

By: Representative Moore

To: Apportionment and  
Elections; Judiciary A

## HOUSE BILL NO. 454

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6 AND WHICH WERE REPEALED IN 1994; TO AMEND SECTIONS 9-4-5, 9-4-15,  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16 provide for the Nonpartisan Judicial Election Act, are repealed.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 four (4) chancellors for the  
232 Tenth Chancery Court District.

233             (2) For purposes of appointment, nomination and election,  
234 the four (4) chancellorships shall be separate and distinct and  
235 denominated for purposes of appointment and election only as  
236 "Place One," "Place Two," "Place Three" and "Place Four." The  
237 chancellor to fill Place One and Place Four shall be a resident of  
238 any county in the district. The chancellor to fill Place Two  
239 shall be a resident of Lamar, Marion, Pearl River or Perry County.  
240 The chancellor to fill Place Three shall be a resident of Forrest  
241 County. Election of the four (4) offices of chancellor shall be  
242 by election to be held in every county within the Tenth Chancery  
243 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           **[Effective until January 1, 2011, provided Laws, 2005,**  
287 **Chapter 501 is effectuated under Section 5 of the Voting Rights**  
288 **Act of 1965, this section shall read as follows:]**

289           9-7-46. (1) There shall be three (3) circuit judges for the  
290 Seventeenth Circuit Court District.

291 (2) For the purpose of appointment, nomination and election,  
292 the three (3) judgeships shall be separate and distinct, and one  
293 (1) judge shall be elected from Subdistrict 17-1 and two (2)  
294 judges shall be elected from Subdistrict 17-2. For purposes of  
295 appointment, nomination and election, the three (3) judgeships  
296 shall be separate and distinct. The two (2) judgeships in  
297 Subdistrict 17-2 shall be denominated as "Place One" and "Place  
298 Two," and the judgeship in Subdistrict 17-1 shall be denominated  
299 as "Place Three."

300 **[Effective from and after January 1, 2011, provided Laws,**  
301 **2005, Chapter 501 is effectuated under Section 5 of the Voting**  
302 **Rights Act of 1965, this section shall read as follows:]**

303 9-7-46. (1) There shall be four (4) circuit judges for the  
304 Seventeenth Circuit Court District.

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

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

316 9-7-51. (1) There shall be three (3) circuit judges for the  
317 Nineteenth Circuit Court District. For the purposes of  
318 appointment, nomination and election, the three (3) judgeships  
319 shall be separate and distinct and denominated for purposes of  
320 appointment and election only as "Place One," "Place Two" and  
321 "Place Three."

322 (2) The senior judge of the Nineteenth Circuit Court  
323 District may divide the court of any county within the district

324 into civil, criminal and appellate court divisions as a matter of  
325 convenience by the entry of an order upon the minutes of the  
326 court.

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

329             23-15-197. (1) Times for holding primary and general  
330 elections for congressional offices shall be as prescribed in  
331 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

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

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

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

344             23-15-297. All candidates upon entering the race for party  
345 nominations for office shall first pay to the proper officer as  
346 provided for in Section 23-15-299 for each primary election the  
347 following amounts:

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

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

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

358 (d) Candidates for State Senator, State Representative,  
359 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
360 collector, county attorney, county superintendent of education,  
361 county judge and board of supervisors, not to exceed Fifteen  
362 Dollars (\$15.00).

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

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

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

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

372 23-15-359. (1) The ballot shall contain the names of all  
373 party nominees certified by the appropriate executive committee,  
374 and independent and special election candidates who have timely  
375 filed petitions containing the required signatures. A petition  
376 requesting that an independent or special election candidate's  
377 name be placed on the ballot for any office shall be filed as  
378 provided for in subsection (3) or (4) of this section, as  
379 appropriate, and shall be signed by not less than the following  
380 number of qualified electors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

480           (9) If after the deadline to qualify as a candidate for an  
481 office or after the time for holding any party primary for an  
482 office, there shall be only one (1) person who has duly qualified  
483 to be a candidate for the office in the general election, the name  
484 of such person shall be placed on the ballot; provided, however,  
485 that if there shall be not more than one (1) person duly qualified  
486 to be a candidate for each office on the general election ballot,

487 the election for all offices on the ballot shall be dispensed with  
488 and the appropriate election commission shall declare each  
489 candidate elected without opposition if the candidate meets all  
490 the qualifications to hold the office as determined pursuant to a  
491 review by the commission in accordance with the provisions of  
492 subsection (8) of this section and if the candidate has filed all  
493 required campaign finance disclosure reports as required by  
494 Section 23-15-807.

