

By: Representative Fleming

To: Apportionment and  
Elections; Judiciary A

## HOUSE BILL NO. 168

1 AN ACT TO REPEAL SECTIONS 23-15-974 THROUGH 23-15-985,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE NONPARTISAN  
3 JUDICIAL ELECTION ACT; TO REENACT SECTIONS 23-15-845, 23-15-847,  
4 23-15-971 AND 9-9-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR  
5 THE ELECTION OF JUDGES IN PARTY PRIMARIES, AND WHICH WERE REPEALED  
6 IN 1994; TO REENACT AND AMEND SECTIONS 23-15-997 AND 23-15-1013,  
7 MISSISSIPPI CODE OF 1972, WHICH REGULATE NOMINATIONS OF CANDIDATES  
8 FOR JUDICIAL OFFICE; TO AMEND SECTIONS 9-4-5, 9-4-15, 9-5-29,  
9 9-5-36, 9-5-50, 9-5-58, 9-7-11, 9-7-27, 9-7-46, 9-7-51, 23-15-197,  
10 23-15-297, 23-15-359, 23-15-367, 23-15-801, 23-15-807, 23-15-973,  
11 23-15-993, 23-15-995 AND 23-15-1015, MISSISSIPPI CODE OF 1972, IN  
12 CONFORMITY TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Sections 23-15-974, 23-15-975, 23-15-976,  
15 23-15-977, 23-15-977.1, 23-15-978, 23-15-979, 23-15-980,  
16 23-15-981, 23-15-982, 23-15-983, 23-15-984 and 23-15-985,  
17 Mississippi Code of 1972, which provide for the Nonpartisan  
18 Judicial Election Act, are repealed.

19 **SECTION 2.** Section 23-15-845, Mississippi Code of 1972, is  
20 reenacted as follows:

21 23-15-845. Primary elections for the nomination of  
22 candidates to fill vacancies in the office of judge of the Supreme  
23 Court or of the Court of Appeals shall be held upon the same dates  
24 and concurrently with the primary elections for the nomination of  
25 candidates for the office or offices to be filled in the election  
26 at which such vacancies in the office of judge of the Supreme  
27 Court or of the Court of Appeals are to be filled.

28 **SECTION 3.** Section 23-15-847, Mississippi Code of 1972, is  
29 reenacted as follows:

30 23-15-847. 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 Court of

33 Appeals or circuit judge, or chancellor, vacancy nominations shall  
34 be made for said offices in the manner as nominations are made for  
35 the full term.

36 **SECTION 4.** Section 23-15-971, Mississippi Code of 1972, is  
37 reenacted as follows:

38 23-15-971. Party primary elections for the nomination of  
39 candidates for the office of circuit judge, and of chancellor, and  
40 of judge of the Supreme Court and of judge of the Court of Appeals  
41 shall be under the supervision and control of the State Executive  
42 Committee of the respective political parties, which committees  
43 shall discharge in connection with such elections all of the  
44 duties imposed upon them in connection with elections for the  
45 nomination of candidates for other state officers.

46 **SECTION 5.** Section 23-15-997, Mississippi Code of 1972, is  
47 reenacted and amended as follows:

48 23-15-997. Nominations of candidates for the office of judge  
49 of the Supreme Court and judge of the Court of Appeals by any  
50 political party shall be made by districts, and the primary  
51 elections for that purpose shall be held concurrently with the  
52 primary elections for the nomination of Representatives in  
53 Congress, except as may be herein otherwise provided. The general  
54 primary election laws shall apply to and govern the nomination of  
55 candidates for the office of judge of the Supreme Court insofar as  
56 they may be applicable.

57 **SECTION 6.** Section 23-15-1013, Mississippi Code of 1972, is  
58 reenacted and amended as follows:

59 23-15-1013. Nominations of candidates for the office of  
60 circuit court judge and for the office of chancery court judge  
61 shall be made in every county in their respective districts by  
62 primary election to be held concurrently with the primary election  
63 to be held for the nomination of Representatives in Congress in  
64 2006 and every four (4) years thereafter. Primary elections for  
65 the nominations of candidates for the offices of judge of the

66 circuit and chancery courts shall be held under the general  
67 primary election laws of the state.

