MISSISSIPPI LEGISLATURE

By: Representative Moak

To: Apportionment and Elections; Judiciary B

HOUSE BILL NO. 689


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

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

23-15-193. At the election in 1995, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the 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 and constables, and all other officers to be elected by the people at the general state election. All officers shall hold their offices for a term of four (4) years.
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.

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

23-15-197. (1) Times for holding primary and general
elections for congressional offices shall be as prescribed in
(2) Times for holding elections for the office of judge of
the Supreme Court shall be as prescribed in Section 23-15-991 and
(3) Times for holding elections for the office of circuit
court judge, the office of chancery court judge and the office of
justice court judge shall be as prescribed in Sections 23-15-974
(4) Times for holding elections for the office of county
election commissioners shall be as prescribed in Section

amended as follows:

23-15-297. Any candidate entering the race for party
nominations for office shall first pay to the proper officer as
provided for in Section 23-15-299 for each primary election the
following amounts:
(a) Candidates for Governor not to exceed Three Hundred
Dollars ($300.00).
(b) Candidates for Lieutenant Governor, Attorney
General, Secretary of State, State Treasurer, Auditor of Public
Accounts, Commissioner of Insurance, Commissioner of Agriculture
and Commerce, State Highway Commissioner and State Public Service
Commissioner, not to exceed Two Hundred Dollars ($200.00).
(c) Candidates for district attorney, not to exceed One
Hundred Dollars ($100.00).
(d) Candidates for State Senator, State Representative, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education and board of supervisors, not to exceed Fifteen Dollars ($15.00).

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

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

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

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

23-15-359. (1) The ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors:

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

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

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

(d) For an office elected by the qualified electors of a circuit or chancery court district, not less than one hundred (100) qualified electors.
(e) For an office elected by the qualified electors of a senatorial or representative district, not less than fifty (50) qualified electors.

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

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

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

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

(4) Petitions for offices described in paragraphs (f) and (g) of subsection (1) of this section, and petitions for offices described in paragraph (e) of subsection (1) of this section for districts composed of one (1) county or less, shall be filed with the proper circuit clerk by no later than 5:00 p.m. on the same
date by which candidates for nominations in the political party elections are required to pay the fee provided for in Section 23-15-297; provided, however, that no petition may be filed before January 1 of the year in which the election for the office is held. The circuit clerk shall notify the county commissioners of election of all persons who have filed petitions with such clerk. Such notification shall occur within two (2) business days and shall contain all necessary information.

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

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

(7) Nothing in this section shall prohibit special elections to fill vacancies in either house of the Legislature from being held as provided in Section 23-15-851. In all elections conducted under the provisions of Section 23-15-851 the commissioner shall have printed on the ballot the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with said commissioner by 5:00 p.m. not less than ten (10) working days prior to the election, and signed by not less than fifty (50) qualified electors.

(8) The appropriate election commission shall determine whether each candidate is a qualified elector of the state, state district, county or county district they seek to serve, and whether each candidate meets all other qualifications to hold the
office he is seeking or presents absolute proof that he will,
subject to no contingencies, meet all qualifications on or before
the date of the general or special election at which he could be
elected to office. The election commission also shall determine
whether any candidate has been convicted of any felony in a court
of this state, or has been convicted on or after December 8, 1992,
of any offense in another state which is a felony under the laws
of this state, or has been convicted of any felony in a federal
court on or after December 8, 1992. Excepted from the above are
convictions of manslaughter and violations of the United States
Internal Revenue Code or any violations of the tax laws of this
state, unless the offense also involved misuse or abuse of his
office or money coming into his hands by virtue of his office. If
the appropriate election commission finds that a candidate either
(a) is not a qualified elector, (b) does not meet all
qualifications to hold the office he seeks and fails to provide
absolute proof, subject to no contingencies, that he will meet the
qualifications on or before the date of the general or special
election at which he could be elected, or (c) has been convicted
of a felony as described in this subsection, and not pardoned,
then the name of such candidate shall not be placed upon the
ballot.

(9) If after the deadline to qualify as a candidate for an
office or after the time for holding any party primary for an
office, there shall be only one (1) person who has duly qualified
to be a candidate for the office in the general election, the name
of such person shall be placed on the ballot.

(10) The petition required by this section may not be filed
by using the internet.

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

23-15-973. It shall be the duty of the judges of the circuit
court to give a reasonable time and opportunity to the candidates
for the office of judge of the Supreme Court, judges of the Court of Appeals, circuit judge, chancellor and justice court judge to address the people during court terms. In order to give further and every possible emphasis to the fact that the judicial offices are not political but are to be held without favor and with absolute impartiality as to all persons, and because of the jurisdiction conferred upon the courts by this chapter, the judges thereof should be as far removed as possible from any political affiliations or obligations. It shall be unlawful for any candidate for any of the offices mentioned in this section to align himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any primary or general election campaign. Likewise it shall be unlawful for any candidate for any other office nominated or to be nominated at any primary election, wherein any candidate for any of the judicial offices in this section mentioned, is or are to be nominated, to align himself with any one or more of the candidates for the offices or to take any part whatever in any nomination for any one or more of the judicial offices, except to cast his individual vote. Any candidate for any office, whether nominated with or without opposition, at any primary wherein a candidate for any one of the judicial offices mentioned in this section is to be nominated who shall deliberately, knowingly and willfully violate the provisions of this section shall forfeit his nomination, or if elected at the following general election by virtue of said nomination, his election shall be void.

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

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

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

23-15-977. (1) All candidates for judicial office as defined in Section 23-15-975 of this subarticle shall file their intent to be a candidate with the proper officials not later than 5:00 p.m. on the first Friday after the first Monday in May prior to the general election for judicial office and shall pay to the proper officials the following amounts:

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

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

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

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

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county commissioners of election of all persons who have filed their intent to be a candidate filed with, and paid the proper assessment to, such clerk. Such notification shall occur within two (2) business days and shall contain all necessary information.
SECTION 8. Section 23-15-1015, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 10. This act shall take effect and be in force from and after January 1, 2002, or the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever date is later.