HOUSE BILL NO. 653

AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT JUDGES SHALL BE ELECTED AT THE GENERAL STATE ELECTION IN A NONPARTISAN MANNER WITH A RUNOFF TWO WEEKS LATER IF NECESSARY; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES FROM THE LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN ELECTION FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THIS SECTION, WHICH REQUIRES THE NAMES OF ALL CANDIDATES NOMINATED FOR OFFICE TO BE PRINTED ON THE BALLOT, SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO AMEND SECTION 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE DURING COURT TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER THE NONPARTISAN JUDICIAL ELECTION ACT; TO AMEND SECTION 23-15-197, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS 9-5-7, 9-5-13, 9-5-22, 9-5-40 AND 9-5-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ELECTION BY POSTS OF CHANCELLORS IN CERTAIN CHANCERY COURT DISTRICTS; TO AMEND SECTIONS 9-7-7, 9-7-14, 9-7-20, 9-7-32, 9-7-39, 9-7-42, 9-7-44, 9-7-45, 9-7-46 AND 9-7-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST, THIRD, FIFTH, TENTH, FOURTEENTH, FIFTEENTH, SIXTEENTH AND TWENTIETH CIRCUIT COURT DISTRICTS; TO PROVIDE A SUBDISTRICT IN THE FOURTEENTH CIRCUIT COURT DISTRICT AFTER DECEMBER 31, 2005; TO PROVIDE FOR SUBDISTRICTS IN THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

23-15-193. (1) At the election in 1995, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties,
as well as sheriffs, coroners, assessors, surveyors and members of
the boards of supervisors * * * and constables, and all other
officers to be elected by the people at the general state
election. All * * * officers shall hold their offices for a term
of four (4) years, and until their successors are elected and
qualified. The state officers shall be elected in the manner
prescribed in Section 140 of the Constitution.

(2) Justice court judges shall be elected at the time for
the election of the officers provided in subsection (1) of this
section. The election of justice court judges shall be
nonpartisan. If no candidate for such office receives a majority
of the votes cast for such office in the general election, the
names of the two (2) candidates receiving the highest number of
votes for such office shall be placed on the ballot for a second
election to be held three (3) weeks later in accordance with
appropriate procedures followed in other elections involving
runoff candidates.

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

23-15-197. (1) Times for holding primary and general
elections for congressional offices shall be as prescribed in

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

(3) Times for holding elections for the office of circuit
court judge, the office of chancery court judge and the office of
justice court judge shall be as prescribed in Sections 23-15-974

(4) Times for holding elections for the office of county
election commissioners shall be as prescribed in Section
SECTION 3. Section 23-15-297, Mississippi Code of 1972, is amended as follows:

23-15-297. Any candidate entering the race for party nominations for office shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election the following amounts:

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

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, not to exceed Two Hundred Dollars ($200.00).

(c) Candidates for district attorney, not to exceed One Hundred Dollars ($100.00).

(d) Candidates for State Senator, State Representative, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county superintendent of education and board of supervisors, not to exceed Fifteen Dollars ($15.00).

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

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

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

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

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

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

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

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

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

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

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

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

(2) Unless the petition required above shall be filed as
provided for in subsection (3) or (4) of this section, as
appropriate, the name of the person requested to be a candidate,
unless nominated by a political party, shall not be placed upon
the ballot. The ballot shall contain the names of each candidate
for each office, and such names shall be listed under the name of
the political party such candidate represents as provided by law
and as certified to the circuit clerk by the State Executive
Committee of such political party. In the event such candidate
qualifies as an independent as herein provided, he shall be listed
on the ballot as an independent candidate.
(3) Petitions for offices described in paragraphs (a), (b), (c) and (d) of subsection (1) of this section, and petitions for offices described in paragraph (e) of subsection (1) of this section for districts composed of more than one (1) county or parts of more than one (1) county, shall be filed with the State Board of Election Commissioners by no later than 5:00 p.m. on the same date by which candidates for nominations in the political party primary elections are required to pay the fee provided for in Section 23-15-297, Mississippi Code of 1972.

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

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

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

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

(9) If after the deadline to qualify as a candidate for an office or after the time for holding any party primary for an office, there shall be only one (1) person who has duly qualified to be a candidate for the office in the general election, the name of such person shall be placed on the ballot; provided, however, that if there shall be not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the commission in accordance with the provisions of subsection (8) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Section 9-5-7, Mississippi Code of 1972, is amended as follows:

9-5-7. There shall be three (3) chancellors for the First Chancery Court District. For purposes of appointment and election the three (3) chancellorships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One," "Place Two" and "Place Three."

SECTION 9. Section 9-5-13, Mississippi Code of 1972, is amended as follows:
9-5-13. (1) There shall be three (3) chancellors for the Third Chancery Court District.