68 **SECTION 7.** Section 9-9-7, Mississippi Code of 1972, is  
69 reenacted as follows:

70 9-9-7. Except where the judge is elected for less than the  
71 full four-year term, he may be nominated in the regular judicial  
72 primary elections at the same time when nominations for circuit  
73 judges and chancellors are made.

74 **SECTION 8.** Section 9-4-5, Mississippi Code of 1972, is  
75 amended as follows:

76 9-4-5. (1) The term of office of judges of the Court of  
77 Appeals shall be eight (8) years. An election shall be held on  
78 the first Tuesday after the first Monday in November 1994, to  
79 elect the ten (10) judges of the Court of Appeals, two (2) from  
80 each congressional district; provided, however, judges of the  
81 Court of Appeals who are elected to take office after the first  
82 Monday of January 2002, shall be elected from the Court of Appeals  
83 Districts described in subsection (5) of this section. The judges  
84 of the Court of Appeals shall begin service on the first Monday of  
85 January 1995.

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

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

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

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

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

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

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

126                   (c) In the year prior to the expiration of the term of  
127 an incumbent, and likewise each eighth year thereafter, an  
128 election shall be held in the manner provided in this section in  
129 the district from which the incumbent Court of Appeals judge was  
130 elected at which there shall be elected a successor to the

131 incumbent, whose term of office shall thereafter begin on the  
132 first Monday of January of the year in which the term of the  
133 incumbent he succeeds expires.

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

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

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

145 **FIRST DISTRICT.** The First Court of Appeals District shall be  
146 composed of the following counties and portions of counties:  
147 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
148 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
149 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
150 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
151 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
152 Nations and Poplar Creek; in Panola County the precincts of East  
153 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North  
154 Springport, South Springport, Eureka, Williamson, East Batesville  
155 4, West Batesville 4, Fern Hill, North Batesville A, East  
156 Batesville 5 and West Batesville 5; and in Tallahatchie County the  
157 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,  
158 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,  
159 Murphreesboro and Rosebloom.

160 **SECOND DISTRICT.** The Second Court of Appeals District shall  
161 be composed of the following counties and portions of counties:  
162 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
163 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,

164 Tunica, Warren, Washington and Yazoo; in Attala County the  
165 precincts of Northeast, Hesterville, Possomneck, North Central,  
166 McAdams, Newport, Sallis and Southwest; that portion of Grenada  
167 County not included in the First Court of Appeals District; in  
168 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
169 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
170 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
171 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
172 precincts of Conway, West Carthage, Wiggins, Thomastown and  
173 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
174 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
175 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,  
176 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
177 Canton Precinct 1 and Canton Precinct 4; that portion of  
178 Montgomery County not included in the First Court of Appeals  
179 District; that portion of Panola County not included in the First  
180 Court of Appeals District; and that portion of Tallahatchie County  
181 not included in the First Court of Appeals District.

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

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

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

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

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

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

213 9-4-15. Primary and general elections for the office of  
214 judge of the Court of Appeals shall be held at the same times as  
215 primary and general elections for congressional offices.

216 **SECTION 10.** Section 9-5-29, Mississippi Code of 1972, is  
217 amended as follows:

218 9-5-29. (1) There shall be four (4) chancellors for the  
219 Eighth Chancery Court District.

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

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

229 convenience by the entry of an order upon the minutes of the  
230 court.

231 **SECTION 11.** Section 9-5-36, Mississippi Code of 1972, is  
232 amended as follows:

233 9-5-36. (1) There shall be three (3) chancellors for the  
234 Tenth Chancery Court District.

