

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 145

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 AND AMEND SECTIONS 23-15-845,
4 23-15-847, 23-15-971, 23-15-997 AND 23-15-1013, MISSISSIPPI CODE
5 OF 1972, WHICH PROVIDE FOR THE ELECTION OF JUDGES IN PARTY
6 PRIMARIES; TO REENACT SECTION 9-9-7, MISSISSIPPI CODE OF 1972,
7 WHICH PROVIDES FOR THE ELECTION OF CIRCUIT AND CHANCERY COURT
8 JUDGES IN PARTY PRIMARIES, AND WHICH WERE REPEALED IN 1994; TO
9 AMEND SECTIONS 9-4-5, 9-4-15, 9-5-29, 9-5-36, 9-5-50, 9-5-58,
10 9-7-11, 9-7-27, 9-7-46, 9-7-51, 23-15-197, 23-15-297, 23-15-359,
11 23-15-367, 23-15-801, 23-15-807, 23-15-973, 23-15-993, 23-15-995
12 AND 23-15-1015, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
13 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

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19 Judicial Election Act, are repealed.

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

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

30 **SECTION 3.** Section 23-15-847, Mississippi Code of 1972, is
31 reenacted and amended as follows:



32 23-15-847. At the primary election in the year in which an
33 election shall be held pursuant to Section 23-15-849 to fill
34 vacancies in the office of justice of the Supreme Court, judge of
35 the Court of Appeals, circuit judge or chancellor, vacancy
36 nominations shall be made for the offices in the manner as
37 nominations are made for the full term.

38 **SECTION 4.** Section 23-15-971, Mississippi Code of 1972, is
39 reenacted and amended as follows:

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

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

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

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

61 23-15-1013. Nominations of candidates for the office of
62 circuit court judge and for the office of chancery court judge
63 shall be made in every county in their respective districts by
64 primary election to be held concurrently with the primary election



65 to be held for the nomination of Representatives in Congress in
66 2008 and every four (4) years thereafter. Primary elections for
67 the nominations of candidates for the offices of judge of the
68 circuit and chancery courts shall be held under the general
69 primary election laws of the state.

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

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

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

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

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



98 the position number of the office to which he aspires and the
99 election ballots shall so indicate.

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

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

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

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

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

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

128 (c) In the year prior to the expiration of the term of
129 an incumbent, and likewise each eighth year thereafter, an
130 election shall be held in the manner provided in this section in



131 the district from which the incumbent Court of Appeals judge was
132 elected at which there shall be elected a successor to the
133 incumbent, whose term of office shall thereafter begin on the
134 first Monday of January of the year in which the term of the
135 incumbent he succeeds expires.

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

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

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

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

162 **SECOND DISTRICT.** The Second Court of Appeals District shall
163 be composed of the following counties and portions of counties:



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

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



197 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
198 be composed of the following counties and portions of counties:
199 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
200 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
201 that portion of Hinds County not included in the Second Court of
202 Appeals District; and that portion of Jones county not included in
203 the Third Court of Appeals District.

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

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

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

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

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

220 9-5-29. (1) There shall be four (4) chancellors for the
221 Eighth Chancery Court District.

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

226 (3) While there shall be no limitation whatsoever upon the
227 powers and duties of said chancellors other than as cast upon them
228 by the Constitution and laws of this state, the court in the
229 Eighth Chancery Court District, in the discretion of the senior



230 chancellor, may be divided into four (4) divisions as a matter of
231 convenience by the entry of an order upon the minutes of the
232 court.

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

235 9-5-36. (1) There shall be four (4) chancellors for the
236 Tenth Chancery Court District.

237 (2) For purposes of appointment, nomination and election,
238 the four (4) chancellorships shall be separate and distinct and
239 denominated for purposes of appointment and election only as
240 "Place One," "Place Two," "Place Three" and "Place Four." The
241 chancellor to fill Place One and Place Four shall be a resident of
242 any county in the district. The chancellor to fill Place Two
243 shall be a resident of Lamar, Marion, Pearl River or Perry County.
244 The chancellor to fill Place Three shall be a resident of Forrest
245 County. Election of the four (4) offices of chancellor shall be
246 by election to be held in every county within the Tenth Chancery
247 Court District of Mississippi.

