

By: Burton

To: Elections

SENATE BILL NO. 2211

1 AN ACT TO PROVIDE THAT JUSTICE COURT JUDGES SHALL BE ELECTED
 2 AT AN ELECTION HELD AT THE SAME TIME AS THE ELECTION OF CIRCUIT
 3 COURT JUDGES; TO PROVIDE THAT THE TERM OF OFFICE FOR JUSTICE COURT
 4 JUDGES ELECTED FOR THE TERM OF OFFICE COMMENCING IN THE YEAR 2004
 5 SHALL BE THREE YEARS AND THEREAFTER THE TERM OF OFFICE FOR JUSTICE
 6 COURT JUDGES SHALL BE FOUR YEARS; TO AMEND SECTION 23-15-975,
 7 MISSISSIPPI CODE OF 1972, TO INCLUDE THE ELECTION OF JUSTICE COURT
 8 JUDGES UNDER THE NONPARTISAN JUDICIAL ELECTION ACT; TO AMEND
 9 SECTIONS 23-15-193, 23-15-297, 23-15-359, 23-15-973 AND 23-15-977,
 10 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 11 PURPOSES.

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

13 SECTION 1. (1) From and after July 1, 2004, justice court
 14 judges shall be elected by the qualified electors of each justice
 15 court district at an election held at the same time as the
 16 election of circuit court judges.

17 (2) The term of office for justice court judges elected for
 18 the term of office commencing in the year 2004 shall be three (3)
 19 years and until their successors shall be duly qualified.

20 Thereafter, the term of office for justice court judges shall be
 21 four (4) years and until their successors shall be duly qualified.

22 SECTION 2. Section 23-15-975, Mississippi Code of 1972, is
 23 amended as follows:

24 23-15-975. As used in Sections 23-15-974 through 23-15-985
 25 of this subarticle, the term "judicial office" includes the office

26 of justice of the Supreme Court, judge of the Court of Appeals,
27 circuit judge, chancellor, county court judge, family court judge
28 and justice court judge. All such justices and judges, except
29 justice court judges, shall be full-time positions and such
30 justices and judges shall not engage in the practice of law before
31 any court, administrative agency or other judicial or
32 quasi-judicial forum except as provided by law for finalizing
33 pending cases after election to judicial office.

34 SECTION 3. Section 23-15-193, Mississippi Code of 1972, is
35 amended as follows:[LR1]

36 23-15-193. At the election in 1995, and every four (4) years
37 thereafter, there shall be elected a Governor, Lieutenant
38 Governor, Secretary of State, Auditor of Public Accounts, State
39 Treasurer, Attorney General, three (3) public service
40 commissioners, three (3) Mississippi Transportation Commissioners,
41 Commissioner of Insurance, Commissioner of Agriculture and
42 Commerce, Senators and members of the House of Representatives in
43 the Legislature, district attorneys for the several districts,
44 clerks of the circuit and chancery courts of the several counties,
45 as well as sheriffs, coroners, assessors, surveyors and members of
46 the boards of supervisors * * * and constables, and all other
47 officers to be elected by the people at the general state
48 election. All such officers shall hold their offices for a term
49 of four (4) years, and until their successors are elected and
50 qualified. The state officers shall be elected in the manner
51 prescribed in Section 140 of the Constitution.

52 SECTION 4. Section 23-15-297, Mississippi Code of 1972, is
53 amended as follows:[LR2]

54 23-15-297. All candidates upon entering the race for party
55 nominations for office shall first pay to the proper officer as
56 provided for in Section 23-15-299 for each primary election the

57 following amounts:

58 (a) Candidates for Governor not to exceed Three Hundred
59 Dollars (\$300.00).

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

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

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

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

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

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

77 SECTION 5. Section 23-15-359, Mississippi Code of 1972, is
78 amended as follows:[LR3]

79 23-15-359. (1) The ballot shall contain the names of all
80 candidates who have been put in nomination, not less than sixty
81 (60) days previous to the day of the election, by the primary
82 election of any political party. There shall be printed on the
83 ballots the names of all persons so nominated, whether the
84 nomination be otherwise known or not, upon the written request of

85 one or more of the candidates so nominated, or of any qualified
86 elector who will make oath that he was a participant in the
87 primary election, and that the person whose name is presented by
88 him was nominated by such primary election. The commissioner
89 shall also have printed on the ballot in any general or special
90 election the name of any candidate who, not having been nominated
91 by a political party, shall have been requested to be a candidate
92 for any office by a petition filed as provided for in subsection
93 (3) or (4) of this section, as appropriate, and signed by not less
94 than the following number of qualified electors:

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

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

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

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

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

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

111 (g) For an office elected by the qualified electors of
112 a supervisors district or justice court district, not less than

113 fifteen (15) qualified electors.