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

246 **SECTION 12.** Section 9-5-50, Mississippi Code of 1972, is  
247 amended as follows:

248 9-5-50. (1) There shall be three (3) chancellors for the  
249 Sixteenth Chancery Court District.

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

254 **SECTION 13.** Section 9-5-58, Mississippi Code of 1972, is  
255 amended as follows:

256 9-5-58. There shall be two (2) chancellors for the Twentieth  
257 Chancery Court District. For purposes of appointment, nomination  
258 and election the two (2) chancellorships shall be separate and  
259 distinct and denominated for purposes of appointment and election  
260 only as "Place One" and "Place Two."



261           **SECTION 14.** Section 9-7-11, Mississippi Code of 1972, is  
262 amended as follows:

263           9-7-11. (1) There shall be four (4) circuit judges for the  
264 Second Circuit Court District.

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

269           **SECTION 15.** Section 9-7-27, Mississippi Code of 1972, is  
270 amended as follows:

271           9-7-27. (1) The Eighth Circuit Court District shall be  
272 comprised of the following counties:

- 273           (a) Leake County;
- 274           (b) Neshoba County;
- 275           (c) Newton County; and
- 276           (d) Scott County.

277           (2) There shall be two (2) judges for the Eighth Circuit  
278 Court District. The initial term for the second judgeship created  
279 under this section shall begin on the effective date of Laws,  
280 1997, ch. 378, and shall end at the same time as for circuit  
281 judges generally.

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

286           **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is  
287 amended as follows:

288           9-7-46. (1) There shall be three (3) circuit judges for the  
289 Seventeenth Circuit Court District.

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

294           **SECTION 17.** Section 9-7-51, Mississippi Code of 1972, is  
295 amended as follows:

296           9-7-51. (1) There shall be three (3) circuit judges for the  
297 Nineteenth Circuit Court District. For the purposes of  
298 appointment, nomination and election, the three (3) judgeships  
299 shall be separate and distinct and denominated for purposes of  
300 appointment and election only as "Place One," "Place Two" and  
301 "Place Three."

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

307           **SECTION 18.** Section 23-15-197, Mississippi Code of 1972, is  
308 amended as follows:

309           23-15-197. (1) Times for holding primary and general  
310 elections for congressional offices shall be as prescribed in  
311 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

315           (3) Times for holding primary and general elections for the  
316 office of circuit court judge and the office of chancery court  
317 judge shall be as prescribed in Sections 23-10-1013 and \* \* \*  
318 23-15-1015.

319           (4) Times for holding elections for the office of county  
320 election commissioners shall be as prescribed in Section  
321 23-15-213.

322           **SECTION 19.** Section 23-15-297, Mississippi Code of 1972, is  
323 amended as follows:

324           23-15-297. All candidates upon entering the race for party  
325 nominations for office shall first pay to the proper officer as

326 provided for in Section 23-15-299 for each primary election the  
327 following amounts:

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

330 (b) Candidates for Lieutenant Governor, Supreme Court  
331 Judge, Court of Appeals Judge, Attorney General, Secretary of  
332 State, State Treasurer, Auditor of Public Accounts, Commissioner  
333 of Insurance, Commissioner of Agriculture and Commerce, State  
334 Highway Commissioner and State Public Service Commissioner, not to  
335 exceed Two Hundred Dollars (\$200.00).

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

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

343 (e) Candidates for county surveyor, county coroner,  
344 justice court judge and constable, not to exceed Ten Dollars  
345 (\$10.00).