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

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

499 23-15-367. (1) Except as otherwise provided by \* \* \*  
500 subsection (2) of this section, the arrangement of the names of  
501 the candidates, and the order in which the titles of the various  
502 offices shall be printed, and the size, print and quality of paper  
503 of the official ballot is left to the discretion of the officer  
504 charged with printing the official ballot; but the arrangement  
505 need not be uniform.

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

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

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

518 (3) It is the duty of the Secretary of State, with the  
519 approval of the Governor, to furnish the designated commissioner



520 of each county a sample of the official ballot, not less than  
521 fifty-five (55) days prior to the election, the general form of  
522 which shall be followed as nearly as practicable.

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

525 23-15-801. (a) "Election" shall mean a general, special,  
526 primary or runoff election.

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

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

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

545 (c) "Political committee" shall mean any committee, party,  
546 club, association, political action committee, campaign committee  
547 or other groups of persons or affiliated organizations which  
548 receives contributions aggregating in excess of Two Hundred  
549 Dollars (\$200.00) during a calendar year or which makes  
550 expenditures aggregating in excess of Two Hundred Dollars  
551 (\$200.00) during a calendar year for the purpose of influencing or  
552 attempting to influence the action of voters for or against the

553 nomination for election, or election, of one or more candidates,  
554 or balloted measures and shall, in addition, include each  
555 political party registered with the Secretary of State.

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

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

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

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

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

581 (f) (i) "Expenditure" shall include any purchase, payment,  
582 distribution, loan, advance, deposit, gift of money or anything of  
583 value, made by any person or political committee for the purpose  
584 of influencing any balloted measure or election for elective

585 office; and a written contract, promise, or agreement to make an  
586 expenditure;

587 (ii) "Expenditure" shall not include any news story,  
588 commentary or editorial distributed through the facilities of any  
589 broadcasting station, newspaper, magazine, or other periodical  
590 publication, unless such facilities are owned or controlled by any  
591 political party, political committee, or candidate; or nonpartisan  
592 activity designed to encourage individuals to vote or to register  
593 to vote;

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

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

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

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

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

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

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

617 concert with or at the request or suggestion of any candidate or  
618 any authorized committee or agent of such candidate.

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

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

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

622 or

623 (iii) The identity of the candidate is apparent by

624 unambiguous reference.

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

627 23-15-807. (a) Each candidate or political committee shall  
628 file reports of contributions and disbursements in accordance with  
629 the provisions of this section. All candidates or political  
630 committees required to report may terminate its obligation to  
631 report only upon submitting a final report that it will no longer  
632 receive any contributions or make any disbursement and that such  
633 candidate or committee has no outstanding debts or obligations.  
634 The candidate, treasurer or chief executive officer shall sign  
635 each such report.

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

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

648 (ii) In 1987 and every fourth year thereafter, periodic  
649 reports, which shall be filed no later than the tenth day after

650 April 30, May 31, June 30, September 30 and December 31, and which  
651 shall be complete as of the last day of each period; and

652 (iii) In any calendar years except 1987 and except  
653 every fourth year thereafter, a report covering the calendar year  
654 which shall be filed no later than January 31 of the following  
655 calendar year.

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

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

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

670 (ii) The identification of:

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

677 2. Each person or organization, candidate or  
678 political committee who receives an expenditure, payment or other  
679 transfer from the reporting candidate, political committee or its  
680 agent, employee, designee, contractor, consultant or other person  
681 or persons acting in its behalf during the reporting period when  
682 the expenditure, payment or other transfer to such person,

683 organization, candidate or political committee within the calendar  
684 year have an aggregate value or amount in excess of Two Hundred  
685 Dollars (\$200.00) together with the date and amount of such  
686 expenditure;

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

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

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

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

705 (e) The appropriate office specified in Section 23-15-805  
706 must be in actual receipt of the reports specified in this article  
707 by 5:00 p.m. on the dates specified in subsection (b) of this  
708 section. If the date specified in subsection (b) of this section  
709 shall fall on a weekend or legal holiday then the report shall be  
710 due in the appropriate office at 5:00 p.m. on the first working  
711 day before the date specified in subsection (b) of this section.  
712 The reporting candidate or reporting political committee shall  
713 ensure that the reports are delivered to the appropriate office by  
714 the filing deadline. The Secretary of State may approve specific  
715 means of electronic transmission of completed campaign finance

716 disclosure reports, which may include, but not be limited to,  
717 transmission by electronic facsimile (FAX) devices.

