

By: Representatives Moore, Fillingane,
Snowden, Chism, Ellington, Denny, Wells-
Smith, Rotenberry, Lott, Formby, Rogers
(61st)

To: Apportionment and
Elections; Judiciary A

HOUSE BILL NO. 944

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, 23-15-997, 23-15-1013 AND 9-9-7, MISSISSIPPI CODE OF
5 1972, WHICH PROVIDE FOR THE ELECTION OF JUDGES IN PARTY PRIMARIES,
6 AND WHICH WERE REPEALED IN 1994; TO AMEND SECTIONS 9-4-5, 9-4-15,
7 9-5-29, 9-5-36, 9-5-50, 9-5-58, 9-7-11, 9-7-27, 9-7-46, 9-7-51,
8 23-15-197, 23-15-297, 23-15-359, 23-15-367, 23-15-801, 23-15-807,
9 23-15-973, 23-15-993, 23-15-995 AND 23-15-1015, MISSISSIPPI CODE
10 OF 1972, IN CONFORMITY TO THE PRECEDING SECTIONS; AND FOR RELATED
11 PURPOSES.

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

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16 provide for the Nonpartisan Judicial Election Act, are repealed.

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

19 23-15-845. Primary elections for the nomination of
20 candidates to fill vacancies in the office of judge of the Supreme
21 Court or of the Court of Appeals shall be held upon the same dates
22 and concurrently with the primary elections for the nomination of
23 candidates for the office or offices to be filled in the election
24 at which such vacancies in the office of judge of the Supreme
25 Court or of the Court of Appeals are to be filled.

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

28 23-15-847. At the primary election in the year in which an
29 election shall be held pursuant to Section 23-15-849 to fill
30 vacancies in the office of judge of the Supreme Court or Court of
31 Appeals or circuit judge, or chancellor, vacancy nominations shall

32 be made for said offices in the manner as nominations are made for
33 the full term.

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

36 23-15-971. Party primary elections for the nomination of
37 candidates for the office of circuit judge, and of chancellor, and
38 of judge of the Supreme Court and of judge of the Court of Appeals
39 shall be under the supervision and control of the State Executive
40 Committee of the respective political parties, which committees
41 shall discharge in connection with such elections all of the
42 duties imposed upon them in connection with elections for the
43 nomination of candidates for other state officers.

44 **SECTION 5.** Section 23-15-997, Mississippi Code of 1972, is
45 reenacted as follows:

46 23-15-997. Nominations of candidates for the office of judge
47 of the Supreme Court and judge of the Court of Appeals by any
48 political party shall be made by districts, and the primary
49 elections for that purpose shall be held concurrently with the
50 primary elections for the nomination of Representative in
51 Congress, except as may be herein otherwise provided. The general
52 primary election laws shall apply to and govern the nomination of
53 candidates for the office of judge of the Supreme Court insofar as
54 they may be applicable.

55 **SECTION 6.** Section 23-15-1013, Mississippi Code of 1972, is
56 reenacted as follows:

57 23-15-1013. Nominations of candidates for the office of
58 circuit court judge and for the office of chancery court judge
59 shall be made in every county in their respective districts by
60 primary election to be held concurrently with the primary election
61 to be held for the nomination of Representatives in Congress in
62 2006 and every four (4) years thereafter. Primary elections for
63 the nominations of candidates for the offices of judge of the

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

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

68 9-9-7. Except where the judge is elected for less than the
69 full four-year term, he may be nominated in the regular judicial
70 primary elections at the same time when nominations for circuit
71 judges and chancellors are made.

