

By: Representative Moak

To: Apportionment and  
Elections; Judiciary B

HOUSE BILL NO. 689

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 party nominees certified by the appropriate executive committee,  
83 and independent and special election candidates who have timely  
84 filed petitions containing the required signatures. A petition  
85 requesting that an independent or special election candidate's  
86 name be placed on the ballot for any office shall be filed as  
87 provided for in subsection (3) or (4) of this section, as  
88 appropriate, and shall be signed by not less than the following  
89 number of qualified electors:

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

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

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

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



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

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

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

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

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

129           (4) Petitions for offices described in paragraphs (f) and  
130 (g) of subsection (1) of this section, and petitions for offices  
131 described in paragraph (e) of subsection (1) of this section for  
132 districts composed of one (1) county or less, shall be filed with  
133 the proper circuit clerk by no later than 5:00 p.m. on the same



134 date by which candidates for nominations in the political party  
135 elections are required to pay the fee provided for in Section  
136 23-15-297; provided, however, that no petition may be filed before  
137 January 1 of the year in which the election for the office is  
138 held. The circuit clerk shall notify the county commissioners of  
139 election of all persons who have filed petitions with such clerk.  
140 Such notification shall occur within two (2) business days and  
141 shall contain all necessary information.

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

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

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

163 (8) The appropriate election commission shall determine  
164 whether each candidate is a qualified elector of the state, state  
165 district, county or county district they seek to serve, and  
166 whether each candidate meets all other qualifications to hold the



167 office he is seeking or presents absolute proof that he will,  
168 subject to no contingencies, meet all qualifications on or before  
169 the date of the general or special election at which he could be  
170 elected to office. The election commission also shall determine  
171 whether any candidate has been convicted of any felony in a court  
172 of this state, or has been convicted on or after December 8, 1992,  
173 of any offense in another state which is a felony under the laws  
174 of this state, or has been convicted of any felony in a federal  
175 court on or after December 8, 1992. Excepted from the above are  
176 convictions of manslaughter and violations of the United States  
177 Internal Revenue Code or any violations of the tax laws of this  
178 state, unless the offense also involved misuse or abuse of his  
179 office or money coming into his hands by virtue of his office. If  
180 the appropriate election commission finds that a candidate either  
181 (a) is not a qualified elector, (b) does not meet all  
182 qualifications to hold the office he seeks and fails to provide  
183 absolute proof, subject to no contingencies, that he will meet the  
184 qualifications on or before the date of the general or special  
185 election at which he could be elected, or (c) has been convicted  
186 of a felony as described in this subsection, and not pardoned,  
187 then the name of such candidate shall not be placed upon the  
188 ballot.

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

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

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

198 23-15-973. It shall be the duty of the judges of the circuit  
199 court to give a reasonable time and opportunity to the candidates



200 for the office of judge of the Supreme Court, judges of the Court  
201 of Appeals, circuit judge, chancellor and justice court judge to  
202 address the people during court terms. In order to give further  
203 and every possible emphasis to the fact that the \* \* \* judicial  
204 offices are not political but are to be held without favor and  
205 with absolute impartiality as to all persons, and because of the  
206 jurisdiction conferred upon the courts by this chapter, the judges  
207 thereof should be as far removed as possible from any political  
208 affiliations or obligations. It shall be unlawful for any  
209 candidate for any of the offices mentioned in this section to  
210 align himself with any candidate or candidates for any other  
211 office or with any political faction or any political party at any  
212 time during any primary or general election campaign. Likewise it  
213 shall be unlawful for any candidate for any other office nominated  
214 or to be nominated at any primary election, wherein any candidate  
215 for any of the judicial offices in this section mentioned, is or  
216 are to be nominated, to align himself with any one or more of the  
217 candidates for the offices or to take any part whatever in any  
218 nomination for any one or more of the judicial offices, except to  
219 cast his individual vote. Any candidate for any office, whether  
220 nominated with or without opposition, at any primary wherein a  
221 candidate for any one of the judicial offices \* \* \* mentioned in  
222 this section is to be nominated who shall deliberately, knowingly  
223 and willfully violate the provisions of this section shall forfeit  
224 his nomination, or if elected at the following general election by  
225 virtue of said nomination, his election shall be void.

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

228 23-15-975. As used in Sections 23-15-974 through 23-15-985  
229 of this subarticle, the term "judicial office" includes the office  
230 of justice of the Supreme Court, judge of the Court of Appeals,  
231 circuit judge, chancellor, county court judge, family court judge  
232 and justice court judge. All \* \* \* justices and judges, except



233 justice court judges, shall be full-time positions and the  
234 justices and judges shall not engage in the practice of law before  
235 any court, administrative agency or other judicial or  
236 quasi-judicial forum except as provided by law for finalizing  
237 pending cases after election to judicial office.

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

240 23-15-977. (1) All candidates for judicial office as  
241 defined in Section 23-15-975 of this subarticle shall file their  
242 intent to be a candidate with the proper officials not later than  
243 5:00 p.m. on the first Friday after the first Monday in May prior  
244 to the general election for judicial office and shall pay to the  
245 proper officials the following amounts:

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

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

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

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

257 (3) Candidates for judicial offices listed in paragraph (c)  
258 of subsection (1) of this section shall file their intent to be a  
259 candidate with, and pay the proper assessment made pursuant to  
260 subsection (1) of this section to, the circuit clerk of the proper  
261 county. The circuit clerk shall notify the county commissioners  
262 of election of all persons who have filed their intent to be a  
263 candidate filed with, and paid the proper assessment to, such  
264 clerk. Such notification shall occur within two (2) business days  
265 and shall contain all necessary information.





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

268 23-15-1015. On Tuesday after the first Monday in November  
269 1986, and every four (4) years thereafter and concurrently with  
270 the election for representatives in Congress, there shall be held  
271 an election in every county for judges of the several circuit,  
272 chancery and justice court districts. The laws regulating the  
273 general elections shall, except as otherwise provided for in  
274 Sections 23-15-974 through 23-15-985, apply to and govern  
275 elections of judges of the circuit and chancery courts.

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

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

