

By: Representative Moore (60th)

To: Conservation and Water  
Resources; Judiciary B

## HOUSE BILL NO. 1276

1 AN ACT TO PRESCRIBE THE PROCEDURE TO BE USED IN A PRIMARY  
2 ELECTION WHEN A VACANCY OCCURS IN CERTAIN JUDICIAL OFFICES; TO  
3 PROVIDE THAT THE STATE EXECUTIVE COMMITTEES SHALL SUPERVISE THE  
4 PRIMARY ELECTIONS FOR CERTAIN JUDICIAL OFFICES; TO PROVIDE THAT  
5 THE NOMINATION OF CANDIDATES FOR THE OFFICES OF JUDGE OF THE  
6 SUPREME COURT AND JUDGE OF THE COURT OF APPEALS WILL BE BY  
7 DISTRICT AND WILL BE HELD CONCURRENTLY WITH THE PRIMARY ELECTIONS  
8 FOR THE NOMINATION OF REPRESENTATIVES IN CONGRESS; TO PROVIDE THAT  
9 NOMINATIONS FOR CIRCUIT COURT JUDGE AND CHANCERY COURT JUDGE WILL  
10 BE MADE IN EVERY COUNTY IN THEIR RESPECTIVE DISTRICTS BY PRIMARY  
11 ELECTION AND WILL BE HELD CONCURRENTLY WITH THE PRIMARY ELECTION  
12 HELD FOR REPRESENTATIVES IN CONGRESS AND EVERY FOUR YEARS  
13 THEREAFTER; TO PROVIDE THAT COUNTY JUDGES MAY BE NOMINATED IN THE  
14 REGULAR JUDICIAL PRIMARY ELECTIONS; TO AMEND SECTIONS 9-4-5,  
15 9-4-15, 9-5-29, 9-5-36, 9-5-50, 9-5-58, 9-7-46, 9-7-51, 23-15-197,  
16 23-15-297, 23-15-359, 23-15-367, 23-15-973, 23-15-993, 23-15-995  
17 AND 23-15-1015, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUDICIAL  
18 ELECTIONS WILL BE PARTISAN ELECTIONS; TO REPEAL SECTIONS  
19 23-15-974, 23-15-975, 23-15-976, 23-15-977, 23-15-978, 23-15-979,  
20 23-15-980, 23-15-981, 23-15-982, 23-15-983, 23-15-984 AND  
21 23-15-985, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE  
22 NONPARTISAN JUDICIAL ELECTION ACT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Primary elections for the nomination of  
25 candidates to fill vacancies in the office of judge of the Supreme  
26 Court shall be held upon the same dates and concurrently with the  
27 primary elections for the nomination of candidates for the office  
28 or offices to be filled in the election at which the vacancies in  
29 the office of judge of the Supreme Court are to be filled.

30 **SECTION 2.** At the primary election in the year in which an  
31 election shall be held pursuant to Section 23-15-849 to fill  
32 vacancies in the office of judge of the Supreme Court, or judge of  
33 the Court of Appeals or circuit judge, or chancellor, vacancy  
34 nominations shall be made for the offices in the manner as  
35 nominations are made for the full term.

36 **SECTION 3.** Party primary elections for the nomination of  
37 candidates for the office of circuit judge, and of chancellor,



38 judge of the Court of Appeals and of judge of the Supreme Court  
39 shall be under the supervision and control of the State Executive  
40 Committee of the respective political parties, which committees  
41 shall discharge in connection with the elections all of the duties  
42 imposed upon them in connection with elections for the nomination  
43 of candidates for other state officers.

44 **SECTION 4.** Nominations of candidates for the office of judge  
45 of the Supreme Court and judge of the Court of Appeals by any  
46 political party shall be made by districts, and the primary  
47 elections for that purpose shall be held concurrently with the  
48 primary elections for the nomination of Representative in  
49 Congress, except as may be otherwise provided. The general  
50 primary election laws shall apply to and govern the nomination of  
51 candidates for the office of judge of the Supreme Court and judge  
52 of the Court of Appeals insofar as they may be applicable.