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

250 9-5-50. (1) There shall be three (3) chancellors for the
251 Sixteenth Chancery Court District.

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

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

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



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

265 9-7-11. (1) There shall be four (4) circuit judges for the
266 Second Circuit Court District.

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

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

273 9-7-27. (1) The Eighth Circuit Court District shall be
274 comprised of the following counties:

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

279 (2) There shall be two (2) judges for the Eighth Circuit
280 Court District. The initial term for the second judgeship created
281 under this section shall begin on the effective date of Laws,
282 1997, chapter 378, and shall end at the same time as for circuit
283 judges generally.

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

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

290 **[Until January 1, 2011, this section shall read as follows:]**

291 9-7-46. (1) There shall be three (3) circuit judges for the
292 Seventeenth Circuit Court District.

293 (2) For the purposes of appointment, nomination and
294 election, the three (3) judgeships shall be separate and distinct,
295 and one (1) judge shall be elected from Subdistrict 17-1 and two



296 (2) judges shall be elected from Subdistrict 17-2. For purposes
297 of appointment and election, the three (3) judgeships shall be
298 separate and distinct. The two (2) judgeships in Subdistrict 17-2
299 shall be denominated as "Place One" and "Place Two," and the
300 judgeship in Subdistrict 17-1 shall be denominated as "Place
301 Three."

302 **[From and after January 1, 2011, this section shall read as**
303 **follows:]**

304 9-7-46. (1) There shall be four (4) circuit judges for the
305 Seventeenth Circuit Court District.

306 (2) For the purposes of appointment, nomination and
307 election, the four (4) judgeships shall be separate and distinct,
308 and one (1) judge shall be elected from Subdistrict 17-1, two (2)
309 judges shall be elected from Subdistrict 17-2, and one (1) judge
310 shall be elected from every county in the district. The two (2)
311 judgeships in Subdistrict 17-2 shall be denominated as "Place One"
312 and "Place Two," the judgeship in Subdistrict 17-1 shall be
313 denominated as "Place Three," and the at-large judgeship shall be
314 denominated as "Place Four."

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

317 9-7-51. (1) There shall be three (3) circuit judges for the
318 Nineteenth Circuit Court District. For the purposes of
319 appointment, nomination and election, the three (3) judgeships
320 shall be separate and distinct and denominated for purposes of
321 appointment and election only as "Place One," "Place Two" and
322 "Place Three."

323 (2) The senior judge of the Nineteenth Circuit Court
324 District may divide the court of any county within the district
325 into civil, criminal and appellate court divisions as a matter of
326 convenience by the entry of an order upon the minutes of the
327 court.



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

330 23-15-197. (1) Times for holding primary and general
331 elections for congressional offices shall be as prescribed in
332 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

333 (2) Times for holding primary and general elections for the
334 office of justice of the Supreme Court shall be as prescribed in
335 Sections 23-15-991 and 23-15-997.

336 (3) Times for holding primary and general elections for the
337 office of circuit court judge and the office of chancery court
338 judge shall be as prescribed in Sections 23-10-1013 and * * *
339 23-15-1015.

340 (4) Times for holding elections for the office of county
341 election commissioners shall be as prescribed in Section
342 23-15-213.

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

345 23-15-297. All candidates upon entering the race for party
346 nominations for office shall first pay to the proper officer as
347 provided for in Section 23-15-299 for each primary election the
348 following amounts:

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

351 (b) Candidates for Lieutenant Governor, justice of the
352 Supreme Court, judge of the Court of Appeals, Attorney General,
353 Secretary of State, State Treasurer, Auditor of Public Accounts,
354 Commissioner of Insurance, Commissioner of Agriculture and
355 Commerce, State Highway Commissioner and State Public Service
356 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

359 (d) Candidates for State Senator, State Representative,
360 sheriff, chancery clerk, circuit clerk, tax assessor, tax



361 collector, county attorney, county superintendent of education,
362 county judge and board of supervisors, not to exceed Fifteen
363 Dollars (\$15.00).

