

By: Senator(s) Ross, Burton, Dearing

To: Elections

## SENATE BILL NO. 2567

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT JUSTICE COURT JUDGES SHALL BE ELECTED AT THE  
 3 GENERAL STATE ELECTION IN A NONPARTISAN MANNER WITH A RUNOFF TWO  
 4 WEEKS LATER IF NECESSARY; TO AMEND SECTION 23-15-297, MISSISSIPPI  
 5 CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES FROM THE  
 6 LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN ELECTION  
 7 FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE  
 8 OF 1972, TO PROVIDE THAT THIS SECTION, WHICH REQUIRES THE NAMES OF  
 9 ALL CANDIDATES NOMINATED FOR OFFICE TO BE PRINTED ON THE BALLOT,  
 10 SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO AMEND SECTION  
 11 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT  
 12 JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE DURING COURT  
 13 TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE  
 14 OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER THE NONPARTISAN  
 15 JUDICIAL ELECTION ACT; TO AMEND SECTION 23-15-197, MISSISSIPPI  
 16 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR  
 17 RELATED PURPOSES.

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

19 **SECTION 1.** Section 23-15-193, Mississippi Code of 1972, is  
 20 amended as follows:

21 23-15-193. (1) At the election in 1995, and every four (4)  
 22 years thereafter, there shall be elected a Governor, Lieutenant  
 23 Governor, Secretary of State, Auditor of Public Accounts, State  
 24 Treasurer, Attorney General, three (3) public service  
 25 commissioners, three (3) Mississippi Transportation Commissioners,  
 26 Commissioner of Insurance, Commissioner of Agriculture and  
 27 Commerce, Senators and members of the House of Representatives in  
 28 the Legislature, district attorneys for the several districts,  
 29 clerks of the circuit and chancery courts of the several counties,  
 30 as well as sheriffs, coroners, assessors, surveyors and members of  
 31 the boards of supervisors \* \* \* and constables, and all other  
 32 officers to be elected by the people at the general state  
 33 election. All \* \* \* officers shall hold their offices for a term  
 34 of four (4) years, and until their successors are elected and

35 qualified. The state officers shall be elected in the manner  
36 prescribed in Section 140 of the Constitution.

37 (2) Justice court judges shall be elected at the time for  
38 the election of the officers provided in subsection (1) of this  
39 section. The election of justice court judges shall be  
40 nonpartisan. If no candidate receives a majority of the votes  
41 cast for the office in the general election, the names of the two  
42 (2) candidates receiving the highest number of votes for the  
43 office shall be placed on the ballot for a second election to be  
44 held three (3) weeks later in accordance with appropriate  
45 procedures followed in other elections involving runoff  
46 candidates.

47 **SECTION 2.** Section 23-15-197, Mississippi Code of 1972, is  
48 amended as follows:

49 23-15-197. (1) Times for holding primary and general  
50 elections for congressional offices shall be as prescribed in  
51 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

52 (2) Times for holding elections for the office of judge of  
53 the Supreme Court shall be as prescribed in Section 23-15-991 and  
54 Sections 23-15-974 through 23-15-985.

55 (3) Times for holding elections for the office of circuit  
56 court judge, the office of chancery court judge and the office of  
57 justice court judge shall be as prescribed in Sections 23-15-974  
58 through 23-15-985 and Section 23-15-1015.

59 (4) Times for holding elections for the office of county  
60 election commissioners shall be as prescribed in Section  
61 23-15-213.

62 **SECTION 3.** Section 23-15-297, Mississippi Code of 1972, is  
63 amended as follows:

64 23-15-297. Any candidate \* \* \* entering the race for party  
65 nominations for office shall first pay to the proper officer as  
66 provided for in Section 23-15-299 for each primary election the  
67 following amounts:

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

70 (b) Candidates for Lieutenant Governor, Attorney  
71 General, Secretary of State, State Treasurer, Auditor of Public  
72 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
73 and Commerce, State Highway Commissioner and State Public Service  
74 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

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

81 (e) Candidates for county surveyor, county  
82 coroner \* \* \* and constable, not to exceed Ten Dollars (\$10.00).

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

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

87 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is  
88 amended as follows:

89 23-15-359. (1) The ballot shall contain the names of all  
90 party nominees certified by the appropriate executive committee,  
91 and independent and special election candidates who have timely  
92 filed petitions containing the required signatures. A petition  
93 requesting that an independent or special election candidate's  
94 name be placed on the ballot for any office shall be filed as  
95 provided for in subsection (3) or (4) of this section, as  
96 appropriate, and shall be signed by not less than the following  
97 number of qualified electors:

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

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

103           (c) For an office elected by the qualified electors of  
104 a congressional district, not less than two hundred (200)  
105 qualified electors.