53 **SECTION 5.** Nominations of candidates for the office of  
54 circuit court judge and for the office of chancery court judge  
55 shall be made in every county in their respective districts by  
56 primary election to be held concurrently with the primary election  
57 to be held for the nomination of Representatives in Congress in  
58 1986 and every four (4) years thereafter. Primary elections for  
59 the nominations of candidates for the offices of judge of the  
60 circuit and chancery courts shall be held under the general  
61 primary election laws of the state.

62 **SECTION 6.** Except where the judge is elected for less than  
63 the full four-year term, he may be nominated in the regular  
64 judicial primary elections at the same time when nominations for  
65 circuit judges and chancellors are made.

66 **SECTION 7.** Section 9-4-5, Mississippi Code of 1972, is  
67 amended as follows:

68 9-4-5. (1) The term of office of judges of the Court of  
69 Appeals shall be eight (8) years. An election shall be held on  
70 the first Tuesday after the first Monday in November 1994, to



71 elect the ten (10) judges of the Court of Appeals, two (2) from  
72 each congressional district; provided, however, judges of the  
73 Court of Appeals who are elected to take office after the first  
74 Monday of January 2002, shall be elected from the Court of Appeals  
75 Districts described in subsection (5) of this section. The judges  
76 of the Court of Appeals shall begin service on the first Monday of  
77 January 1995.

78 (2) (a) In order to provide that the offices of not more  
79 than a majority of the judges of said court shall become vacant at  
80 any one (1) time, the terms of office of six (6) of the judges  
81 first to be elected shall expire in less than eight (8) years.  
82 For the purpose of all elections of members of the court, each of  
83 the ten (10) judges of the Court of Appeals shall be considered a  
84 separate office. The two (2) offices in each of the five (5)  
85 districts shall be designated Position Number 1 and Position  
86 Number 2, and in qualifying for office as a candidate for any  
87 office of judge of the Court of Appeals each candidate shall state  
88 the position number of the office to which he aspires and the  
89 election ballots shall so indicate.

90 (i) In Congressional District Number 1, the judge  
91 of the Court of Appeals for Position Number 1 shall be that office  
92 for which the term ends January 1, 1999, and the judge of the  
93 Court of Appeals for Position Number 2 shall be that office for  
94 which the term ends January 1, 2003.

95 (ii) In Congressional District Number 2, the judge  
96 of the Court of Appeals for Position Number 1 shall be that office  
97 for which the term ends on January 1, 2003, and the judge of the  
98 Court of Appeals for Position Number 2 shall be that office for  
99 which the term ends January 1, 2001.

100 (iii) In Congressional District Number 3, the  
101 judge of the Court of Appeals for Position Number 1 shall be that  
102 office for which the term ends on January 1, 2001, and the judge



103 of the Court of Appeals for Position Number 2 shall be that office  
104 for which the term ends January 1, 1999.

105 (iv) In Congressional District Number 4, the judge  
106 of the Court of Appeals for Position Number 1 shall be that office  
107 for which the term ends on January 1, 1999, and the judge of the  
108 Court of Appeals for Position Number 2 shall be that office for  
109 which the term ends January 1, 2003.

110 (v) In Congressional District Number 5, the judge  
111 of the Court of Appeals for Position Number 1 shall be that office  
112 for which the term ends on January 1, 2003, and the judge of the  
113 Court of Appeals for Position Number 2 shall be that office for  
114 which the term ends January 1, 2001.

115 (b) The laws regulating the general elections shall  
116 apply to and govern the elections of judges of the Court of  
117 Appeals \* \* \*.

118 (c) In the year prior to the expiration of the term of  
119 an incumbent, and likewise each eighth year thereafter, an  
120 election shall be held in the manner provided in this section in  
121 the district from which the incumbent Court of Appeals judge was  
122 elected at which there shall be elected a successor to the  
123 incumbent, whose term of office shall thereafter begin on the  
124 first Monday of January of the year in which the term of the  
125 incumbent he succeeds expires.

126 (3) No person shall be eligible for the office of judge of  
127 the Court of Appeals who has not attained the age of thirty (30)  
128 years at the time of his election and who has not been a  
129 practicing attorney and citizen of the state for five (5) years  
130 immediately preceding such election.

