

Senate Amendments to House Bill No. 997

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

22 **SECTION 1.** Section 23-15-833, Mississippi Code of 1972, is
23 amended as follows:

24 23-15-833. Except as otherwise provided by law, the first
25 Tuesday after the first Monday in November of each year shall be
26 designated the regular special election day, and on that day an
27 election shall be held to fill any vacancy in county, county
28 district, and district attorney elective offices.

29 All special elections, or elections to fill vacancies, shall
30 in all respects be held, conducted and returned in the same manner
31 as general elections, except that where no candidate receives a
32 majority of the votes cast in such election, then a runoff
33 election shall be held three (3) weeks after such election and the
34 two (2) candidates who receive the highest popular votes for such
35 office shall have their names submitted as such candidates to the
36 said runoff and the candidate who leads in such runoff election
37 shall be elected to the office. When there is a tie in the first
38 election of those receiving next highest vote, these two (2) and
39 the one receiving the highest vote, none having received a
40 majority, shall go into the runoff election and whoever leads in
41 such runoff election shall be entitled to the office.

42 In those years when the regular special election day shall
43 occur on the same day as the general election, the names of
44 candidates in any special election and the general election shall
45 be placed on the same ballot, but shall be clearly distinguished
46 as general election candidates or special election candidates.

47 At any time a special election is held on the same day as a
48 party primary election, the names of the candidates in the special
49 election may be placed on the same ballot, but shall be clearly
50 distinguished as special election candidates or primary election
51 candidates.

52 **SECTION 2.** Section 23-15-981, Mississippi Code of 1972, is
53 amended as follows:

54 23-15-981. If two (2) or more candidates qualify for
55 judicial office, the names of those candidates shall be placed on
56 the general election ballot. If any candidate for such an office
57 receives a majority of the votes cast for such office in the
58 general election, he shall be declared elected. If no candidate
59 for such office receives a majority of the votes cast for such
60 office in the general election, the names of the two (2)
61 candidates receiving the highest number of votes for such office
62 shall be placed on the ballot for a second election to be held
63 three (3) weeks later in accordance with appropriate procedures
64 followed in other elections involving runoff candidates.

65 **SECTION 3.** Section 23-15-193, Mississippi Code of 1972, is
66 amended as follows:

67 23-15-193. (1) At the election in 1995, and every four (4)
68 years thereafter, there shall be elected a Governor, Lieutenant
69 Governor, Secretary of State, Auditor of Public Accounts, State
70 Treasurer, Attorney General, three (3) public service
71 commissioners, three (3) Mississippi Transportation Commissioners,
72 Commissioner of Insurance, Commissioner of Agriculture and
73 Commerce, Senators and members of the House of Representatives in
74 the Legislature, district attorneys for the several districts,
75 clerks of the circuit and chancery courts of the several counties,
76 as well as sheriffs, coroners, assessors, surveyors and members of
77 the boards of supervisors * * * and constables, and all other
78 officers to be elected by the people at the general state
79 election. All * * * officers shall hold their offices for a term
80 of four (4) years, and until their successors are elected and

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

83 (2) Justice court judges shall be elected at the time for
84 the election of the officers provided in subsection (1) of this
85 section. The election of justice court judges shall be
86 nonpartisan. If no candidate receives a majority of the votes
87 cast for the office in the general election, the names of the two
88 (2) candidates receiving the highest number of votes for the
89 office shall be placed on the ballot for a second election to be
90 held three (3) weeks later in accordance with appropriate
91 procedures followed in other elections involving runoff
92 candidates.

93 **SECTION 4.** Section 23-15-197, Mississippi Code of 1972, is
94 amended as follows:

95 23-15-197. (1) Times for holding primary and general
96 elections for congressional offices shall be as prescribed in
97 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

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

105 (4) Times for holding elections for the office of county
106 election commissioners shall be as prescribed in Section
107 23-15-213.

108 **SECTION 5.** Section 23-15-297, Mississippi Code of 1972, is
109 amended as follows:

110 23-15-297. Any candidate * * * entering the race for party
111 nominations for office shall first pay to the proper officer as
112 provided for in Section 23-15-299 for each primary election the
113 following amounts:

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

116 (b) Candidates for Lieutenant Governor, Attorney
117 General, Secretary of State, State Treasurer, Auditor of Public
118 Accounts, Commissioner of Insurance, Commissioner of Agriculture
119 and Commerce, State Highway Commissioner and State Public Service
120 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

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

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

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

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

133 **SECTION 6.** Section 23-15-359, Mississippi Code of 1972, is
134 amended as follows:

135 23-15-359. (1) The ballot shall contain the names of all
136 party nominees certified by the appropriate executive committee,
137 and independent and special election candidates who have timely
138 filed petitions containing the required signatures. A petition
139 requesting that an independent or special election candidate's
140 name be placed on the ballot for any office shall be filed as
141 provided for in subsection (3) or (4) of this section, as
142 appropriate, and shall be signed by not less than the following
143 number of qualified electors:

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

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

149 (c) For an office elected by the qualified electors of
150 a congressional district, not less than two hundred (200)
151 qualified electors.