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

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

350 **SECTION 20.** Section 23-15-359, Mississippi Code of 1972, is  
351 amended as follows:

352 23-15-359. (1) The ballot shall contain the names of all  
353 party nominees certified by the appropriate executive committee,  
354 and independent and special election candidates who have timely  
355 filed petitions containing the required signatures. A petition  
356 requesting that an independent or special election candidate's  
357 name be placed on the ballot for any office shall be filed as  
358 provided for in subsection (3) or (4) of this section, as

359 appropriate, and shall be signed by not less than the following  
360 number of qualified electors:

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

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

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

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

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

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

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

380 (2) Unless the petition required above shall be filed as  
381 provided for in subsection (3) or (4) of this section, as  
382 appropriate, the name of the person requested to be a candidate,  
383 unless nominated by a political party, shall not be placed upon  
384 the ballot. The ballot shall contain the names of each candidate  
385 for each office, and such names shall be listed under the name of  
386 the political party such candidate represents as provided by law  
387 and as certified to the circuit clerk by the State Executive  
388 Committee of such political party. In the event such candidate  
389 qualifies as an independent as herein provided, he shall be listed  
390 on the ballot as an independent candidate.

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

400           (4) Petitions for offices described in paragraphs (f) and  
401 (g) of subsection (1) of this section, and petitions for offices  
402 described in paragraph (e) of subsection (1) of this section for  
403 districts composed of one (1) county or less, shall be filed with  
404 the proper circuit clerk by no later than 5:00 p.m. on the same  
405 date by which candidates for nominations in the political party  
406 elections are required to pay the fee provided for in Section  
407 23-15-297; provided, however, that no petition may be filed before  
408 January 1 of the year in which the election for the office is  
409 held. The circuit clerk shall notify the county commissioners of  
410 election of all persons who have filed petitions with such clerk.  
411 Such notification shall occur within two (2) business days and  
412 shall contain all necessary information.

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

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

422           (7) Nothing in this section shall prohibit special elections  
423 to fill vacancies in either house of the Legislature from being

424 held as provided in Section 23-15-851. In all elections conducted  
425 under the provisions of Section 23-15-851, the commissioner shall  
426 have printed on the ballot the name of any candidate who, not  
427 having been nominated by a political party, shall have been  
428 requested to be a candidate for any office by a petition filed  
429 with said commissioner by 5:00 p.m. not less than ten (10) working  
430 days prior to the election, and signed by not less than fifty (50)  
431 qualified electors.

432 (8) The appropriate election commission shall determine  
433 whether each candidate is a qualified elector of the state, state  
434 district, county or county district they seek to serve, and  
435 whether each candidate meets all other qualifications to hold the  
436 office he is seeking or presents absolute proof that he will,  
437 subject to no contingencies, meet all qualifications on or before  
438 the date of the general or special election at which he could be  
439 elected to office. The election commission also shall determine  
440 whether any candidate has been convicted of any felony in a court  
441 of this state, or has been convicted on or after December 8, 1992,  
442 of any offense in another state which is a felony under the laws  
443 of this state, or has been convicted of any felony in a federal  
444 court on or after December 8, 1992. Excepted from the above are  
445 convictions of manslaughter and violations of the United States  
446 Internal Revenue Code or any violations of the tax laws of this  
447 state, unless the offense also involved misuse or abuse of his  
448 office or money coming into his hands by virtue of his office. If  
449 the appropriate election commission finds that a candidate either  
450 (a) is not a qualified elector, (b) does not meet all  
451 qualifications to hold the office he seeks and fails to provide  
452 absolute proof, subject to no contingencies, that he will meet the  
453 qualifications on or before the date of the general or special  
454 election at which he could be elected, or (c) has been convicted  
455 of a felony as described in this subsection, and not pardoned,

456 then the name of such candidate shall not be placed upon the  
457 ballot.

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

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

475 **SECTION 21.** Section 23-15-367, Mississippi Code of 1972, is  
476 amended as follows:

477 23-15-367. (1) Except as otherwise provided by \* \* \*  
478 subsection (2) of this section, the arrangement of the names of  
479 the candidates, and the order in which the titles of the various  
480 offices shall be printed, and the size, print and quality of paper  
481 of the official ballot is left to the discretion of the officer  
482 charged with printing the official ballot; but the arrangement  
483 need not be uniform.

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

- 486 (a) Candidates for national office;  
487 (b) Candidates for statewide office;  
488 (c) Candidates for state district office;

- 489           (d) Candidates for legislative office;  
490           (e) Candidates for countywide office;  
491           (f) Candidates for county district office.

