

By: Representative Carlton

To: Judiciary A;  
Apportionment and Elections

HOUSE BILL NO. 620

1 AN ACT TO AMEND SECTIONS 23-15-197, 23-15-973, 23-15-975,  
2 23-15-977, 23-15-991 AND 23-15-993, MISSISSIPPI CODE OF 1972, TO  
3 PROVIDE THAT JUDGES OF THE SUPREME COURT SHALL BE APPOINTED AT THE  
4 END OF THE CURRENT TERMS AND EVERY EIGHT YEARS THEREAFTER; TO  
5 CREATE THE NONPARTISAN MULTI-DISCIPLINARY NOMINATING COMMISSION  
6 WHO SHALL SCREEN NOMINEES FOR APPOINTMENT TO THE SUPREME COURT; TO  
7 PROVIDE AN ELECTION TO DETERMINE IF AN INCUMBENT JUDGE IS TO BE  
8 RETAINED OR REMOVED AND A SUCCESSOR APPOINTED; TO REPEAL SECTION  
9 23-15-995, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
10 APPLICABILITY OF ELECTION LAWS TO THE ELECTION OF JUDGES OF THE  
11 SUPREME COURT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 23-15-197, Mississippi Code of 1972, is  
14 amended as follows:

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

18 \* \* \*

19 (2) Times for holding elections for the office of circuit  
20 court judge and the office of chancery court judge shall be as  
21 prescribed in Sections 23-15-974 through 23-15-985, and Section  
22 23-15-1015.

23 (3) Times for holding elections for the office of county  
24 election commissioners shall be as prescribed in Section  
25 23-15-213.

26 **SECTION 2.** Section 23-15-973, Mississippi Code of 1972, is  
27 amended as follows:

28 23-15-973. It shall be the duty of the judges of the circuit  
29 court to give a reasonable time and opportunity to the candidates  
30 for the office of \* \* \* judges of the Court of Appeals, circuit  
31 judge and chancellor to address the people during court terms. In

32 order to give further and every possible emphasis to the fact that  
33 the said judicial offices are not political but are to be held  
34 without favor and with absolute impartiality as to all persons,  
35 and because of the jurisdiction conferred upon the courts by this  
36 chapter, the judges thereof should be as far removed as possible  
37 from any political affiliations or obligations. It shall be  
38 unlawful for any candidate for any of the offices mentioned in  
39 this section to align himself with any candidate or candidates for  
40 any other office or with any political faction or any political  
41 party at any time during any primary or general election campaign.  
42 Likewise it shall be unlawful for any candidate for any other  
43 office nominated or to be nominated at any primary election,  
44 wherein any candidate for any of the judicial offices in this  
45 section mentioned, is or are to be nominated, to align himself  
46 with any one or more of the candidates for said offices or to take  
47 any part whatever in any nomination for any one or more of said  
48 judicial offices, except to cast his individual vote. Any  
49 candidate for any office, whether nominated with or without  
50 opposition, at any primary wherein a candidate for any one of the  
51 judicial offices herein mentioned is to be nominated who shall  
52 deliberately, knowingly and willfully violate the provisions of  
53 this section shall forfeit his nomination, or if elected at the  
54 following general election by virtue of said nomination, his  
55 election shall be void.

56 **SECTION 3.** Section 23-15-975, Mississippi Code of 1972, is  
57 amended as follows:

58 23-15-975. As used in Sections 23-15-974 through 23-15-985  
59 of this subarticle, the term "judicial office" includes the office  
60 of \* \* \* judge of the Court of Appeals, circuit judge, chancellor,  
61 county court judge and family court judge. All such \* \* \* judges  
62 shall be full-time positions and such \* \* \* judges shall not  
63 engage in the practice of law before any court, administrative  
64 agency or other judicial or quasi-judicial forum except as

65 provided by law for finalizing pending cases after election to  
66 judicial office.

67 **SECTION 4.** Section 23-15-977, Mississippi Code of 1972, is  
68 amended as follows:

69 23-15-977. (1) All candidates for judicial office as  
70 defined in Section 23-15-975 of this subarticle shall file their  
71 intent to be a candidate with the proper officials not later than  
72 5:00 p.m. on the first Friday after the first Monday in May prior  
73 to the general election for judicial office and shall pay to the  
74 proper officials the following amounts:

75 (a) Candidates for \* \* \* Court of Appeals judge, the  
76 sum of Two Hundred Dollars (\$200.00).

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

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

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

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

95 **SECTION 5.** Section 23-15-991, Mississippi Code of 1972, is  
96 amended as follows:

97           23-15-991. (1) The term of office of judges of the Supreme  
98 Court shall be eight (8) years. Concurrently with the regular  
99 election for representatives in Congress, held next preceding the  
100 expiration of the term of an incumbent, and likewise each eighth  
101 year thereafter, an election shall be held in the Supreme Court  
102 district from which such incumbent was elected at which there  
103 shall be elected a successor to the incumbent, whose term of  
104 office shall thereafter begin on the first Monday of January of  
105 the year in which the term of the incumbent he succeeds expires.  
106 At the end of the current terms of the judges of the Supreme  
107 Court, the Governor shall appoint a successor from the list of  
108 nominees provided by the Nonpartisan Multi-disciplinary Nominating  
109 Commission as provided in subsection (2) who shall serve for a  
110 term of eight (8) years and successors shall be retained or  
111 appointed from thereafter as provided in subsection (3).