718 (f) (i) If any contribution of more than Two Hundred  
719 Dollars (\$200.00) is received by a candidate or candidate's  
720 political committee after the tenth day, but more than forty-eight  
721 (48) hours before 12:01 a.m. of the day of the election, the  
722 candidate or political committee shall notify the appropriate  
723 office designated in Section 23-15-805, within forty-eight (48)  
724 hours of receipt of the contribution. The notification shall  
725 include:

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

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

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

745 23-15-973. It shall be the duty of the judges of the circuit  
746 court to give a reasonable time and opportunity to the candidates  
747 for the office of judge of the Supreme Court, judges of the Court  
748 of Appeals, circuit judge and chancellor to address the people

749 during court terms. In order to give further and every possible  
750 emphasis to the fact that the said judicial offices are not  
751 political but are to be held without favor and with absolute  
752 impartiality as to all persons, and because of the jurisdiction  
753 conferred upon the courts by this chapter, the judges thereof  
754 should be as far removed as possible from any political  
755 affiliations or obligations within their party. It shall be  
756 unlawful for any candidate for any of the offices mentioned in  
757 this section to align himself with any candidate or candidates for  
758 any other office or with any political faction within his party at  
759 any time during any primary or general election campaign.  
760 Likewise it shall be unlawful for any candidate for any other  
761 office nominated or to be nominated at any primary election,  
762 wherein any candidate for any of the judicial offices in this  
763 section mentioned, is or are to be nominated, to align himself  
764 with any one or more of the candidates for said offices or to take  
765 any part whatever in any nomination for any one or more of said  
766 judicial offices, except to cast his individual vote. Any  
767 candidate for any office, whether nominated with or without  
768 opposition, at any primary wherein a candidate for any one of the  
769 judicial offices herein mentioned is to be nominated who shall  
770 deliberately, knowingly and willfully violate the provisions of  
771 this section shall forfeit his nomination, or if elected at the  
772 following general election by virtue of said nomination, his  
773 election shall be void.

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

776 23-15-993. For the purpose of all elections, including  
777 primary elections, each of the nine (9) judgeships of the Supreme  
778 Court shall be considered a separate office. The three (3)  
779 offices in each of the three (3) Supreme Court districts shall be  
780 designated Position Number 1, Position Number 2 and Position  
781 Number 3, and in qualifying for office as a candidate for any



782 office of judge of the Supreme Court each candidate shall state  
783 the position number of the office to which he aspires and both the  
784 primary and regular election ballots shall so indicate. In  
785 Supreme Court District Number 1: Position Number 1 shall be that  
786 office for which the term ends in January 1966; Position Number 2  
787 shall be that office for which the term ends in January 1965; and  
788 Position Number 3 shall be that office for which the term ends in  
789 January 1969. In District Number 2: Position Number 1 shall be  
790 that office for which the term ends in January 1972; Position  
791 Number 2 shall be that office for which the term ends in January  
792 1969; and Position Number 3 shall be for that office for which the  
793 term ends in January 1973. In District Number 3: Position Number  
794 1 shall be that office for which the term ends in January 1969;  
795 Position Number 2 shall be that office for which the term ends in  
796 January 1969; and Position Number 3 shall be that office for which  
797 the term ends in January 1965.

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

800 23-15-995. Except as may be otherwise provided \* \* \*, the  
801 general laws for the election of state officers shall apply to and  
802 govern the election of judges of the Supreme Court.

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

805 23-15-1015. On Tuesday after the first Monday in November  
806 1986, and every four (4) years thereafter and concurrently with  
807 the election for representatives in Congress, there shall be held  
808 an election in every county for judges of the several circuit and  
809 chancery court districts; provided, however, that the terms of  
810 judges of the several circuit and chancery court districts shall  
811 be six (6) years beginning with the term commencing January 2003.  
812 The laws regulating the general elections shall, in all respects,  
813 apply to and govern elections of judges of the circuit and  
814 chancery courts.

815           **SECTION 28.** The Attorney General of the State of Mississippi  
816 shall submit this act, immediately upon approval by the Governor,  
817 or upon approval by the Legislature subsequent to a veto, to the  
818 Attorney General of the United States or to the United States  
819 District Court for the District of Columbia in accordance with the  
820 provisions of the Voting Rights Act of 1965, as amended and  
821 extended.

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