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

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

501           **SECTION 22.** Section 23-15-801, Mississippi Code of 1972, is  
502 amended as follows:

503           23-15-801. (a) "Election" shall mean a general, special,  
504 primary or runoff election.

505           (b) "Candidate" shall mean an individual who seeks  
506 nomination for election, or election, to any elective office other  
507 than a federal elective office and for purposes of this article,  
508 an individual shall be deemed to seek nomination for election, or  
509 election:

510           (i) If such individual has received contributions  
511 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
512 expenditures aggregating in excess of Two Hundred Dollars  
513 (\$200.00) or for a candidate for the Legislature or any statewide  
514 or state district office, by the qualifying deadlines specified in  
515 Section 23-15-299 \* \* \*, whichever occurs first; or

516           (ii) If such individual has given his or her consent to  
517 another person to receive contributions or make expenditures on  
518 behalf of such individual and if such person has received such  
519 contributions aggregating in excess of Two Hundred Dollars  
520 (\$200.00) during a calendar year, or has made such expenditures



521 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
522 calendar year.

523 (c) "Political committee" shall mean any committee, party,  
524 club, association, political action committee, campaign committee  
525 or other groups of persons or affiliated organizations which  
526 receives contributions aggregating in excess of Two Hundred  
527 Dollars (\$200.00) during a calendar year or which makes  
528 expenditures aggregating in excess of Two Hundred Dollars  
529 (\$200.00) during a calendar year for the purpose of influencing or  
530 attempting to influence the action of voters for or against the  
531 nomination for election, or election, of one or more candidates,  
532 or balloted measures and shall, in addition, include each  
533 political party registered with the Secretary of State.

534 (d) "Affiliated organization" shall mean any organization  
535 which is not a political committee, but which directly or  
536 indirectly establishes, administers or financially supports a  
537 political committee.

538 (e) (i) "Contribution" shall include any gift,  
539 subscription, loan, advance or deposit of money or anything of  
540 value made by any person or political committee for the purpose of  
541 influencing any election for elective office or balloted measure;

542 (ii) "Contribution" shall not include the value of  
543 services provided without compensation by any individual who  
544 volunteers on behalf of a candidate or political committee; or the  
545 cost of any food or beverage for use in any candidate's campaign  
546 or for use by or on behalf of any political committee of a  
547 political party;

548 (iii) "Contribution to a political party" includes any  
549 gift, subscription, loan, advance or deposit of money or anything  
550 of value made by any person, political committee, or other  
551 organization to a political party and to any committee,  
552 subcommittee, campaign committee, political committee and other

553 groups of persons and affiliated organizations of the political  
554 party;

555 (iv) "Contribution to a political party" shall not  
556 include the value of services provided without compensation by any  
557 individual who volunteers on behalf of a political party or a  
558 candidate of a political party.

559 (f) (i) "Expenditure" shall include any purchase, payment,  
560 distribution, loan, advance, deposit, gift of money or anything of  
561 value, made by any person or political committee for the purpose  
562 of influencing any balloted measure or election for elective  
563 office; and a written contract, promise, or agreement to make an  
564 expenditure;

565 (ii) "Expenditure" shall not include any news story,  
566 commentary or editorial distributed through the facilities of any  
567 broadcasting station, newspaper, magazine, or other periodical  
568 publication, unless such facilities are owned or controlled by any  
569 political party, political committee, or candidate; or nonpartisan  
570 activity designed to encourage individuals to vote or to register  
571 to vote;

572 (iii) "Expenditure by a political party" includes 1.  
573 any purchase, payment, distribution, loan, advance, deposit, gift  
574 of money or anything of value, made by any political party and by  
575 any contractor, subcontractor, agent, and consultant to the  
576 political party; and 2. a written contract, promise, or agreement  
577 to make such an expenditure.