364 (e) Candidates for county surveyor, county coroner,
365 justice court judge and constable, not to exceed Ten Dollars
366 (\$10.00).

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

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

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

373 23-15-359. (1) The ballot shall contain the names of all
374 party nominees certified by the appropriate executive committee,
375 and independent and special election candidates who have timely
376 filed petitions containing the required signatures. A petition
377 requesting that an independent or special election candidate's
378 name be placed on the ballot for any office shall be filed as
379 provided for in subsection (3) or (4) of this section, as
380 appropriate, and shall be signed by not less than the following
381 number of qualified electors:

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

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

387 (c) For an office elected by the qualified electors of
388 a congressional district, not less than two hundred (200)
389 qualified electors.

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



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

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

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

401 (2) Unless the petition required above shall be filed as
402 provided for in subsection (3) or (4) of this section, as
403 appropriate, the name of the person requested to be a candidate,
404 unless nominated by a political party, shall not be placed upon
405 the ballot. The ballot shall contain the names of each candidate
406 for each office, and such names shall be listed under the name of
407 the political party such candidate represents as provided by law
408 and as certified to the circuit clerk by the State Executive
409 Committee of such political party. In the event such candidate
410 qualifies as an independent as herein provided, he shall be listed
411 on the ballot as an independent candidate.

412 (3) Petitions for offices described in paragraphs (a), (b),
413 (c) and (d) of subsection (1) of this section, and petitions for
414 offices described in paragraph (e) of subsection (1) of this
415 section for districts composed of more than one (1) county or
416 parts of more than one (1) county, shall be filed with the State
417 Board of Election Commissioners by no later than 5:00 p.m. on the
418 same date by which candidates for nominations in the political
419 party primary elections are required to pay the fee provided for
420 in Section 23-15-297, Mississippi Code of 1972; however, no
421 petition may be filed before January 1 of the year in which the
422 election for the office is held.

423 (4) Petitions for offices described in paragraphs (f) and
424 (g) of subsection (1) of this section, and petitions for offices
425 described in paragraph (e) of subsection (1) of this section for



426 districts composed of one (1) county or less, shall be filed with
427 the proper circuit clerk by no later than 5:00 p.m. on the same
428 date by which candidates for nominations in the political party
429 elections are required to pay the fee provided for in Section
430 23-15-297; however, no petition may be filed before January 1 of
431 the year in which the election for the office is held. The
432 circuit clerk shall notify the county commissioners of election of
433 all persons who have filed petitions with such clerk. Such
434 notification shall occur within two (2) business days and shall
435 contain all necessary information.

436 (5) The commissioners may also have printed upon the ballot
437 any local issue election matter that is authorized to be held on
438 the same date as the regular or general election pursuant to
439 Section 23-15-375; however, the ballot form of such local issue
440 must be filed with the commissioners of election by the
441 appropriate governing authority not less than sixty (60) days
442 previous to the date of the election.

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

445 (7) Nothing in this section shall prohibit special elections
446 to fill vacancies in either house of the Legislature from being
447 held as provided in Section 23-15-851. In all elections conducted
448 under the provisions of Section 23-15-851, the commissioner shall
449 have printed on the ballot the name of any candidate who, not
450 having been nominated by a political party, shall have been
451 requested to be a candidate for any office by a petition filed
452 with said commissioner by 5:00 p.m. not less than ten (10) working
453 days prior to the election, and signed by not less than fifty (50)
454 qualified electors.