131 (4) Any vacancy on the Court of Appeals shall be filled by  
132 appointment of the Governor for that portion of the unexpired term  
133 prior to the election to fill the remainder of said term according  
134 to provisions of Section 23-15-849, Mississippi Code of 1972.



135 (5) (a) The State of Mississippi is hereby divided into  
136 five (5) Court of Appeals Districts as follows:

137 **FIRST DISTRICT.** The First Court of Appeals District shall be  
138 composed of the following counties and portions of counties:  
139 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
140 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
141 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
142 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
143 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
144 Nations and Poplar Creek; in Panola County the precincts of East  
145 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North  
146 Springport, South Springport, Eureka, Williamson, East Batesville  
147 4, West Batesville 4, Fern Hill, North Batesville A, East  
148 Batesville 5 and West Batesville 5; and in Tallahatchie County the  
149 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,  
150 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,  
151 Murphreesboro and Rosebloom.

152 **SECOND DISTRICT.** The Second Court of Appeals District shall  
153 be composed of the following counties and portions of counties:  
154 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
155 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,  
156 Tunica, Warren, Washington and Yazoo; in Attala County the  
157 precincts of Northeast, Hesterville, Possomneck, North Central,  
158 McAdams, Newport, Sallis and Southwest; that portion of Grenada  
159 County not included in the First Court of Appeals District; in  
160 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
161 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
162 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
163 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
164 precincts of Conway, West Carthage, Wiggins, Thomastown and  
165 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
166 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
167 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,



168 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
169 Canton Precinct 1 and Canton Precinct 4; that portion of  
170 Montgomery County not included in the First Court of Appeals  
171 District; that portion of Panola County not included in the First  
172 Court of Appeals District; and that portion of Tallahatchie County  
173 not included in the First Court of Appeals District.

174       **THIRD DISTRICT.** The Third Court of Appeals District shall be  
175 composed of the following counties and portions of counties:  
176 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
177 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that  
178 portion of Attala County not included in the Second Court of  
179 Appeals District; in Jones County the precincts of Northwest High  
180 School, Shady Grove, Sharon, Erata, Glade, Myrick School,  
181 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,  
182 Antioch and Landrum; that portion of Leake County not included in  
183 the Second Court of Appeals District; that portion of Madison  
184 County not included in the Second Court of Appeals District; and  
185 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,  
186 Diamond, Chaparral, Matherville, Coit and Eucutta.

187       **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
188 be composed of the following counties and portions of counties:  
189 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
190 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
191 that portion of Hinds County not included in the Second Court of  
192 Appeals District; and that portion of Jones county not included in  
193 the Third Court of Appeals District.

194       **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
195 composed of the following counties and portions of counties:  
196 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
197 River, Perry and Stone; and that portion of Wayne County not  
198 included in the Third Court of Appeals District.

199               (b) The boundaries of the Court of Appeals Districts  
200 described in paragraph (a) of this subsection shall be the



201 boundaries of the counties and precincts listed in paragraph (a)  
202 of this subsection as such boundaries existed on October 1, 1990.

203       **SECTION 8.** Section 9-4-15, Mississippi Code of 1972, is  
204 amended as follows:

205       9-4-15. Primary and general elections for the office of  
206 judge of the Court of Appeals shall be held at the same times as  
207 primary and general elections for congressional offices.

208       **SECTION 9.** Section 9-5-29, Mississippi Code of 1972, is  
209 amended as follows:

210       9-5-29. (1) There shall be four (4) chancellors for the  
211 Eighth Chancery Court District.

212       (2) For purposes of appointment, nomination and election,  
213 the four (4) chancellorships shall be separate and distinct and  
214 denominated for purposes of appointment, nomination and election  
215 only as "Place One," "Place Two," "Place Three" and "Place Four."

216       (3) While there shall be no limitation whatsoever upon the  
217 powers and duties of said chancellors other than as cast upon them  
218 by the Constitution and laws of this state, the court in the  
219 Eighth Chancery Court District, in the discretion of the senior  
220 chancellor, may be divided into four (4) divisions as a matter of  
221 convenience by the entry of an order upon the minutes of the  
222 court.

223       **SECTION 10.** Section 9-5-36, Mississippi Code of 1972, is  
224 amended as follows:

225       9-5-36. (1) There shall be three (3) chancellors for the  
226 Tenth Chancery Court District.

