

By: Representative Moore

To: Judiciary A;
Apportionment and Elections

HOUSE BILL NO. 494

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6 AND WHICH WERE REPEALED IN 1994; TO AMEND SECTIONS 9-4-5, 9-4-15,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16 provide for the Nonpartisan Judicial Election Act, are repealed.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 **[Until January 1, 2012, this section shall read as follows:]**

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

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



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

298 **[Effective from and after January 1, 2012, this section shall**
299 **read as follows:]**

300 9-7-46. (1) There shall be four (4) circuit judges for the
301 Seventeenth Circuit Court District.

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

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

313 9-7-51. (1) There shall be three (3) circuit judges for the
314 Nineteenth Circuit Court District. For the purposes of
315 appointment, nomination and election, the three (3) judgeships
316 shall be separate and distinct and denominated for purposes of
317 appointment and election only as "Place One," "Place Two" and
318 "Place Three."

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



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

326 23-15-197. (1) Times for holding primary and general
327 elections for congressional offices shall be as prescribed in
328 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

332 (3) Times for holding primary and general elections for the
333 office of circuit court judge and the office of chancery court
334 judge shall be as prescribed in Sections 23-15-1013 and * * *
335 23-15-1015.

336 (4) Times for holding elections for the office of county
337 election commissioners shall be as prescribed in Section
338 23-15-213.

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

341 23-15-297. All candidates upon entering the race for party
342 nominations for office shall first pay to the proper officer as
343 provided for in Section 23-15-299 for each primary election the
344 following amounts:

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

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

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

355 (d) Candidates for State Senator, State Representative,
356 sheriff, chancery clerk, circuit clerk, tax assessor, tax



357 collector, county attorney, county superintendent of education,
358 county judge and board of supervisors, not to exceed Fifteen
359 Dollars (\$15.00).

360 (e) Candidates for county surveyor, county coroner,
361 justice court judge and constable, not to exceed Ten Dollars
362 (\$10.00).

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

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

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

369 **[Through June 30, 2010, this section shall read as follows:]**

370 23-15-359. (1) The ballot shall contain the names of all
371 party nominees certified by the appropriate executive committee,
372 and independent and special election candidates who have timely
373 filed petitions containing the required signatures. A petition
374 requesting that an independent or special election candidate's
375 name be placed on the ballot for any office shall be filed as
376 provided for in subsection (3) or (4) of this section, as
377 appropriate, and shall be signed by not less than the following
378 number of qualified electors:

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

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

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

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



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

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

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

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

409 (b) The name of an independent or special election
410 candidate who dies before the printing of the ballots, shall not
411 be placed on the ballots.

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, there shall be printed
449 on the ballot the name of any candidate who, not having been
450 nominated by a political party, shall have been requested to be a
451 candidate for any office by a petition filed with the State Board
452 of Election Commissioners for districts composed of more than one
453 (1) county or parts of more than one (1) county, or the proper
454 circuit clerk for districts composed of one (1) county or less, by
455 5:00 p.m. on or before the date set in the writ of election as the



456 qualifying deadline, and signed by not less than fifty (50)
457 qualified electors.

458 (8) The appropriate election commission shall determine
459 whether each candidate is a qualified elector of the state, state
460 district, county or county district they seek to serve, and
461 whether each candidate meets all other qualifications to hold the
462 office he is seeking or presents absolute proof that he will,
463 subject to no contingencies, meet all qualifications on or before
464 the date of the general or special election at which he could be
465 elected to office. The election commission shall determine
466 whether the candidate has taken the steps necessary to qualify for
467 more than one (1) office at the election. The election commission
468 also shall determine whether any candidate has been convicted of
469 any felony in a court of this state, or has been convicted on or
470 after December 8, 1992, of any offense in another state which is a
471 felony under the laws of this state, or has been convicted of any
472 felony in a federal court on or after December 8, 1992. Excepted
473 from the above are convictions of manslaughter and violations of
474 the United States Internal Revenue Code or any violations of the
475 tax laws of this state, unless the offense also involved misuse or
476 abuse of his office or money coming into his hands by virtue of
477 his office. If the appropriate election commission finds that a
478 candidate either (a) is not a qualified elector, (b) does not meet
479 all qualifications to hold the office he seeks and fails to
480 provide absolute proof, subject to no contingencies, that he will
481 meet the qualifications on or before the date of the general or
482 special election at which he could be elected, or (c) has been
483 convicted of a felony as described in this subsection, and not
484 pardoned, then the name of such candidate shall not be placed upon
485 the ballot. If the appropriate election commission determines
486 that the candidate has taken the steps necessary to qualify for
487 more than one (1) office at the election, the action required by
488 Section 23-15-905, shall be taken.



489 (9) If after the deadline to qualify as a candidate for an
490 office or after the time for holding any party primary for an
491 office, there shall be only one (1) person who has duly qualified
492 to be a candidate for the office in the general election, the name
493 of such person shall be placed on the ballot; provided, however,
494 that if there shall be not more than one (1) person duly qualified
495 to be a candidate for each office on the general election ballot,
496 the election for all offices on the ballot shall be dispensed with
497 and the appropriate election commission shall declare each
498 candidate elected without opposition if the candidate meets all
499 the qualifications to hold the office as determined pursuant to a
500 review by the commission in accordance with the provisions of
501 subsection (8) of this section and if the candidate has filed all
502 required campaign finance disclosure reports as required by
503 Section 23-15-807.