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

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

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

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

117           (2) Unless the petition required in subsection (1) shall be  
118 filed as provided \* \* \* in subsection (3) or (4) of this section,  
119 as appropriate, the name of the person requested to be a  
120 candidate, unless nominated by a political party, shall not be  
121 placed upon the ballot. The ballot shall contain the names of  
122 each candidate for each office, and such names shall be listed  
123 under the name of the political party the candidate represents as  
124 provided by law and as certified to the circuit clerk by the State  
125 Executive Committee of the political party. In the event a  
126 candidate qualifies as an independent as herein provided, he shall  
127 be listed on the ballot as an independent candidate.

128           (3) Petitions for offices described in paragraphs (a), (b),  
129 (c) and (d) of subsection (1) of this section, and petitions for  
130 offices described in paragraph (e) of subsection (1) of this  
131 section for districts composed of more than one (1) county or  
132 parts of more than one (1) county, shall be filed with the State

133 Board of Election Commissioners \* \* \* no later than 5:00 p.m. on  
134 the same date by which candidates for nominations in the political  
135 party primary elections are required to pay the fee provided \* \* \*  
136 in Section 23-15-297, Mississippi Code of 1972; however, no  
137 petition may be filed before January 1 of the year in which the  
138 election for the office is held.

139 (4) Petitions for offices described in paragraphs (f) and  
140 (g) of subsection (1) of this section, and petitions for offices  
141 described in paragraph (e) of subsection (1) of this section for  
142 districts composed of one (1) county or less, shall be filed with  
143 the proper circuit clerk \* \* \* no later than 5:00 p.m. on the same  
144 date by which candidates for nominations in the political party  
145 elections are required to pay the fee provided \* \* \* in Section  
146 23-15-297; however, no petition may be filed before January 1 of  
147 the year in which the election for the office is held. The  
148 circuit clerk shall notify the county commissioners of election of  
149 all persons who have filed petitions with the clerk. Such  
150 notification shall occur within two (2) business days and shall  
151 contain all necessary information.

152 (5) The commissioners may also have printed upon the ballot  
153 any local issue election matter that is authorized to be held on  
154 the same date as the regular or general election pursuant to  
155 Section 23-15-375; however, the ballot form of a local issue must  
156 be filed with the commissioners of election by the appropriate  
157 governing authority not less than sixty (60) days before the date  
158 of the election.

159 (6) The provisions of this section shall not apply to  
160 municipal elections or to the election of the offices of justice  
161 of the Supreme Court, judge of the Court of Appeals, circuit  
162 judge, chancellor, county court judge and justice court judge.

163 (7) Nothing in this section shall prohibit special elections  
164 to fill vacancies in either house of the Legislature from being  
165 held as provided in Section 23-15-851. In all elections conducted

166 under the provisions of Section 23-15-851, the commissioner shall  
167 have printed on the ballot the name of any candidate who, not  
168 having been nominated by a political party, has requested to be a  
169 candidate for any office by a petition filed with said  
170 commissioner by 5:00 p.m. not less than ten (10) working days  
171 prior to the election, and signed by not less than fifty (50)  
172 qualified electors.

173 (8) The appropriate election commission shall determine  
174 whether each candidate is a qualified elector of the state, state  
175 district, county or county district he seeks to serve, and whether  
176 each candidate meets all other qualifications to hold the office  
177 he is seeking or presents absolute proof that he will, subject to  
178 no contingencies, meet all qualifications on or before the date of  
179 the general or special election at which he could be elected to  
180 office. The election commission also shall determine whether any  
181 candidate is eligible for office under Section 44, Mississippi  
182 Constitution of 1890. If the appropriate election commission  
183 finds that a candidate either (a) is not a qualified elector, (b)  
184 does not meet all qualifications to hold the office he seeks and  
185 fails to provide absolute proof, subject to no contingencies, that  
186 he will meet the qualifications on or before the date of the  
187 general or special election at which he could be elected, or (c)  
188 has been convicted of a felony as described in this subsection,  
189 and not pardoned, then the name of that candidate shall not be  
190 placed upon the ballot.

191 (9) If, after the deadline to qualify as a candidate for an  
192 office or after the time for holding any party primary for an  
193 office, there shall be only one (1) person who has duly qualified  
194 to be a candidate for the office in the general election, the name  
195 of that person shall be placed on the ballot; provided, however,  
196 that if there shall be not more than one (1) person duly qualified  
197 to be a candidate for each office on the general election ballot,  
198 the election for all offices on the ballot shall be dispensed with

199 and the appropriate election commission shall declare each  
200 candidate elected without opposition if the candidate meets all  
201 the qualifications to hold the office as determined pursuant to a  
202 review by the commission in accordance with the provisions of  
203 subsection (8) of this section and if the candidate has filed all  
204 required campaign finance disclosure reports as required by  
205 Section 23-15-807.