227       (2) For purposes of appointment, nomination and election,  
228 the three (3) chancellorships shall be separate and distinct and  
229 denominated for purposes of appointment, nomination and election  
230 only as "Place One," "Place Two" and "Place Three," respectively.

231 The chancellor to fill Place One shall be a resident of Forrest,  
232 Lamar, Marion, Pearl River or Perry County. The chancellor to  
233 fill Place Two shall be a resident of Lamar, Marion, Pearl River



234 or Perry County. The chancellor to fill Place Three shall be a  
235 resident of Forrest County. Election of the three (3) offices of  
236 chancellor shall be by election to be held in every county within  
237 the Tenth Chancery Court District of Mississippi.

238 **SECTION 11.** Section 9-5-50, Mississippi Code of 1972, is  
239 amended as follows:

240 9-5-50. (1) There shall be three (3) chancellors for the  
241 Sixteenth Chancery Court District.

242 (2) For the purposes of appointment, nomination and  
243 election, the three (3) chancellorships shall be separate and  
244 distinct and denominated for purposes of appointment, nomination  
245 and election only as "Place One," "Place Two" and "Place Three."

246 **SECTION 12.** Section 9-5-58, Mississippi Code of 1972, is  
247 amended as follows:

248 9-5-58. There shall be two (2) chancellors for the Twentieth  
249 Chancery Court District. For purposes of appointment, nomination  
250 and election the two (2) chancellorships shall be separate and  
251 distinct and denominated for purposes of appointment, nomination  
252 and election only as "Place One" and "Place Two."

253 **SECTION 13.** Section 9-7-46, Mississippi Code of 1972, is  
254 amended as follows:

255 9-7-46. (1) There shall be three (3) circuit judges for the  
256 Seventeenth Circuit Court District.

257 (2) For the purpose of appointment, nomination and election,  
258 the three (3) judgeships shall be separate and distinct, and one  
259 (1) judge shall be elected from Subdistrict 17-1 and two (2)  
260 judges shall be elected from Subdistrict 17-2.

261 **SECTION 14.** Section 9-7-51, Mississippi Code of 1972, is  
262 amended as follows:

263 9-7-51. (1) (a) There shall be three (3) circuit judges  
264 for the Nineteenth Circuit Court District. For the purposes of  
265 appointment, nomination and election, the three (3) judgeships  
266 shall be separate and distinct and denominated for purposes of





267 appointment, nomination and election only as "Place One," "Place  
268 Two" and "Place Three."

269 (b) The senior judge of the Nineteenth Circuit Court  
270 District may divide the court of any county within the district  
271 into civil, criminal and appellate court divisions as a matter of  
272 convenience by the entry of an order upon the minutes of the  
273 court.

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

276 23-15-197. (1) Times for holding primary and general  
277 elections for congressional offices shall be as prescribed in  
278 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

279 (2) Times for holding elections for the office of judge of  
280 the Supreme Court shall be as prescribed in Sections 23-15-991 and  
281 23-15-997.

282 (3) Times for holding elections for the office of circuit  
283 court judge and the office of chancery court judge shall be as  
284 prescribed in \* \* \* Section 23-15-1015.

285 (4) Times for holding elections for the office of county  
286 election commissioners shall be as prescribed in Section  
287 23-15-213.

288 **SECTION 16.** Section 23-15-297, Mississippi Code of 1972, is  
289 amended as follows:

290 23-15-297. All candidates upon entering the race for party  
291 nominations for office shall first pay to the proper officer as  
292 provided for in Section 23-15-299 for each primary election the  
293 following amounts:

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

296 (b) Candidates for Lieutenant Governor, Supreme Court  
297 Judge, the Court of Appeals, Attorney General, Secretary of State,  
298 State Treasurer, Auditor of Public Accounts, Commissioner of  
299 Insurance, Commissioner of Agriculture and Commerce, State Highway



300 Commissioner and State Public Service Commissioner, not to exceed  
301 Two Hundred Dollars (\$200.00).

302 (c) Candidates for district attorney, circuit judge and  
303 chancellor not to exceed One Hundred Dollars (\$100.00).

