

By: Representative Fleming

To: Apportionment and
Elections; Judiciary A

HOUSE BILL NO. 80

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5 THE ELECTION OF JUDGES IN PARTY PRIMARIES, AND WHICH WERE REPEALED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18 Judicial Election Act, are repealed.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, chapter 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, 2005, 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, 2005,
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.