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

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

134 (4) Petitions for offices described in paragraphs (f) and
135 (g) of subsection (1) of this section, and petitions for offices
136 described in paragraph (e) of subsection (1) of this section for
137 districts composed of one (1) county or less, shall be filed with
138 the proper circuit clerk by no later than 5:00 p.m. on the same
139 date by which candidates for nominations in the political party
140 elections are required to pay the fee provided for in Section

141 23-15-297. The circuit clerk shall notify the county
142 commissioners of election of all persons who have filed petitions
143 with such clerk. Such notification shall occur within two (2)
144 business days and shall contain all necessary information.

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

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

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

167 SECTION 6. Section 23-15-973, Mississippi Code of 1972, is
168 amended as follows:[LR4]

169 23-15-973. It shall be the duty of the judges of the circuit
170 court to give a reasonable time and opportunity to the candidates
171 for the office of judge of the Supreme Court, judges of the Court
172 of Appeals, circuit judge and chancellor to address the people
173 during court terms. * * * Judicial offices as defined in Section
174 23-15-975 are not political but are to be held without favor and
175 with absolute impartiality as to all persons, and because of the
176 jurisdiction conferred upon the courts * * *, the judges serving
177 in judicial offices as defined in Section 23-15-975 should be as
178 far removed as possible from any political affiliations or
179 obligations. It shall be unlawful for any candidate for any such
180 judicial office to align himself with any candidate or candidates
181 for any other office or with any political faction or any
182 political party at any time during any * * * election campaign.
183 Likewise it shall be unlawful for any candidate for any other
184 office elected or to be elected at any * * * election, wherein any
185 candidate for any of such judicial offices * * *, is or are to be
186 elected, to align himself with any one or more of the candidates
187 for said offices or to take any part whatever in any election for
188 any one or more of such judicial offices, except to cast his
189 individual vote. The election of any candidate for any
190 office * * * at any election wherein a candidate for any one of
191 such judicial offices * * * is to be elected who shall
192 deliberately, knowingly and willfully violate the provisions of
193 this section * * * shall be void.

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

196 23-15-977. (1) All candidates for judicial office as

197 defined in Section 23-15-975 of this subarticle shall file their
198 intent to be a candidate with the proper officials not later than
199 the first Friday after the first Monday in May prior to the
200 general election for judicial office and shall pay to the proper
201 officials the following amounts:

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

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

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

208 (2) Candidates for judicial offices listed in paragraphs (a)
209 and (b) of subsection (1) of this section shall file their intent
210 to be a candidate with, and pay the proper assessment made
211 pursuant to subsection (1) of this section to, the State Board of
212 Election Commissioners.

213 (3) Candidates for judicial offices listed in paragraph (c)
214 of subsection (1) of this section shall file their intent to be a
215 candidate with, and pay the proper assessment made pursuant to
216 subsection (1) of this section to, the circuit clerk of the proper
217 county. The circuit clerk shall notify the county commissioners
218 of election of all persons who have filed their intent to be a
219 candidate filed with, and paid the proper assessment to, such
220 clerk. Such notification shall occur within two (2) business days
221 and shall contain all necessary information.

222 SECTION 8. The Attorney General of the State of Mississippi
223 shall submit this act, immediately upon approval by the Governor,
224 or upon approval by the Legislature subsequent to a veto, to the

225 Attorney General of the United States or to the United States
226 District Court for the District of Columbia in accordance with the
227 provisions of the Voting Rights Act of 1965, as amended and
228 extended.

229 SECTION 9. This act shall take effect and be in force from
230 and after the date it is effectuated under Section 5 of the Voting
231 Rights Act of 1965, as amended and extended. The remainder of
232 this act shall take effect and be in force from and after July 1,
233 2004, if it is effectuated under Section 5 of the Voting Rights
234 Act of 1965, as amended and extended.