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

74 9-4-5. (1) The term of office of judges of the Court of
75 Appeals shall be eight (8) years. An election shall be held on
76 the first Tuesday after the first Monday in November 1994, to
77 elect the ten (10) judges of the Court of Appeals, two (2) from
78 each congressional district; provided, however, judges of the
79 Court of Appeals who are elected to take office after the first
80 Monday of January 2002, shall be elected from the Court of Appeals
81 Districts described in subsection (5) of this section. The judges
82 of the Court of Appeals shall begin service on the first Monday of
83 January 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 9-4-15. Primary and general elections for the office of
212 judge of the Court of Appeals shall be held at the same times as
213 primary and general elections for congressional offices.

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

216 9-5-29. (1) There shall be four (4) chancellors for the
217 Eighth Chancery Court District.

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

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

227 convenience by the entry of an order upon the minutes of the
228 court.

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

231 9-5-36. (1) There shall be three (3) chancellors for the
232 Tenth Chancery Court District.

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

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

246 9-5-50. (1) There shall be three (3) chancellors for the
247 Sixteenth Chancery Court District.

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

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

254 9-5-58. There shall be two (2) chancellors for the Twentieth
255 Chancery Court District. For purposes of appointment, nomination
256 and election the two (2) chancellorships shall be separate and
257 distinct and denominated for purposes of appointment and election
258 only as "Place One" and "Place Two."

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

261 9-7-11. (1) There shall be four (4) circuit judges for the
262 Second Circuit Court District.

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

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

269 9-7-27. (1) The Eighth Circuit Court District shall be
270 comprised of the following counties:

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

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

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

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

286 9-7-46. (1) There shall be three (3) circuit judges for the
287 Seventeenth Circuit Court District.

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

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

294 9-7-51. (1) There shall be three (3) circuit judges for the
295 Nineteenth Circuit Court District. For the purposes of
296 appointment, nomination and election, the three (3) judgeships
297 shall be separate and distinct and denominated for purposes of
298 appointment and election only as "Place One," "Place Two" and
299 "Place Three."

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

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

307 23-15-197. (1) Times for holding primary and general
308 elections for congressional offices shall be as prescribed in
309 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

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

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

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

322 23-15-297. All candidates upon entering the race for party
323 nominations for office shall first pay to the proper officer as

324 provided for in Section 23-15-299 for each primary election the
325 following amounts:

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

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

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

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

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

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

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

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

350 23-15-359. (1) The ballot shall contain the names of all
351 party nominees certified by the appropriate executive committee,
352 and independent and special election candidates who have timely
353 filed petitions containing the required signatures. A petition
354 requesting that an independent or special election candidate's
355 name be placed on the ballot for any office shall be filed as
356 provided for in subsection (3) or (4) of this section, as

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

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

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

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

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

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

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

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

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

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

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

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

418 (6) The provisions of this section shall not apply to
419 municipal elections * * *.

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

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

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

454 then the name of such candidate shall not be placed upon the
455 ballot.

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

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

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

475 23-15-367. (1) Except as otherwise provided by * * *
476 subsection (2) of this section, the arrangement of the names of
477 the candidates, and the order in which the titles of the various
478 offices shall be printed, and the size, print and quality of paper
479 of the official ballot is left to the discretion of the officer
480 charged with printing the official ballot; but the arrangement
481 need not be uniform.

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

- 484 (a) Candidates for national office;
485 (b) Candidates for statewide office;
486 (c) Candidates for state district office;

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

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

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

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

501 23-15-801. (a) "Election" shall mean a general, special,
502 primary or runoff election.

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

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

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

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

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

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

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

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

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

551 groups of persons and affiliated organizations of the political
552 party;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

598 or

599 (iii) The identity of the candidate is apparent by
600 unambiguous reference.

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

603 23-15-807. (a) Each candidate or political committee shall
604 file reports of contributions and disbursements in accordance with
605 the provisions of this section. All candidates or political
606 committees required to report may terminate its obligation to
607 report only upon submitting a final report that it will no longer
608 receive any contributions or make any disbursement and that such
609 candidate or committee has no outstanding debts or obligations.
610 The candidate, treasurer or chief executive officer shall sign
611 each such report.