455 (8) The appropriate election commission shall determine
456 whether each candidate is a qualified elector of the state, state
457 district, county or county district they seek to serve, and
458 whether each candidate meets all other qualifications to hold the



459 office he is seeking or presents absolute proof that he will,
460 subject to no contingencies, meet all qualifications on or before
461 the date of the general or special election at which he could be
462 elected to office. The election commission also shall determine
463 whether any candidate has been convicted of any felony in a court
464 of this state, or has been convicted on or after December 8, 1992,
465 of any offense in another state which is a felony under the laws
466 of this state, or has been convicted of any felony in a federal
467 court on or after December 8, 1992. Excepted from the above are
468 convictions of manslaughter and violations of the United States
469 Internal Revenue Code or any violations of the tax laws of this
470 state, unless the offense also involved misuse or abuse of his
471 office or money coming into his hands by virtue of his office. If
472 the appropriate election commission finds that a candidate either
473 (a) is not a qualified elector, (b) does not meet all
474 qualifications to hold the office he seeks and fails to provide
475 absolute proof, subject to no contingencies, that he will meet the
476 qualifications on or before the date of the general or special
477 election at which he could be elected, or (c) has been convicted
478 of a felony as described in this subsection, and not pardoned,
479 then the name of such candidate shall not be placed upon the
480 ballot.

481 (9) If after the deadline to qualify as a candidate for an
482 office or after the time for holding any party primary for an
483 office, there shall be only one (1) person who has duly qualified
484 to be a candidate for the office in the general election, the name
485 of such person shall be placed on the ballot; provided, however,
486 that if there shall be not more than one (1) person duly qualified
487 to be a candidate for each office on the general election ballot,
488 the election for all offices on the ballot shall be dispensed with
489 and the appropriate election commission shall declare each
490 candidate elected without opposition if the candidate meets all
491 the qualifications to hold the office as determined pursuant to a



492 review by the commission in accordance with the provisions of
493 subsection (8) of this section and if the candidate has filed all
494 required campaign finance disclosure reports as required by
495 Section 23-15-807.

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

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

500 23-15-367. (1) Except as otherwise provided by * * *
501 subsection (2) of this section, the arrangement of the names of
502 the candidates, and the order in which the titles of the various
503 offices shall be printed, and the size, print and quality of paper
504 of the official ballot is left to the discretion of the officer
505 charged with printing the official ballot; but the arrangement
506 need not be uniform.

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

- 509 (a) Candidates for national office;
- 510 (b) Candidates for statewide office;
- 511 (c) Candidates for state district office;
- 512 (d) Candidates for legislative office;
- 513 (e) Candidates for countywide office;
- 514 (f) Candidates for county district office.

515 The order in which the titles for the various offices are
516 listed within each of the categories listed in this subsection is
517 left to the discretion of the officer charged with printing the
518 official ballot.

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



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

526 23-15-801. (a) "Election" shall mean a general, special,
527 primary or runoff election.

528 (b) "Candidate" shall mean an individual who seeks
529 nomination for election, or election, to any elective office other
530 than a federal elective office and for purposes of this article,
531 an individual shall be deemed to seek nomination for election, or
532 election:

533 (i) If such individual has received contributions
534 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
535 expenditures aggregating in excess of Two Hundred Dollars
536 (\$200.00) or for a candidate for the Legislature or any statewide
537 or state district office, by the qualifying deadlines specified in
538 Section 23-15-299 * * *, whichever occurs first; or

539 (ii) If such individual has given his or her consent to
540 another person to receive contributions or make expenditures on
541 behalf of such individual and if such person has received such
542 contributions aggregating in excess of Two Hundred Dollars
543 (\$200.00) during a calendar year, or has made such expenditures
544 aggregating in excess of Two Hundred Dollars (\$200.00) during a
545 calendar year.

546 (c) "Political committee" shall mean any committee, party,
547 club, association, political action committee, campaign committee
548 or other groups of persons or affiliated organizations which
549 receives contributions aggregating in excess of Two Hundred
550 Dollars (\$200.00) during a calendar year or which makes
551 expenditures aggregating in excess of Two Hundred Dollars
552 (\$200.00) during a calendar year for the purpose of influencing or
553 attempting to influence the action of voters for or against the
554 nomination for election, or election, of one or more candidates,
555 or balloted measures and shall, in addition, include each
556 political party registered with the Secretary of State.