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

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

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

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

163 (2) Unless the petition required in subsection (1) shall be
164 filed as provided * * * in subsection (3) or (4) of this section,
165 as appropriate, the name of the person requested to be a
166 candidate, unless nominated by a political party, shall not be
167 placed upon the ballot. The ballot shall contain the names of
168 each candidate for each office, and such names shall be listed
169 under the name of the political party the candidate represents as
170 provided by law and as certified to the circuit clerk by the State
171 Executive Committee of the political party. In the event a
172 candidate qualifies as an independent as herein provided, he shall
173 be listed on the ballot as an independent candidate.

174 (3) Petitions for offices described in paragraphs (a), (b),
175 (c) and (d) of subsection (1) of this section, and petitions for
176 offices described in paragraph (e) of subsection (1) of this
177 section for districts composed of more than one (1) county or
178 parts of more than one (1) county, shall be filed with the State
179 Board of Election Commissioners * * * no later than 5:00 p.m. on
180 the same date by which candidates for nominations in the political
181 party primary elections are required to pay the fee provided * * *
182 in Section 23-15-297, Mississippi Code of 1972; however, no

183 petition may be filed before January 1 of the year in which the
184 election for the office is held.

185 (4) Petitions for offices described in paragraphs (f) and
186 (g) of subsection (1) of this section, and petitions for offices
187 described in paragraph (e) of subsection (1) of this section for
188 districts composed of one (1) county or less, shall be filed with
189 the proper circuit clerk * * * no later than 5:00 p.m. on the same
190 date by which candidates for nominations in the political party
191 elections are required to pay the fee provided * * * in Section
192 23-15-297; however, no petition may be filed before January 1 of
193 the year in which the election for the office is held. The
194 circuit clerk shall notify the county commissioners of election of
195 all persons who have filed petitions with the clerk. Such
196 notification shall occur within two (2) business days and shall
197 contain all necessary information.

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

205 (6) The provisions of this section shall not apply to
206 municipal elections or to the election of the offices of justice
207 of the Supreme Court, judge of the Court of Appeals, circuit
208 judge, chancellor, county court judge and justice court judge.

209 (7) Nothing in this section shall prohibit special elections
210 to fill vacancies in either house of the Legislature from being
211 held as provided in Section 23-15-851. In all elections conducted
212 under the provisions of Section 23-15-851, the commissioner shall
213 have printed on the ballot the name of any candidate who, not
214 having been nominated by a political party, has requested to be a
215 candidate for any office by a petition filed with said
216 commissioner by 5:00 p.m. not less than ten (10) working days

217 prior to the election, and signed by not less than fifty (50)
218 qualified electors.

219 (8) The appropriate election commission shall determine
220 whether each candidate is a qualified elector of the state, state
221 district, county or county district he seeks to serve, and whether
222 each candidate meets all other qualifications to hold the office
223 he is seeking or presents absolute proof that he will, subject to
224 no contingencies, meet all qualifications on or before the date of
225 the general or special election at which he could be elected to
226 office. The election commission also shall determine whether any
227 candidate is eligible for office under Section 44, Mississippi
228 Constitution of 1890. If the appropriate election commission
229 finds that a candidate either (a) is not a qualified elector, (b)
230 does not meet all qualifications to hold the office he seeks and
231 fails to provide absolute proof, subject to no contingencies, that
232 he will meet the qualifications on or before the date of the
233 general or special election at which he could be elected, or (c)
234 has been convicted of a felony as described in this subsection,
235 and not pardoned, then the name of that candidate shall not be
236 placed upon the ballot.

237 (9) If, after the deadline to qualify as a candidate for an
238 office or after the time for holding any party primary for an
239 office, there shall be only one (1) person who has duly qualified
240 to be a candidate for the office in the general election, the name
241 of that person shall be placed on the ballot; provided, however,
242 that if there shall be not more than one (1) person duly qualified
243 to be a candidate for each office on the general election ballot,
244 the election for all offices on the ballot shall be dispensed with
245 and the appropriate election commission shall declare each
246 candidate elected without opposition if the candidate meets all
247 the qualifications to hold the office as determined pursuant to a
248 review by the commission in accordance with the provisions of
249 subsection (8) of this section and if the candidate has filed all
250 required campaign finance disclosure reports as required by
251 Section 23-15-807.