(2) The chancellor of Subdistrict 3-1 shall be elected from DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County. For purposes of appointment and election the two (2) chancellorships in Subdistrict 3-2 shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 10. Section 9-5-22, Mississippi Code of 1972, is amended as follows:

9-5-22. There shall be two (2) chancellors for the Sixth Chancery Court District. For purposes of appointment and election the two (2) chancellorships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 11. Section 9-5-40, Mississippi Code of 1972, is amended as follows:

9-5-40. There shall be two (2) judges for the Twelfth Chancery Court District. For purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 12. Section 9-5-54, Mississippi Code of 1972, is amended as follows:

9-5-54. There shall be two (2) chancellors for the Eighteenth Chancery Court District. For purposes of appointment and election the two (2) chancellorships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 13. Section 9-7-7, Mississippi Code of 1972, is amended as follows:
There shall be three (3) judges for the First Circuit Court District.

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

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

There shall be two (2) circuit judges for the Third Circuit Court District.

(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 15. Section 9-7-20, Mississippi Code of 1972, is amended as follows:

There shall be two (2) judges for the Fifth Circuit Court District.

(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 16. Section 9-7-32, Mississippi Code of 1972, is amended as follows:

There shall be two (2) judges for the Tenth Circuit Court District.

(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 17. Section 9-7-39, Mississippi Code of 1972, is amended as follows:
9-7-39. (1) The Fourteenth Circuit Court District shall be comprised of the following counties:

(a) Lincoln County;

(b) Pike County; and

(c) Walthall County.

(2) There shall be two (2) judges for the Fourteenth Circuit Court District.

(3) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

(4) From and after December 31, 2005, in addition to the two judgeships provided in this section there shall be one (1) judgeship in the subdistrict comprised of the following precincts in the following counties:


(b) Pike County: Precincts 4, 6, 14, 20, 16, 7, 10, 10A, 6A, 2, 3, 11, 12, 13, 17 and 18; and

(c) Walthall County: West Tylertown, North Knoxo, Sartinville, Darbun, Varnell, District 4 West, Enon, Dinan, Hope and St. Paul Precincts.

SECTION 18. Section 9-7-42, Mississippi Code of 1972, is amended as follows:

9-7-42. (1) There shall be two (2) judges for the Fifteenth Circuit Court District.

(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."
SECTION 19. Section 9-7-44, Mississippi Code of 1972, is amended as follows:
9-7-44. (1) There shall be two (2) judges for the Sixteenth Circuit Court District.
(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 20. Section 9-7-45, Mississippi Code of 1972, is amended as follows:
9-7-45. The Seventeenth Circuit Court District shall be divided into three (3) subdistricts as follows:
(a) Subdistrict 17-1 shall consist of DeSoto County; • • •
(b) Subdistrict 17-2 shall consist of • • • Tate County and the following precincts from Panola County: East Sardis, East Como, Pleasant Mount, Cold Springs, Pope, Courtland, Batesville 3, Coles Point, North Springport, South Springport, Eureka, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A and East Batesville 5; and
(c) Subdistrict 17-3 shall consist of Tallahatchie County, Yalobusha County and the following precincts from Panola County: West Sardis, West Como, Longtown, Crenshaw, Pleasant Grove, South Sardis, Belmont-Hebron, Curtis, North Asa, East Crowder, Tocowa and North Batesville B.

SECTION 21. 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 and election, the three judgeships shall be separate and distinct, and one (1) judge shall be elected from each subdistrict • • •.
SECTION 22. Section 9-7-54, Mississippi Code of 1972, is amended as follows:

9-7-54. (1) There shall be two (2) judges for the Twentieth Circuit Court District.

(2) For the purposes of appointment and election the two (2) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two."

SECTION 23. Section 23-15-982, Mississippi Code of 1972, is amended as follows:

23-15-982. (1) Majority of vote equals any excess of the total vote for all candidates divided by the number of judgeships to be filled divided by two (2).

If some or all candidates in a multijudge election do not receive a majority of the vote, then candidates equal in number to twice the number of remaining positions to be filled and having the highest votes shall run in a runoff election. In such event, if there is not a sufficient number of remaining candidates equal to twice the number of remaining positions to be filled, then all remaining candidates shall run in the runoff election.

(2) Any tie votes which require resolution to determine who shall enter a runoff election shall be determined by the commissioners of election in the manner prescribed by Sections 23-15-601 and 23-15-605.

Candidates equal to the remaining number of positions to be filled who have the highest votes in the runoff election are elected.

Any tie votes which must be determined in order to decide who is elected as a result of a runoff election shall be determined by the State Election Commission in the manner prescribed by Sections 23-15-601 and 23-15-605.

(3) The provisions of this section shall apply only to districts and subdistricts which are multijudge districts except...
for the **First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and Twentieth** Chancery Court Districts and Subdistrict 3-2 of the Third Chancery Court District and the **First, Second, Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Nineteenth and Twentieth** Circuit Court Districts.

**SECTION 24.** Section 23-15-983, Mississippi Code of 1972, is amended as follows:

23-15-983. At the general election, the candidates equal to the number of positions to be filled and having the highest votes shall be elected.

Any tie votes in the general election which must be resolved in order to determine who is elected shall be resolved in the manner prescribed by Sections 23-15-601 and 23-15-605.

The provisions of this section shall apply only to districts and subdistricts which are multijudge districts except for the **First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and Twentieth** Chancery Court Districts and Subdistrict 3-2 of the **First, Second, Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Nineteenth and Twentieth** Circuit Court Districts.

**SECTION 25.** 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 26.** This act shall take effect and be in force from and after January 1, 2004, or the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever date is later.