557 (d) "Affiliated organization" shall mean any organization
558 which is not a political committee, but which directly or
559 indirectly establishes, administers or financially supports a
560 political committee.

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

565 (ii) "Contribution" shall not include the value of
566 services provided without compensation by any individual who
567 volunteers on behalf of a candidate or political committee; or the
568 cost of any food or beverage for use in any candidate's campaign
569 or for use by or on behalf of any political committee of a
570 political party;

571 (iii) "Contribution to a political party" includes any
572 gift, subscription, loan, advance or deposit of money or anything
573 of value made by any person, political committee, or other
574 organization to a political party and to any committee,
575 subcommittee, campaign committee, political committee and other
576 groups of persons and affiliated organizations of the political
577 party;

578 (iv) "Contribution to a political party" shall not
579 include the value of services provided without compensation by any
580 individual who volunteers on behalf of a political party or a
581 candidate of a political party.

582 (f) (i) "Expenditure" shall include any purchase, payment,
583 distribution, loan, advance, deposit, gift of money or anything of
584 value, made by any person or political committee for the purpose
585 of influencing any balloted measure or election for elective
586 office; and a written contract, promise, or agreement to make an
587 expenditure;

588 (ii) "Expenditure" shall not include any news story,
589 commentary or editorial distributed through the facilities of any



590 broadcasting station, newspaper, magazine, or other periodical
591 publication, unless such facilities are owned or controlled by any
592 political party, political committee, or candidate; or nonpartisan
593 activity designed to encourage individuals to vote or to register
594 to vote;

595 (iii) "Expenditure by a political party" includes 1.
596 any purchase, payment, distribution, loan, advance, deposit, gift
597 of money or anything of value, made by any political party and by
598 any contractor, subcontractor, agent, and consultant to the
599 political party; and 2. a written contract, promise, or agreement
600 to make such an expenditure.

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

602 (i) In the case of any individual, the name, the
603 mailing address, and the occupation of such individual, as well as
604 the name of his or her employer; and

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

607 (h) The term "political party" shall mean an association,
608 committee or organization which nominates a candidate for election
609 to any elective office whose name appears on the election ballot
610 as the candidate of such association, committee or organization.

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

613 (j) The term "independent expenditure" shall mean an
614 expenditure by a person expressly advocating the election or
615 defeat of a clearly identified candidate which is made without
616 cooperation or consultation with any candidate or any authorized
617 committee or agent of such candidate, and which is not made in
618 concert with or at the request or suggestion of any candidate or
619 any authorized committee or agent of such candidate.

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

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



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

623 or

624 (iii) The identity of the candidate is apparent by
625 unambiguous reference.

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

628 23-15-807. (a) Each candidate or political committee shall
629 file reports of contributions and disbursements in accordance with
630 the provisions of this section. All candidates or political
631 committees required to report may terminate its obligation to
632 report only upon submitting a final report that it will no longer
633 receive any contributions or make any disbursement and that such
634 candidate or committee has no outstanding debts or obligations.
635 The candidate, treasurer or chief executive officer shall sign
636 each such report.

637 (b) Candidates who are seeking election, or nomination for
638 election, and political committees that make expenditures for the
639 purpose of influencing or attempting to influence the action of
640 voters for or against the nomination for election, or election, of
641 one or more candidates or balloted measures at such election,
642 shall file the following reports:

643 (i) In any calendar year during which there is a
644 regularly scheduled election, a preelection report, which shall be
645 filed no later than the seventh day before any election in which
646 such candidate or political committee has accepted contributions
647 or made expenditures and which shall be complete as of the tenth
648 day before such election;

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

653 (iii) In any calendar years except 1987 and except
654 every fourth year thereafter, a report covering the calendar year



655 which shall be filed no later than January 31 of the following
656 calendar year.

