HOUSE BILL NO. 1276


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

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

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

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

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

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

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

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

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

9-4-5. (1) The term of office of judges of the Court of Appeals shall be eight (8) years. An election shall be held on the first Tuesday after the first Monday in November 1994, to
elect the ten (10) judges of the Court of Appeals, two (2) from each congressional district; provided, however, judges of the Court of Appeals who are elected to take office after the first Monday of January 2002, shall be elected from the Court of Appeals Districts described in subsection (5) of this section. The judges of the Court of Appeals shall begin service on the first Monday of January 1995.

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

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

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

(iii) In Congressional District Number 3, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 2001, and the judge
of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 1999.

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

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

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

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

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

(4) Any vacancy on the Court of Appeals shall be filled by appointment of the Governor for that portion of the unexpired term prior to the election to fill the remainder of said term according to provisions of Section 23-15-849, Mississippi Code of 1972.
(a) The State of Mississippi is hereby divided into five (5) Court of Appeals Districts as follows:

**FIRST DISTRICT.** The First Court of Appeals District shall be composed of the following counties and portions of counties:

- Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County the precincts of North Winona, Lodi, Stewart, Nations and Poplar Creek; in Panola County the precincts of East Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North Springport, South Springport, Eureka, Williamson, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and West Batesville 5; and in Tallahatchie County the precincts of Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

**SECOND DISTRICT.** The Second Court of Appeals District shall be composed of the following counties and portions of counties:

- Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington and Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Court of Appeals District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
Virlilia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Court of Appeals District; that portion of Panola County not included in the First Court of Appeals District; and that portion of Tallahatchie County not included in the First Court of Appeals District.

**THIRD DISTRICT.** The Third Court of Appeals District shall be composed of the following counties and portions of counties:

Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that portion of Attala County not included in the Second Court of Appeals District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School, Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Court of Appeals District; that portion of Madison County not included in the Second Court of Appeals District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

**FOURTH DISTRICT.** The Fourth Court of Appeals District shall be composed of the following counties and portions of counties:

Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson; that portion of Hinds County not included in the Second Court of Appeals District; and that portion of Jones county not included in the Third Court of Appeals District.

**FIFTH DISTRICT.** The Fifth Court of Appeals District shall be composed of the following counties and portions of counties:

Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and Stone; and that portion of Wayne County not included in the Third Court of Appeals District.

(b) The boundaries of the Court of Appeals Districts described in paragraph (a) of this subsection shall be the
boundaries of the counties and precincts listed in paragraph (a) of this subsection as such boundaries existed on October 1, 1990.

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

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

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

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

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

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

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

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

(2) For purposes of appointment, nomination and election, the three (3) chancellorships shall be separate and distinct and denominated for purposes of appointment, nomination and election only as "Place One," "Place Two" and "Place Three," respectively. The chancellor to fill Place One shall be a resident of Forrest, Lamar, Marion, Pearl River or Perry County. The chancellor to fill Place Two shall be a resident of Lamar, Marion, Pearl River...
or Perry County. The chancellor to fill Place Three shall be a resident of Forrest County. Election of the three (3) offices of chancellor shall be by election to be held in every county within the Tenth Chancery Court District of Mississippi.

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

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

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

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

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

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

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

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

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

9-7-51. (1) (a) There shall be three (3) circuit judges for the Nineteenth Circuit Court District. For the purposes of appointment, nomination and election, the three (3) judgeships shall be separate and distinct and denominated for purposes of ...
appointment, nomination and election only as "Place One," "Place Two" and "Place Three."

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

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


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

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

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

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

23-15-297. All candidates upon 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, Supreme Court Judge, the Court of Appeals, 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, circuit judge and chancellor 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, county judge, family court judge and board of supervisors, not to exceed Fifteen Dollars ($15.00).

(e) Candidates for county surveyor, county coroner, justice court judge 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 17. 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

(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 ** **.

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

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

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

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

- (a) Candidates for national office;
- (b) Candidates for statewide office;
- (c) Candidates for state district office;
- (d) Candidates for legislative office;
- (e) Candidates for countywide office;
- (f) Candidates for county district office.

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

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

**SECTION 19.** 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 and chancellor to address the people during court terms. In order to give further and every possible emphasis to the fact that the said 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 within their party. 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 within his party at any time during any primary 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 said offices or to take any part whatever in any nomination for any one or more of said 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 herein mentioned 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 20. Section 23-15-993, Mississippi Code of 1972, is amended as follows:

23-15-993. For the purpose of all elections, including primary elections, each of the nine (9) judgeships of the Supreme Court shall be considered a separate office. The three (3) offices in each of the three (3) Supreme Court districts shall be designated Position Number 1, Position Number 2 and Position Number 3, and in qualifying for office as a candidate for any
office of judge of the Supreme Court each candidate shall state
the position number of the office to which he aspires and both the
primary and regular election ballots shall so indicate. In
Supreme Court District Number 1: Position Number 1 shall be that
office for which the term ends in January 1966; Position Number 2
shall be that office for which the term ends in January 1965; and
Position Number 3 shall be that office for which the term ends in
January 1969. In District Number 2: Position Number 1 shall be
that office for which the term ends in January 1972; Position
Number 2 shall be that office for which the term ends in January
1969; and Position Number 3 shall be for that office for which the
term ends in January 1973. In District Number 3: Position Number
1 shall be that office for which the term ends in January 1969;
Position Number 2 shall be that office for which the term ends in
January 1969; and Position Number 3 shall be that office for which
the term ends in January 1965.

amended as follows:

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

SECTION 22. 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 and
chancery court districts. The laws regulating the general
elections shall ★ ★ ★ apply to and govern elections of judges of
the circuit and chancery courts.

which constitute the Nonpartisan Judicial Election Act, are repealed.

**SECTION 24.** 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 25.** This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.