304 (d) Candidates for State Senator, State Representative,  
305 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
306 collector, county attorney, county superintendent of education,  
307 county judge, family court judge and board of supervisors, not to  
308 exceed Fifteen Dollars (\$15.00).

309 (e) Candidates for county surveyor, county coroner,  
310 justice court judge and constable, not to exceed Ten Dollars  
311 (\$10.00).

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

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

316 **SECTION 17.** Section 23-15-359, Mississippi Code of 1972, is  
317 amended as follows:

318 23-15-359. (1) The ballot shall contain the names of all  
319 party nominees certified by the appropriate executive committee,  
320 and independent and special election candidates who have timely  
321 filed petitions containing the required signatures. A petition  
322 requesting that an independent or special election candidate's  
323 name be placed on the ballot for any office shall be filed as  
324 provided for in subsection (3) or (4) of this section, as  
325 appropriate, and shall be signed by not less than the following  
326 number of qualified electors:

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

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



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

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

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

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

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

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

357           (3) Petitions for offices described in paragraphs (a), (b),  
358 (c) and (d) of subsection (1) of this section, and petitions for  
359 offices described in paragraph (e) of subsection (1) of this  
360 section for districts composed of more than one (1) county or  
361 parts of more than one (1) county, shall be filed with the State  
362 Board of Election Commissioners by no later than 5:00 p.m. on the  
363 same date by which candidates for nominations in the political



364 party primary elections are required to pay the fee provided for  
365 in Section 23-15-297, Mississippi Code of 1972.

366 (4) Petitions for offices described in paragraphs (f) and  
367 (g) of subsection (1) of this section, and petitions for offices  
368 described in paragraph (e) of subsection (1) of this section for  
369 districts composed of one (1) county or less, shall be filed with  
370 the proper circuit clerk by no later than 5:00 p.m. on the same  
371 date by which candidates for nominations in the political party  
372 elections are required to pay the fee provided for in Section  
373 23-15-297; provided, however, that no petition may be filed before  
374 January 1 of the year in which the election for the office is  
375 held. The circuit clerk shall notify the county commissioners of  
376 election of all persons who have filed petitions with such clerk.  
377 Such notification shall occur within two (2) business days and  
378 shall contain all necessary information.

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

386 (6) The provisions of this section shall not apply to  
387 municipal elections \* \* \*.

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



396 days prior to the election, and signed by not less than fifty (50)  
397 qualified electors.

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

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



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

431 **SECTION 18.** Section 23-15-367, Mississippi Code of 1972, is  
432 amended as follows:

433 23-15-367. (1) Except as otherwise provided by \* \* \*  
434 subsection (2) of this section, the arrangement of the names of  
435 the candidates, and the order in which the titles of the various  
436 offices shall be printed, and the size, print and quality of paper  
437 of the official ballot is left to the discretion of the officer  
438 charged with printing the official ballot; but the arrangement  
439 need not be uniform.

440 (2) The titles for the various offices shall be listed in  
441 the following order:

- 442 (a) Candidates for national office;
- 443 (b) Candidates for statewide office;
- 444 (c) Candidates for state district office;
- 445 (d) Candidates for legislative office;
- 446 (e) Candidates for countywide office;
- 447 (f) Candidates for county district office.

448 The order in which the titles for the various offices are  
449 listed within each of the categories listed in this subsection is  
450 left to the discretion of the officer charged with printing the  
451 official ballot.

452 (3) It is the duty of the Secretary of State, with the  
453 approval of the Governor, to furnish the designated commissioner  
454 of each county a sample of the official ballot, not less than  
455 fifty-five (55) days prior to the election, the general form of  
456 which shall be followed as nearly as practicable.