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

662 (d) Contents of reports. Each report under this article
663 shall disclose:

664 (i) For the reporting period and the calendar year, the
665 total amount of all contributions and the total amount of all
666 expenditures of the candidate or reporting committee which shall
667 include those required to be identified pursuant to paragraph (ii)
668 of this subsection as well as the total of all other contributions
669 and expenditures during the calendar year. Such reports shall be
670 cumulative during the calendar year to which they relate;

671 (ii) The identification of:

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

678 2. Each person or organization, candidate or
679 political committee who receives an expenditure, payment or other
680 transfer from the reporting candidate, political committee or its
681 agent, employee, designee, contractor, consultant or other person
682 or persons acting in its behalf during the reporting period when
683 the expenditure, payment or other transfer to such person,
684 organization, candidate or political committee within the calendar
685 year have an aggregate value or amount in excess of Two Hundred
686 Dollars (\$200.00) together with the date and amount of such
687 expenditure;



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

690 (iv) In addition to the contents of reports specified
691 in paragraphs (i), (ii) and (iii) of this subsection, each
692 political party shall disclose:

693 1. Each person or political committee who makes a
694 contribution to a political party during the reporting period and
695 whose contribution or contributions to a political party within
696 the calendar year have an aggregate amount or value in excess of
697 Two Hundred Dollars (\$200.00), together with the date and amount
698 of the contribution;

699 2. Each person or organization who receives an
700 expenditure by a political party or expenditures by a political
701 party during the reporting period when the expenditure or
702 expenditures to the person or organization within the calendar
703 year have an aggregate value or amount in excess of Two Hundred
704 Dollars (\$200.00), together with the date and amount of the
705 expenditure.

706 (e) The appropriate office specified in Section 23-15-805
707 must be in actual receipt of the reports specified in this article
708 by 5:00 p.m. on the dates specified in subsection (b) of this
709 section. If the date specified in subsection (b) of this section
710 shall fall on a weekend or legal holiday then the report shall be
711 due in the appropriate office at 5:00 p.m. on the first working
712 day before the date specified in subsection (b) of this section.
713 The reporting candidate or reporting political committee shall
714 ensure that the reports are delivered to the appropriate office by
715 the filing deadline. The Secretary of State may approve specific
716 means of electronic transmission of completed campaign finance
717 disclosure reports, which may include, but not be limited to,
718 transmission by electronic facsimile (FAX) devices.

719 (f) (i) If any contribution of more than Two Hundred
720 Dollars (\$200.00) is received by a candidate or candidate's



721 political committee after the tenth day, but more than forty-eight
722 (48) hours before 12:01 a.m. of the day of the election, the
723 candidate or political committee shall notify the appropriate
724 office designated in Section 23-15-805, within forty-eight (48)
725 hours of receipt of the contribution. The notification shall
726 include:

- 727 1. The name of the receiving candidate;
- 728 2. The name of the receiving candidate's political
729 committee, if any;
- 730 3. The office sought by the candidate;
- 731 4. The identification of the contributor;
- 732 5. The date of receipt;
- 733 6. The amount of the contribution;
- 734 7. If the contribution is in-kind, a description
735 of the in-kind contribution; and
- 736 8. The signature of the candidate or the treasurer
737 or director of the candidate's political committee;

738 (ii) The notification shall be in writing, and may be
739 transmitted by overnight mail, courier service, or other reliable
740 means, including electronic facsimile (FAX), but the candidate or
741 candidate's committee shall ensure that the notification shall in
742 fact be received in the appropriate office designated in Section
743 23-15-805 within forty-eight (48) hours of the contribution.