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

254 **SECTION 7.** Section 23-15-973, Mississippi Code of 1972, is
255 amended as follows:

256 23-15-973. It shall be the duty of the judges of the circuit
257 court to give a reasonable time and opportunity to the candidates
258 for the office of judge of the Supreme Court, judges of the Court
259 of Appeals, circuit judge, chancellor and justice court judge to
260 address the people during court terms. In order to give further
261 and every possible emphasis to the fact that the * * * judicial
262 offices are not political but are to be held without favor and
263 with absolute impartiality as to all persons, and because of the
264 jurisdiction conferred upon the courts by this chapter, the judges
265 thereof should be as far removed as possible from any political
266 affiliations or obligations. It shall be unlawful for any
267 candidate for any of the offices mentioned in this section to
268 align himself with any candidate or candidates for any other
269 office or with any political faction or any political party at any
270 time during any primary or general election campaign. Likewise it
271 shall be unlawful for any candidate for any other office nominated
272 or to be nominated at any primary election, wherein any candidate
273 for any of the judicial offices in this section mentioned, is or
274 are to be nominated, to align himself with any one or more of the
275 candidates for the offices or to take any part whatever in any
276 nomination for any one or more of the judicial offices, except to
277 cast his individual vote. Any candidate for any office, whether
278 nominated with or without opposition, at any primary wherein a
279 candidate for any one of the judicial offices * * * mentioned in
280 this section is to be nominated who shall deliberately, knowingly
281 and willfully violate the provisions of this section shall forfeit
282 his nomination, or if elected at the following general election by
283 virtue of said nomination, his election shall be void.

284 **SECTION 8.** Section 23-15-975, Mississippi Code of 1972, is
285 amended as follows:

286 23-15-975. As used in Sections 23-15-974 through 23-15-985
287 of this subarticle, the term "judicial office" includes the office
288 of justice of the Supreme Court, judge of the Court of Appeals,
289 circuit judge, chancellor, county court judge and justice court
290 judge. All * * * justices and judges, except justice court
291 judges, shall be full-time positions and the justices and judges,
292 except justice court judges, shall not engage in the practice of
293 law before any court, administrative agency or other judicial or
294 quasi-judicial forum except as provided by law for finalizing
295 pending cases after election to judicial office.

296 **SECTION 9.** Section 23-15-977, Mississippi Code of 1972, is
297 amended as follows:

298 23-15-977. (1) All candidates for judicial office as
299 defined in Section 23-15-975 of this subarticle shall file the
300 intent to be a candidate with the proper officials not later than
301 5:00 p.m. on the first Friday after the first Monday in May prior
302 to the general election for judicial office and shall pay to the
303 proper officials the following amounts:

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

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

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

310 (2) Candidates for judicial offices listed in paragraphs (a)
311 and (b) of subsection (1) of this section shall file the intent to
312 be a candidate with, and pay the proper assessment made pursuant
313 to subsection (1) of this section to, the State Board of Election
314 Commissioners.

315 (3) Candidates for judicial offices listed in paragraph (c)
316 of subsection (1) of this section shall file the intent to be a
317 candidate with, and pay the proper assessment made pursuant to
318 subsection (1) of this section to, the circuit clerk of the proper
319 county. The circuit clerk shall notify the county commissioners
320 of election of all persons who have filed their intent to be a

321 candidate with, and paid the proper assessment to, such clerk.
322 Such notification shall occur within two (2) business days and
323 shall contain all necessary information.

324 **SECTION 10.** The Attorney General of the State of Mississippi
325 shall submit this act, immediately upon approval by the Governor,
326 or upon approval by the Legislature subsequent to a veto, to the
327 Attorney General of the United States or to the United States
328 District Court for the District of Columbia in accordance with the
329 provisions of the Voting Rights Act of 1965, as amended and
330 extended.

331 **SECTION 11.** This act shall take effect and be in force from
332 and after the date it is effectuated under Section 5 of the Voting
333 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 23-15-833 AND 23-15-981, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE TIME PERIOD DURING WHICH RUNOFF
3 ELECTIONS FOR JUDICIAL AND SPECIAL ELECTIONS ARE CONDUCTED; TO
4 AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
5 JUSTICE COURT JUDGES SHALL BE ELECTED AT THE GENERAL STATE
6 ELECTION IN A NONPARTISAN MANNER WITH A RUNOFF TWO WEEKS LATER IF
7 NECESSARY; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,
8 TO DELETE JUSTICE COURT JUDGE CANDIDATES FROM THE LIST OF
9 CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN ELECTION FOR
10 PARTY NOMINATION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE OF
11 1972, TO PROVIDE THAT THIS SECTION, WHICH REQUIRES THE NAMES OF
12 ALL CANDIDATES NOMINATED FOR OFFICE TO BE PRINTED ON THE BALLOT,
13 SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO AMEND SECTION
14 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT
15 JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE DURING COURT
16 TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE
17 OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER THE NONPARTISAN
18 JUDICIAL ELECTION ACT; TO AMEND SECTION 23-15-197, MISSISSIPPI
19 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
20 RELATED PURPOSES.

SS26\HB997A.J

John O. Gilbert
Secretary of the Senate