578 (g) The term "identification" shall mean:

579 (i) In the case of any individual, the name, the  
580 mailing address, and the occupation of such individual, as well as  
581 the name of his or her employer; and

582 (ii) In the case of any other person, the full name and  
583 address of such person.

584 (h) The term "political party" shall mean an association,  
585 committee or organization which nominates a candidate for election

586 to any elective office whose name appears on the election ballot  
587 as the candidate of such association, committee or organization.

588 (i) The term "person" shall mean any individual, family,  
589 firm, corporation, partnership, association or other legal entity.

590 (j) The term "independent expenditure" shall mean an  
591 expenditure by a person expressly advocating the election or  
592 defeat of a clearly identified candidate which is made without  
593 cooperation or consultation with any candidate or any authorized  
594 committee or agent of such candidate, and which is not made in  
595 concert with or at the request or suggestion of any candidate or  
596 any authorized committee or agent of such candidate.

597 (k) The term "clearly identified" shall mean that:

598 (i) The name of the candidate involved appears; or

599 (ii) A photograph or drawing of the candidate appears;

600 or

601 (iii) The identity of the candidate is apparent by  
602 unambiguous reference.

603 **SECTION 23.** Section 23-15-807, Mississippi Code of 1972, is  
604 amended as follows:

605 23-15-807. (a) Each candidate or political committee shall  
606 file reports of contributions and disbursements in accordance with  
607 the provisions of this section. All candidates or political  
608 committees required to report may terminate its obligation to  
609 report only upon submitting a final report that it will no longer  
610 receive any contributions or make any disbursement and that such  
611 candidate or committee has no outstanding debts or obligations.  
612 The candidate, treasurer or chief executive officer shall sign  
613 each such report.

614 (b) Candidates who are seeking election, or nomination for  
615 election, and political committees that make expenditures for the  
616 purpose of influencing or attempting to influence the action of  
617 voters for or against the nomination for election, or election, of

618 one or more candidates or balloted measures at such election,  
619 shall file the following reports:

620 (i) In any calendar year during which there is a  
621 regularly scheduled election, a preelection report, which shall be  
622 filed no later than the seventh day before any election in which  
623 such candidate or political committee has accepted contributions  
624 or made expenditures and which shall be complete as of the tenth  
625 day before such election;

626 (ii) In 1987 and every fourth year thereafter, periodic  
627 reports, which shall be filed no later than the tenth day after  
628 April 30, May 31, June 30, September 30 and December 31, and which  
629 shall be complete as of the last day of each period; and

630 (iii) In any calendar years except 1987 and except  
631 every fourth year thereafter, a report covering the calendar year  
632 which shall be filed no later than January 31 of the following  
633 calendar year.

634 (c) All candidates for judicial office \* \* \*, or their  
635 political committees, shall file in the year in which they are to  
636 be elected, periodic reports which shall be filed no later than  
637 the tenth day after April 30, May 31, June 30, September 30 and  
638 December 31.

639 (d) Contents of reports. Each report under this article  
640 shall disclose:

641 (i) For the reporting period and the calendar year, the  
642 total amount of all contributions and the total amount of all  
643 expenditures of the candidate or reporting committee which shall  
644 include those required to be identified pursuant to item (ii) of  
645 this paragraph as well as the total of all other contributions and  
646 expenditures during the calendar year. Such reports shall be  
647 cumulative during the calendar year to which they relate;

648 (ii) The identification of:

649 1. Each person or political committee who makes a  
650 contribution to the reporting candidate or political committee

651 during the reporting period, whose contribution or contributions  
652 within the calendar year have an aggregate amount or value in  
653 excess of Two Hundred Dollars (\$200.00) together with the date and  
654 amount of any such contribution;

655           2. Each person or organization, candidate or  
656 political committee who receives an expenditure, payment or other  
657 transfer from the reporting candidate, political committee or its  
658 agent, employee, designee, contractor, consultant or other person  
659 or persons acting in its behalf during the reporting period when  
660 the expenditure, payment or other transfer to such person,  
661 organization, candidate or political committee within the calendar  
662 year have an aggregate value or amount in excess of Two Hundred  
663 Dollars (\$200.00) together with the date and amount of such  
664 expenditure;