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

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

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

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

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

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

637 (d) Contents of reports. Each report under this article
638 shall disclose:

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

646 (ii) The identification of:

647 1. Each person or political committee who makes a
648 contribution to the reporting candidate or political committee

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

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

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

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

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

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

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

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

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

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

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

721 23-15-973. It shall be the duty of the judges of the circuit
722 court to give a reasonable time and opportunity to the candidates
723 for the office of judge of the Supreme Court, judges of the Court
724 of Appeals, circuit judge and chancellor to address the people
725 during court terms. In order to give further and every possible
726 emphasis to the fact that the said judicial offices are not
727 political but are to be held without favor and with absolute
728 impartiality as to all persons, and because of the jurisdiction
729 conferred upon the courts by this chapter, the judges thereof
730 should be as far removed as possible from any political
731 affiliations or obligations within their party. It shall be
732 unlawful for any candidate for any of the offices mentioned in
733 this section to align himself with any candidate or candidates for
734 any other office or with any political faction within his party at
735 any time during any primary or general election campaign.
736 Likewise it shall be unlawful for any candidate for any other
737 office nominated or to be nominated at any primary election,
738 wherein any candidate for any of the judicial offices in this
739 section mentioned, is or are to be nominated, to align himself
740 with any one or more of the candidates for said offices or to take
741 any part whatever in any nomination for any one or more of said
742 judicial offices, except to cast his individual vote. Any
743 candidate for any office, whether nominated with or without
744 opposition, at any primary wherein a candidate for any one of the
745 judicial offices herein mentioned is to be nominated who shall

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

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

752 23-15-993. For the purpose of all elections, including
753 primary elections, each of the nine (9) judgeships of the Supreme
754 Court shall be considered a separate office. The three (3)
755 offices in each of the three (3) Supreme Court districts shall be
756 designated Position Number 1, Position Number 2 and Position
757 Number 3, and in qualifying for office as a candidate for any
758 office of judge of the Supreme Court each candidate shall state
759 the position number of the office to which he aspires and both the
760 primary and regular election ballots shall so indicate. In
761 Supreme Court District Number 1: Position Number 1 shall be that
762 office for which the term ends in January 1966; Position Number 2
763 shall be that office for which the term ends in January 1965; and
764 Position Number 3 shall be that office for which the term ends in
765 January 1969. In District Number 2: Position Number 1 shall be
766 that office for which the term ends in January 1972; Position
767 Number 2 shall be that office for which the term ends in January
768 1969; and Position Number 3 shall be for that office for which the
769 term ends in January 1973. In District Number 3: Position Number
770 1 shall be that office for which the term ends in January 1969;
771 Position Number 2 shall be that office for which the term ends in
772 January 1969; and Position Number 3 shall be that office for which
773 the term ends in January 1965.

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

776 23-15-995. Except as may be otherwise provided * * *, the
777 general laws for the election of state officers shall apply to and
778 govern the election of judges of the Supreme Court.

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

781 23-15-1015. On Tuesday after the first Monday in November
782 1986, and every four (4) years thereafter and concurrently with
783 the election for representatives in Congress, there shall be held
784 an election in every county for judges of the several circuit and
785 chancery court districts; provided, however, that the terms of
786 judges of the several circuit and chancery court districts shall
787 be six (6) years beginning with the term commencing January 2003.
788 The laws regulating the general elections shall, in all respects,
789 apply to and govern elections of judges of the circuit and
790 chancery courts.

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

798 **SECTION 29.** This act shall take effect and be in force from
799 and after July 1, 2005, if it is effectuated on or before that
800 date under Section 5 of the Voting Rights Act of 1965, as amended
801 and extended. If it is effectuated under Section 5 of the Voting
802 Rights Act of 1965, as amended and extended, after July 1, 2005,
803 this act shall take effect and be in force from and after the date
804 it is effectuated under Section 5 of the Voting Rights Act of
805 1965, as amended and extended.