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

208 **SECTION 5.** Section 23-15-973, Mississippi Code of 1972, is  
209 amended as follows:

210 23-15-973. It shall be the duty of the judges of the circuit  
211 court to give a reasonable time and opportunity to the candidates  
212 for the office of judge of the Supreme Court, judges of the Court  
213 of Appeals, circuit judge, chancellor and justice court judge to  
214 address the people during court terms. In order to give further  
215 and every possible emphasis to the fact that the \* \* \* judicial  
216 offices are not political but are to be held without favor and  
217 with absolute impartiality as to all persons, and because of the  
218 jurisdiction conferred upon the courts by this chapter, the judges  
219 thereof should be as far removed as possible from any political  
220 affiliations or obligations. It shall be unlawful for any  
221 candidate for any of the offices mentioned in this section to  
222 align himself with any candidate or candidates for any other  
223 office or with any political faction or any political party at any  
224 time during any primary or general election campaign. Likewise it  
225 shall be unlawful for any candidate for any other office nominated  
226 or to be nominated at any primary election, wherein any candidate  
227 for any of the judicial offices in this section mentioned, is or  
228 are to be nominated, to align himself with any one or more of the  
229 candidates for the offices or to take any part whatever in any  
230 nomination for any one or more of the judicial offices, except to  
231 cast his individual vote. Any candidate for any office, whether

232 nominated with or without opposition, at any primary wherein a  
233 candidate for any one of the judicial offices \* \* \* mentioned in  
234 this section is to be nominated who shall deliberately, knowingly  
235 and willfully violate the provisions of this section shall forfeit  
236 his nomination, or if elected at the following general election by  
237 virtue of said nomination, his election shall be void.

238 **SECTION 6.** Section 23-15-975, Mississippi Code of 1972, is  
239 amended as follows:

240 23-15-975. As used in Sections 23-15-974 through 23-15-985  
241 of this subarticle, the term "judicial office" includes the office  
242 of justice of the Supreme Court, judge of the Court of Appeals,  
243 circuit judge, chancellor, county court judge \* \* \* and justice  
244 court judge. All \* \* \* justices and judges, except justice court  
245 judges, shall be full-time positions and the justices and judges,  
246 except justice court judges, shall not engage in the practice of  
247 law before any court, administrative agency or other judicial or  
248 quasi-judicial forum except as provided by law for finalizing  
249 pending cases after election to judicial office.

250 **SECTION 7.** Section 23-15-977, Mississippi Code of 1972, is  
251 amended as follows:

252 23-15-977. (1) All candidates for judicial office as  
253 defined in Section 23-15-975 of this subarticle shall file the  
254 intent to be a candidate with the proper officials not later than  
255 5:00 p.m. on the first Friday after the first Monday in May prior  
256 to the general election for judicial office and shall pay to the  
257 proper officials the following amounts:

258 (a) Candidates for Supreme Court judge and Court of  
259 Appeals, the sum of Two Hundred Dollars (\$200.00).

260 (b) Candidates for circuit judge and chancellor, the  
261 sum of One Hundred Dollars (\$100.00).

262 (c) Candidates for county judge and justice court  
263 judge, the sum of Fifteen Dollars (\$15.00).



264 (2) Candidates for judicial offices listed in paragraphs (a)  
265 and (b) of subsection (1) of this section shall file the intent to  
266 be a candidate with, and pay the proper assessment made pursuant  
267 to subsection (1) of this section to, the State Board of Election  
268 Commissioners.

269 (3) Candidates for judicial offices listed in paragraph (c)  
270 of subsection (1) of this section shall file the intent to be a  
271 candidate with, and pay the proper assessment made pursuant to  
272 subsection (1) of this section to, the circuit clerk of the proper  
273 county. The circuit clerk shall notify the county commissioners  
274 of election of all persons who have filed their intent to be a  
275 candidate with, and paid the proper assessment to, such clerk.  
276 Such notification shall occur within two (2) business days and  
277 shall contain all necessary information.

278 **SECTION 8.** The Attorney General of the State of Mississippi  
279 shall submit this act, immediately upon approval by the Governor,  
280 or upon approval by the Legislature subsequent to a veto, to the  
281 Attorney General of the United States or to the United States  
282 District Court for the District of Columbia in accordance with the  
283 provisions of the Voting Rights Act of 1965, as amended and  
284 extended.

285 **SECTION 9.** This act shall take effect and be in force from  
286 and after the date it is effectuated under Section 5 of the Voting  
287 Rights Act of 1965, as amended and extended, or January 1, 2008,  
288 whichever date is later.