665           (iii) The total amount of cash on hand of each  
666 reporting candidate and reporting political committee;

667           (iv) In addition to the contents of reports specified  
668 in items (i), (ii) and (iii) of this paragraph, each political  
669 party shall disclose:

670           1. Each person or political committee who makes a  
671 contribution to a political party during the reporting period and  
672 whose contribution or contributions to a political party within  
673 the calendar year have an aggregate amount or value in excess of  
674 Two Hundred Dollars (\$200.00), together with the date and amount  
675 of the contribution;

676           2. Each person or organization who receives an  
677 expenditure by a political party or expenditures by a political  
678 party during the reporting period when the expenditure or  
679 expenditures to the person or organization within the calendar  
680 year have an aggregate value or amount in excess of Two Hundred  
681 Dollars (\$200.00), together with the date and amount of the  
682 expenditure.

683 (e) The appropriate office specified in Section 23-15-805  
684 must be in actual receipt of the reports specified in this article  
685 by 5:00 p.m. on the dates specified in paragraph (b) of this  
686 section. If the date specified in paragraph (b) of this section  
687 shall fall on a weekend or legal holiday then the report shall be  
688 due in the appropriate office at 5:00 p.m. on the first working  
689 day before the date specified in paragraph (b) of this section.  
690 The reporting candidate or reporting political committee shall  
691 ensure that the reports are delivered to the appropriate office by  
692 the filing deadline. The Secretary of State may approve specific  
693 means of electronic transmission of completed campaign finance  
694 disclosure reports, which may include, but not be limited to,  
695 transmission by electronic facsimile (FAX) devices.

696 (f) (i) If any contribution of more than Two Hundred  
697 Dollars (\$200.00) is received by a candidate or candidate's  
698 political committee after the tenth day, but more than forty-eight  
699 (48) hours before 12:01 a.m. of the day of the election, the  
700 candidate or political committee shall notify the appropriate  
701 office designated in Section 23-15-805, within forty-eight (48)  
702 hours of receipt of the contribution. The notification shall  
703 include:

- 704 1. The name of the receiving candidate;
- 705 2. The name of the receiving candidate's political  
706 committee, if any;
- 707 3. The office sought by the candidate;
- 708 4. The identification of the contributor;
- 709 5. The date of receipt;
- 710 6. The amount of the contribution;
- 711 7. If the contribution is in-kind, a description  
712 of the in-kind contribution; and
- 713 8. The signature of the candidate or the treasurer  
714 or director of the candidate's political committee;

715           (ii) The notification shall be in writing, and may be  
716 transmitted by overnight mail, courier service, or other reliable  
717 means, including electronic facsimile (FAX), but the candidate or  
718 candidate's committee shall ensure that the notification shall in  
719 fact be received in the appropriate office designated in Section  
720 23-15-805 within forty-eight (48) hours of the contribution.

721           **SECTION 24.** Section 23-15-973, Mississippi Code of 1972, is  
722 amended as follows:

723           23-15-973. It shall be the duty of the judges of the circuit  
724 court to give a reasonable time and opportunity to the candidates  
725 for the office of judge of the Supreme Court, judges of the Court  
726 of Appeals, circuit judge and chancellor to address the people  
727 during court terms. In order to give further and every possible  
728 emphasis to the fact that the said judicial offices are not  
729 political but are to be held without favor and with absolute  
730 impartiality as to all persons, and because of the jurisdiction  
731 conferred upon the courts by this chapter, the judges thereof  
732 should be as far removed as possible from any political  
733 affiliations or obligations within their party. It shall be  
734 unlawful for any candidate for any of the offices mentioned in  
735 this section to align himself with any candidate or candidates for  
736 any other office or with any political faction within his party at  
737 any time during any primary or general election campaign.  
738 Likewise it shall be unlawful for any candidate for any other  
739 office nominated or to be nominated at any primary election,  
740 wherein any candidate for any of the judicial offices in this  
741 section mentioned, is or are to be nominated, to align himself  
742 with any one or more of the candidates for said offices or to take  
743 any part whatever in any nomination for any one or more of said  
744 judicial offices, except to cast his individual vote. Any  
745 candidate for any office, whether nominated with or without  
746 opposition, at any primary wherein a candidate for any one of the  
747 judicial offices herein mentioned is to be nominated who shall