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

746 23-15-973. It shall be the duty of the judges of the circuit
747 court to give a reasonable time and opportunity to the candidates
748 for the office of judge of the Supreme Court, judges of the Court
749 of Appeals, circuit judge and chancellor to address the people
750 during court terms. In order to give further and every possible
751 emphasis to the fact that the said judicial offices are not
752 political but are to be held without favor and with absolute
753 impartiality as to all persons, and because of the jurisdiction



754 conferred upon the courts by this chapter, the judges thereof
755 should be as far removed as possible from any political
756 affiliations or obligations within their party. It shall be
757 unlawful for any candidate for any of the offices mentioned in
758 this section to align himself with any candidate or candidates for
759 any other office or with any political faction within his party at
760 any time during any primary or general election campaign.
761 Likewise it shall be unlawful for any candidate for any other
762 office nominated or to be nominated at any primary election,
763 wherein any candidate for any of the judicial offices in this
764 section mentioned, is or are to be nominated, to align himself
765 with any one or more of the candidates for said offices or to take
766 any part whatever in any nomination for any one or more of said
767 judicial offices, except to cast his individual vote. Any
768 candidate for any office, whether nominated with or without
769 opposition, at any primary wherein a candidate for any one of the
770 judicial offices herein mentioned is to be nominated who shall
771 deliberately, knowingly and willfully violate the provisions of
772 this section shall forfeit his nomination, or if elected at the
773 following general election by virtue of said nomination, his
774 election shall be void.

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

777 23-15-993. For the purpose of all elections, including
778 primary elections, each of the nine (9) judgeships of the Supreme
779 Court shall be considered a separate office. The three (3)
780 offices in each of the three (3) Supreme Court districts shall be
781 designated Position Number 1, Position Number 2 and Position
782 Number 3, and in qualifying for office as a candidate for any
783 office of judge of the Supreme Court each candidate shall state
784 the position number of the office to which he aspires and both the
785 primary and regular election ballots shall so indicate. In
786 Supreme Court District Number 1: Position Number 1 shall be that



787 office for which the term ends in January 1966; Position Number 2
788 shall be that office for which the term ends in January 1965; and
789 Position Number 3 shall be that office for which the term ends in
790 January 1969. In District Number 2: Position Number 1 shall be
791 that office for which the term ends in January 1972; Position
792 Number 2 shall be that office for which the term ends in January
793 1969; and Position Number 3 shall be for that office for which the
794 term ends in January 1973. In District Number 3: Position Number
795 1 shall be that office for which the term ends in January 1969;
796 Position Number 2 shall be that office for which the term ends in
797 January 1969; and Position Number 3 shall be that office for which
798 the term ends in January 1965.

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

801 23-15-995. Except as may be otherwise provided * * *, the
802 general laws for the election of state officers shall apply to and
803 govern the election of justice of the Supreme Court.

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

806 23-15-1015. On Tuesday after the first Monday in November
807 1986, and every four (4) years thereafter and concurrently with
808 the election for representatives in Congress, there shall be held
809 an election in every county for judges of the several circuit and
810 chancery court districts; provided, however, that the terms of
811 judges of the several circuit and chancery court districts shall
812 be six (6) years beginning with the term commencing January 2003.
813 The laws regulating the general elections shall, in all respects,
814 apply to and govern elections of judges of the circuit and
815 chancery courts.

816 **SECTION 28.** The Attorney General of the State of Mississippi
817 shall submit this act, immediately upon approval by the Governor,
818 or upon approval by the Legislature subsequent to a veto, to the
819 Attorney General of the United States or to the United States



820 District Court for the District of Columbia in accordance with the
821 provisions of the Voting Rights Act of 1965, as amended and
822 extended.

823 **SECTION 29.** This act shall take effect and be in force from
824 and after July 1, 2007, if it is effectuated on or before that
825 date under Section 5 of the Voting Rights Act of 1965, as amended
826 and extended. If it is effectuated under Section 5 of the Voting
827 Rights Act of 1965, as amended and extended, after July 1, 2007,
828 this act shall take effect and be in force from and after the date
829 it is effectuated under Section 5 of the Voting Rights Act of
830 1965, as amended and extended.

