

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2110

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:

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:

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:

79 23-15-359. (1) The ballot shall contain the names of all
80 party nominees certified by the appropriate executive committee,
81 and independent and special election candidates who have timely
82 filed petitions containing the required signatures. A petition
83 requesting that an independent or special election candidate's
84 name be placed on the ballot for any office shall be filed as
85 provided for in subsection (3) or (4) of this section, as
86 appropriate, and shall be signed by not less than the following
87 number of qualified electors:

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

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

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



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

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

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

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

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

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

127 (4) Petitions for offices described in paragraphs (f) and
128 (g) of subsection (1) of this section, and petitions for offices



129 described in paragraph (e) of subsection (1) of this section for
130 districts composed of one (1) county or less, shall be filed with
131 the proper circuit clerk by no later than 5:00 p.m. on the same
132 date by which candidates for nominations in the political party
133 elections are required to pay the fee provided for in Section
134 23-15-297; provided, however, that no petition may be filed before
135 January 1 of the year in which the election for the office is
136 held. The circuit clerk shall notify the county commissioners of
137 election of all persons who have filed petitions with such clerk.
138 Such notification shall occur within two (2) business days and
139 shall contain all necessary information.

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

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

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



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

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

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



195 SECTION 6. Section 23-15-973, Mississippi Code of 1972, is
196 amended as follows:

197 23-15-973. It shall be the duty of the judges of the circuit
198 court to give a reasonable time and opportunity to the candidates
199 for the office of judge of the Supreme Court, judges of the Court
200 of Appeals, circuit judge and chancellor to address the people
201 during court terms. * * * Judicial offices as defined in Section
202 23-15-975 are not political but are to be held without favor and
203 with absolute impartiality as to all persons, and because of the
204 jurisdiction conferred upon the courts * * *, the judges serving
205 in judicial offices as defined in Section 23-15-975 should be as
206 far removed as possible from any political affiliations or
207 obligations. It shall be unlawful for any candidate for any such
208 judicial office to align himself with any candidate or candidates
209 for any other office or with any political faction or any
210 political party at any time during any * * * election campaign.
211 Likewise it shall be unlawful for any candidate for any other
212 office elected or to be elected at any * * * election, wherein any
213 candidate for any of such judicial offices * * *, is or are to be
214 elected, to align himself with any one or more of the candidates
215 for said offices or to take any part whatever in any election for
216 any one or more of such judicial offices, except to cast his
217 individual vote. The election of any candidate for any
218 office * * * at any election wherein a candidate for any one of
219 such judicial offices * * * is to be elected who shall
220 deliberately, knowingly and willfully violate the provisions of
221 this section * * * shall be void.

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

224 23-15-977. (1) All candidates for judicial office as
225 defined in Section 23-15-975 of this subarticle shall file their
226 intent to be a candidate with the proper officials not later than
227 5:00 p.m. on the first Friday after the first Monday in May prior



228 to the general election for judicial office and shall pay to the
229 proper officials the following amounts:

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

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

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

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

241 (3) Candidates for judicial offices listed in paragraph (c)
242 of subsection (1) of this section shall file their intent to be a
243 candidate with, and pay the proper assessment made pursuant to
244 subsection (1) of this section to, the circuit clerk of the proper
245 county. The circuit clerk shall notify the county commissioners
246 of election of all persons who have filed their intent to be a
247 candidate filed with, and paid the proper assessment to, such
248 clerk. Such notification shall occur within two (2) business days
249 and shall contain all necessary information.

250 SECTION 8. The Attorney General of the State of Mississippi
251 shall submit this act, immediately upon approval by the Governor,
252 or upon approval by the Legislature subsequent to a veto, to the
253 Attorney General of the United States or to the United States
254 District Court for the District of Columbia in accordance with the
255 provisions of the Voting Rights Act of 1965, as amended and
256 extended.

257 SECTION 9. Section 1 of this act shall take effect and be in
258 force from and after the date it is effectuated under Section 5 of
259 the Voting Rights Act of 1965, as amended and extended. The
260 remainder of this act shall take effect and be in force from and



261 after July 1, 2004, if it is effectuated under Section 5 of the
262 Voting Rights Act of 1965, as amended and extended.