748 deliberately, knowingly and willfully violate the provisions of  
749 this section shall forfeit his nomination, or if elected at the  
750 following general election by virtue of said nomination, his  
751 election shall be void.

752       **SECTION 25.** Section 23-15-993, Mississippi Code of 1972, is  
753 amended as follows:

754       23-15-993. For the purpose of all elections, including  
755 primary elections, each of the nine (9) judgeships of the Supreme  
756 Court shall be considered a separate office. The three (3)  
757 offices in each of the three (3) Supreme Court districts shall be  
758 designated Position Number 1, Position Number 2 and Position  
759 Number 3, and in qualifying for office as a candidate for any  
760 office of judge of the Supreme Court each candidate shall state  
761 the position number of the office to which he aspires and both the  
762 primary and regular election ballots shall so indicate. In  
763 Supreme Court District Number 1: Position Number 1 shall be that  
764 office for which the term ends in January 1966; Position Number 2  
765 shall be that office for which the term ends in January 1965; and  
766 Position Number 3 shall be that office for which the term ends in  
767 January 1969. In District Number 2: Position Number 1 shall be  
768 that office for which the term ends in January 1972; Position  
769 Number 2 shall be that office for which the term ends in January  
770 1969; and Position Number 3 shall be for that office for which the  
771 term ends in January 1973. In District Number 3: Position Number  
772 1 shall be that office for which the term ends in January 1969;  
773 Position Number 2 shall be that office for which the term ends in  
774 January 1969; and Position Number 3 shall be that office for which  
775 the term ends in January 1965.

776       **SECTION 26.** Section 23-15-995, Mississippi Code of 1972, is  
777 amended as follows:

778       23-15-995. Except as may be otherwise provided \* \* \*, the  
779 general laws for the election of state officers shall apply to and  
780 govern the election of judges of the Supreme Court.



781           **SECTION 27.** Section 23-15-1015, Mississippi Code of 1972, is  
782 amended as follows:

783           23-15-1015. On Tuesday after the first Monday in November  
784 1986, and every four (4) years thereafter and concurrently with  
785 the election for representatives in Congress, there shall be held  
786 an election in every county for judges of the several circuit and  
787 chancery court districts; provided, however, that the terms of  
788 judges of the several circuit and chancery court districts shall  
789 be six (6) years beginning with the term commencing January 2003.  
790 The laws regulating the general elections shall, in all respects,  
791 apply to and govern elections of judges of the circuit and  
792 chancery courts.

793           **SECTION 28.** The Attorney General of the State of Mississippi  
794 shall submit this act, immediately upon approval by the Governor,  
795 or upon approval by the Legislature subsequent to a veto, to the  
796 Attorney General of the United States or to the United States  
797 District Court for the District of Columbia in accordance with the  
798 provisions of the Voting Rights Act of 1965, as amended and  
799 extended.

800           **SECTION 29.** This act shall take effect and be in force from  
801 and after July 1, 2004, if it is effectuated on or before that  
802 date under Section 5 of the Voting Rights Act of 1965, as amended  
803 and extended. If it is effectuated under Section 5 of the Voting  
804 Rights Act of 1965, as amended and extended, after July 1, 2004,  
805 this act shall take effect and be in force from and after the date  
806 it is effectuated under Section 5 of the Voting Rights Act of  
807 1965, as amended and extended.