

By: Representative Snowden

To: Apportionment and  
Elections; Judiciary A

## HOUSE BILL NO. 770

1 AN ACT TO AMEND SECTIONS 23-15-297, 23-15-305, 23-15-975,  
2 23-15-976, 23-15-977 AND 23-15-995, MISSISSIPPI CODE OF 1972, TO  
3 REMOVE JUDGES OF THE SUPREME COURT FROM THE NONPARTISAN JUDICIAL  
4 ELECTION ACT; TO PLACE THE FILING FEE FOR CANDIDATES FOR THE  
5 OFFICE OF JUDGES OF THE SUPREME COURT AND COURT OF APPEALS IN THE  
6 LAW GOVERNING PARTY NOMINATIONS; TO PROVIDE THAT THE CANDIDATE FOR  
7 JUDGE OF THE SUPREME COURT OR COURT OF APPEALS RECEIVING THE MOST  
8 VOTES SHALL BE THE PARTY NOMINEE; TO REMOVE THE PROHIBITION  
9 AGAINST PARTIES CAMPAIGNING, ENDORSING OR CONTRIBUTING TO JUDICIAL  
10 CANDIDATES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-297, Mississippi Code of 1972, is  
13 amended as follows:

14 23-15-297. All candidates upon entering the race for party  
15 nominations for office shall first pay to the proper officer as  
16 provided for in Section 23-15-299 for each primary election the  
17 following amounts:

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

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

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

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

31 (e) Candidates for county surveyor, county coroner,  
32 justice court judge and constable, not to exceed Ten Dollars  
33 (\$10.00).

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

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

38 (h) Candidates for Supreme Court judge and judge of the  
39 Court of Appeals, not to exceed Two Hundred Dollars (\$200.00).

40 **SECTION 2.** Section 23-15-305, Mississippi Code of 1972, is  
41 amended as follows:

42 23-15-305. (1) Except as otherwise provided in subsection  
43 (5) of this section, the candidate who received the majority  
44 number of votes cast for the office which he seeks shall thereby  
45 become the nominee of his party for such office and no person  
46 shall be declared to be the nominee of his party unless and until  
47 he has received a majority of the votes cast for such office,  
48 except as hereinafter provided. If no candidate received such  
49 majority of the votes cast in the first primary, then the two (2)  
50 candidates who receive the highest number of votes cast for such  
51 office shall have their names submitted as such candidates to the  
52 second primary and the candidate who leads in such second primary  
53 shall be nominated for the office.

54 (2) If the candidate who received the second highest number  
55 of votes cast for such office for any reason declines to enter the  
56 second primary, then in that event the candidate who received the  
57 third highest shall have his name submitted to the second primary,  
58 together with the candidate who received the highest number of  
59 votes cast for such office.

60 (3) If the candidate who received the third highest number  
61 of votes cast for such office for any reason declines to enter the  
62 second primary, then in that event the candidate who received the  
63 fourth highest shall have his name submitted to the second

64 primary, together with the candidate who received the highest  
65 number of votes cast for such office.

66 (4) If no candidate will enter the second primary with the  
67 candidate who received the highest number of votes cast, then the  
68 candidate who received the highest number of votes cast in the  
69 first primary shall be declared the nominee of his party for such  
70 office.

71 (5) In primary elections for judges of the Supreme Court and  
72 Court of Appeals, the candidate who received the most number of  
73 votes cast for the office which he seeks shall become the nominee  
74 of the party for such office and no person shall be declared to be  
75 the nominee of his party unless and until he has received the most  
76 votes cast for such office.

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

79 23-15-975. As used in Sections 23-15-974 through 23-15-985  
80 of this subarticle, the term "judicial office" includes the office  
81 of \* \* \* circuit judge, chancellor, county court judge and family  
82 court judge. All such justices and judges shall be full-time  
83 positions and such justices and judges shall not engage in the  
84 practice of law before any court, administrative agency or other  
85 judicial or quasi-judicial forum except as provided by law for  
86 finalizing pending cases after election to judicial office.

87 **SECTION 4.** Section 23-15-976, Mississippi Code of 1972, is  
88 amended as follows:

89 23-15-976. A judicial office is a nonpartisan office and a  
90 candidate for election thereto is prohibited from campaigning or  
91 qualifying for such an office based on party affiliation. \* \* \*

92 **SECTION 5.** Section 23-15-977, Mississippi Code of 1972, is  
93 amended as follows:

94 23-15-977. (1) All candidates for judicial office as  
95 defined in Section 23-15-975 of this subarticle shall file their  
96 intent to be a candidate with the proper officials not later than

97 5:00 p.m. on the first Friday after the first Monday in May prior  
98 to the general election for judicial office and shall pay to the  
99 proper officials the following amounts:

100 \* \* \*

101 (a) Candidates for circuit judge and chancellor, the  
102 sum of One Hundred Dollars (\$100.00).

103 (b) Candidates for county judge and family court judge,  
104 the sum of Fifteen Dollars (\$15.00).

105 (2) Candidates for judicial offices listed in paragraph  
106 (a) \* \* \* of subsection (1) of this section shall file their  
107 intent to be a candidate with, and pay the proper assessment made  
108 pursuant to subsection (1) of this section to, the State Board of  
109 Election Commissioners.

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

119 **SECTION 6.** Section 23-15-995, Mississippi Code of 1972, is  
120 amended as follows:

121 23-15-995. \* \* \* The general laws for the election of state  
122 officers shall apply to and govern the election of judges of the  
123 Supreme Court.

124 **SECTION 7.** The Attorney General of the State of Mississippi  
125 shall submit this act, immediately upon approval by the Governor,  
126 or upon approval by the Legislature subsequent to a veto, to the  
127 Attorney General of the United States or to the United States  
128 District Court for the District of Columbia in accordance with the

129 provisions of the Voting Rights Act of 1965, as amended and  
130 extended.

131       **SECTION 8.** This act shall take effect and be in force from  
132 and after the date it is effectuated under Section 5 of the Voting  
133 Rights Act of 1965, as amended and extended.