia in accordance with the
254 provisions of the Voting Rights Act of 1965, as amended and
255 extended.

256 SECTION 10. This act shall take effect and be in force from

257 and after January 1, 2001, or the date it is effectuated under
258 Section 5 of the Voting Rights Act of 1965, as amended and
259 extended, whichever date is later.