112           (2) (a) There is created the Nonpartisan Multi-disciplinary  
113 Nominating Commission which shall be comprised of the following  
114 members:

115                   (i) Four (4) members appointed by the Governor,  
116 one (1) of which shall be a sitting judge who shall preside over  
117 the commission;

118                   (ii) Two (2) members appointed by the Lieutenant  
119 Governor, one (1) of which shall be an attorney in good standing  
120 with the Mississippi Bar;

121                   (iii) Two (2) members appointed by the Speaker of  
122 the House of Representatives, one (1) of which shall be an  
123 attorney in good standing with the Mississippi Bar; and

124                   (iv) Two (2) members appointed by the Mississippi  
125 Bar, one (1) of which shall be an attorney in good standing with  
126 the Mississippi Bar.

127           (b) The commission shall screen applicants for judges  
128 of the Supreme Court on a basis of merit, physical and mental  
129 ability to perform the tasks required, impartiality, integrity,

130 professional skills, scope of experience as shown through prior  
131 practice or specialized expertise, community involvement, social  
132 awareness, collegiality, writing ability, decisiveness, judicial  
133 temperament, speaking ability and professionalism. The commission  
134 is authorized to require candidates to fill out detailed  
135 questionnaires listing qualifications and experience.

136 (c) The commission shall provide a list of five (5)  
137 nominees to the Governor for a vacant position on the Supreme  
138 Court. The Governor shall appoint a judge only from the list of  
139 nominees provided by the commission.

140 (d) The members of the commission shall be entitled to  
141 receive per diem as provided in Section 25-3-69 and travel  
142 expenses as provided in Section 25-3-41 while carrying out their  
143 official duties as members of the commission.

144 (3) In the fourth year of the term of an incumbent, and  
145 likewise each eighth year thereafter, an election shall be held at  
146 the general election in the Supreme Court district from which the  
147 incumbent Supreme Court judge was elected or appointed in which  
148 the qualified electors shall vote to retain or remove the judge.  
149 If a majority of the qualified electors voting in the election  
150 vote in favor of retaining a judge, the judge shall serve for  
151 another term. If a majority of the qualified electors voting in  
152 the election vote in favor of removing a judge, the judge shall  
153 serve until the end of the term and the Governor shall appoint a  
154 successor to the incumbent from the list of nominees provided by  
155 the Nonpartisan Multi-disciplinary Nominating Commission, whose  
156 term of office shall thereafter begin on the first Monday of  
157 January of the year in which the term of the incumbent he succeeds  
158 expires.

159 **SECTION 6.** Section 23-15-993, Mississippi Code of 1972, is  
160 amended as follows:

161 23-15-993. For the purpose of all appointments, each of the  
162 nine (9) judgeships of the Supreme Court shall be considered a

163 separate office. The three (3) offices in each of the three (3)  
164 Supreme Court districts shall be designated Position Number 1,  
165 Position Number 2 and Position Number 3 \* \* \*. In Supreme Court  
166 District Number 1: Position Number 1 shall be that office for  
167 which the term ends in January 1966; Position Number 2 shall be  
168 that office for which the term ends in January 1965; and Position  
169 Number 3 shall be that office for which the term ends in January  
170 1969. In District Number 2: Position Number 1 shall be that  
171 office for which the term ends in January 1972; Position Number 2  
172 shall be that office for which the term ends in January 1969; and  
173 Position Number 3 shall be for that office for which the term ends  
174 in January 1973. In District Number 3: Position Number 1 shall  
175 be that office for which the term ends in January 1969; Position  
176 Number 2 shall be that office for which the term ends in January  
177 1969; and Position Number 3 shall be that office for which the  
178 term ends in January 1965.

179 **SECTION 7.** Section 23-15-995, Mississippi Code of 1972,  
180 which provides for the applicability of election laws to the  
181 election of judges of the Supreme Court, is repealed.

182 **SECTION 8.** The Attorney General of the State of Mississippi  
183 shall submit this act, immediately upon approval by the Governor,  
184 or upon approval by the Legislature subsequent to a veto, to the  
185 Attorney General of the United States or to the United States  
186 District Court for the District of Columbia in accordance with the  
187 provisions of the Voting Rights Act of 1965, as amended and  
188 extended.

189 **SECTION 9.** This act shall take effect and be in force from  
190 and after the date it and House Concurrent Resolution No. \_\_\_\_,  
191 2004 Regular Session, are effectuated under Section 5 of the  
192 Voting Rights Act of 1965, as amended and extended.