457 **SECTION 19.** Section 23-15-973, Mississippi Code of 1972, is  
458 amended as follows:

459 23-15-973. It shall be the duty of the judges of the circuit  
460 court to give a reasonable time and opportunity to the candidates  
461 for the office of judge of the Supreme Court, judges of the Court



462 of Appeals, circuit judge and chancellor to address the people  
463 during court terms. In order to give further and every possible  
464 emphasis to the fact that the said judicial offices are not  
465 political but are to be held without favor and with absolute  
466 impartiality as to all persons, and because of the jurisdiction  
467 conferred upon the courts by this chapter, the judges thereof  
468 should be as far removed as possible from any political  
469 affiliations or obligations within their party. It shall be  
470 unlawful for any candidate for any of the offices mentioned in  
471 this section to align himself with any candidate or candidates for  
472 any other office or with any political faction within his party at  
473 any time during any primary \* \* \* election campaign. Likewise it  
474 shall be unlawful for any candidate for any other office nominated  
475 or to be nominated at any primary election, wherein any candidate  
476 for any of the judicial offices in this section mentioned, is or  
477 are to be nominated, to align himself with any one or more of the  
478 candidates for said offices or to take any part whatever in any  
479 nomination for any one or more of said judicial offices, except to  
480 cast his individual vote. Any candidate for any office, whether  
481 nominated with or without opposition, at any primary wherein a  
482 candidate for any one of the judicial offices herein mentioned is  
483 to be nominated who shall deliberately, knowingly and willfully  
484 violate the provisions of this section shall forfeit his  
485 nomination, or if elected at the following general election by  
486 virtue of said nomination, his election shall be void.

487 **SECTION 20.** Section 23-15-993, Mississippi Code of 1972, is  
488 amended as follows:

489 23-15-993. For the purpose of all elections, including  
490 primary elections, each of the nine (9) judgeships of the Supreme  
491 Court shall be considered a separate office. The three (3)  
492 offices in each of the three (3) Supreme Court districts shall be  
493 designated Position Number 1, Position Number 2 and Position  
494 Number 3, and in qualifying for office as a candidate for any



495 office of judge of the Supreme Court each candidate shall state  
496 the position number of the office to which he aspires and both the  
497 primary and regular election ballots shall so indicate. In  
498 Supreme Court District Number 1: Position Number 1 shall be that  
499 office for which the term ends in January 1966; Position Number 2  
500 shall be that office for which the term ends in January 1965; and  
501 Position Number 3 shall be that office for which the term ends in  
502 January 1969. In District Number 2: Position Number 1 shall be  
503 that office for which the term ends in January 1972; Position  
504 Number 2 shall be that office for which the term ends in January  
505 1969; and Position Number 3 shall be for that office for which the  
506 term ends in January 1973. In District Number 3: Position Number  
507 1 shall be that office for which the term ends in January 1969;  
508 Position Number 2 shall be that office for which the term ends in  
509 January 1969; and Position Number 3 shall be that office for which  
510 the term ends in January 1965.

511 **SECTION 21.** Section 23-15-995, Mississippi Code of 1972, is  
512 amended as follows:

513 23-15-995. Except as may be otherwise provided \* \* \*, the  
514 general laws for the election of state officers shall apply to and  
515 govern the election of judges of the Supreme Court.

516 **SECTION 22.** Section 23-15-1015, Mississippi Code of 1972, is  
517 amended as follows:

518 23-15-1015. On Tuesday after the first Monday in November  
519 1986, and every four (4) years thereafter and concurrently with  
520 the election for representatives in Congress, there shall be held  
521 an election in every county for judges of the several circuit and  
522 chancery court districts. The laws regulating the general  
523 elections shall \* \* \* apply to and govern elections of judges of  
524 the circuit and chancery courts.

525 **SECTION 23.** Sections 23-15-974, 23-15-975, 23-15-976,  
526 23-15-977, 23-15-978, 23-15-979, 23-15-980, 23-15-981, 23-15-982,  
527 23-15-983, 23-15-984 and 23-15-985, Mississippi Code of 1972,





528 which constitute the Nonpartisan Judicial Election Act, are  
529 repealed.

530         **SECTION 24.** The Attorney General of the State of Mississippi  
531 shall submit this act, immediately upon approval by the Governor,  
532 or upon approval by the Legislature subsequent to a veto, to the  
533 Attorney General of the United States or to the United States  
534 District Court for the District of Columbia in accordance with the  
535 provisions of the Voting Rights Act of 1965, as amended and  
536 extended.

537         **SECTION 25.** This act shall take effect and be in force from  
538 and after the date it is effectuated under Section 5 of the Voting  
539 Rights Act of 1965, as amended and extended.