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

506 **[From and after July 1, 2010, this section shall read as**
507 **follows:]**

508 23-15-359. (1) The ballot shall contain the names of all
509 party nominees certified by the appropriate executive committee,
510 and independent and special election candidates who have timely
511 filed petitions containing the required signatures. A petition
512 requesting that an independent or special election candidate's
513 name be placed on the ballot for any office shall be filed as
514 provided for in subsection (3) or (4) of this section, as
515 appropriate, and shall be signed by not less than the following
516 number of qualified electors:

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

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



522 (c) For an office elected by the qualified electors of
523 a congressional district, not less than two hundred (200)
524 qualified electors.

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

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

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

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

536 (2) (a) Unless the petition required above shall be filed
537 as provided for in subsection (3) or (4) of this section, as
538 appropriate, the name of the person requested to be a candidate,
539 unless nominated by a political party, shall not be placed upon
540 the ballot. The ballot shall contain the names of each candidate
541 for each office, and such names shall be listed under the name of
542 the political party such candidate represents as provided by law
543 and as certified to the circuit clerk by the state executive
544 committee of such political party. In the event such candidate
545 qualifies as an independent as provided in this section, he shall
546 be listed on the ballot as an independent candidate.

547 (b) The name of an independent or special election
548 candidate who dies before the printing of the ballots, shall not
549 be placed on the ballots.

550 (3) Petitions for offices described in paragraphs (a), (b),
551 (c) and (d) of subsection (1) of this section, and petitions for
552 offices described in paragraph (e) of subsection (1) of this
553 section for districts composed of more than one (1) county or
554 parts of more than one (1) county, shall be filed with the State



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

561 (4) Petitions for offices described in paragraphs (f) and
562 (g) of subsection (1) of this section, and petitions for offices
563 described in paragraph (e) of subsection (1) of this section for
564 districts composed of one (1) county or less, shall be filed with
565 the proper circuit clerk by no later than 5:00 p.m. on the same
566 date by which candidates for nominations in the political party
567 elections are required to pay the fee provided for in Section
568 23-15-297; however, no petition may be filed before January 1 of
569 the year in which the election for the office is held. The
570 circuit clerk shall notify the county commissioners of election of
571 all persons who have filed petitions with such clerk. Such
572 notification shall occur within two (2) business days and shall
573 contain all necessary information.

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

581 (6) The provisions of this section shall not apply to
582 municipal elections or to the election of the offices of justice
583 of the Supreme Court, judge of the Court of Appeals, circuit
584 judge, chancellor, county court judge and family court judge.

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



588 under the provisions of Section 23-15-851, there shall be printed
589 on the ballot the name of any candidate who, not having been
590 nominated by a political party, shall have been requested to be a
591 candidate for any office by a petition filed with the State Board
592 of Election Commissioners for districts composed of more than one
593 (1) county or parts of more than one (1) county, or the proper
594 circuit clerk for districts composed of one (1) county or less, by
595 5:00 p.m. on or before the date set in the writ of election as the
596 qualifying deadline, and signed by not less than fifty (50)
597 qualified electors.

598 (8) The appropriate election commission shall determine
599 whether each candidate is a qualified elector of the state, state
600 district, county or county district they seek to serve, and
601 whether each candidate meets all other qualifications to hold the
602 office he is seeking or presents absolute proof that he will,
603 subject to no contingencies, meet all qualifications on or before
604 the date of the general or special election at which he could be
605 elected to office. The election commission shall determine
606 whether the candidate has taken the steps necessary to qualify for
607 more than one (1) office at the election. The election commission
608 also shall determine whether any candidate has been convicted of
609 any felony in a court of this state, or has been convicted on or
610 after December 8, 1992, of any offense in another state which is a
611 felony under the laws of this state, or has been convicted of any
612 felony in a federal court on or after December 8, 1992. Excepted
613 from the above are convictions of manslaughter and violations of
614 the United States Internal Revenue Code or any violations of the
615 tax laws of this state, unless the offense also involved misuse or
616 abuse of his office or money coming into his hands by virtue of
617 his office. If the appropriate election commission finds that a
618 candidate either (a) is not a qualified elector, (b) does not meet
619 all qualifications to hold the office he seeks and fails to
620 provide absolute proof, subject to no contingencies, that he will



621 meet the qualifications on or before the date of the general or
622 special election at which he could be elected, or (c) has been
623 convicted of a felony as described in this subsection, and not
624 pardoned, then the name of such candidate shall not be placed upon
625 the ballot. If the appropriate election commission determines
626 that the candidate has taken the steps necessary to qualify for
627 more than one (1) office at the election, the action required by
628 Section 23-15-905, shall be taken.

629 (9) If after the deadline to qualify as a candidate for an
630 office or after the time for holding any party primary for an
631 office, there shall be only one (1) person who has duly qualified
632 to be a candidate for the office in the general election, the name
633 of such person shall be placed on the ballot; provided, however,
634 that if there shall be not more than one (1) person duly qualified
635 to be a candidate for each office on the general election ballot,
636 the election for all offices on the ballot shall be dispensed with
637 and the appropriate election commission shall declare each
638 candidate elected without opposition if the candidate meets all
639 the qualifications to hold the office as determined pursuant to a
640 review by the commission in accordance with the provisions of
641 subsection (8) of this section and if the candidate has filed all
642 required campaign finance disclosure reports as required by
643 Section 23-15-807.

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

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

648 23-15-367. (1) Except as otherwise provided by * * *
649 subsection (2) of this section, the arrangement of the names of
650 the candidates, and the order in which the titles of the various
651 offices shall be printed, and the size, print and quality of paper
652 of the official ballot is left to the discretion of the officer



653 charged with printing the official ballot; but the arrangement
654 need not be uniform.

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

- 657 (a) Candidates for national office;
- 658 (b) Candidates for statewide office;
- 659 (c) Candidates for state district office;
- 660 (d) Candidates for legislative office;
- 661 (e) Candidates for countywide office;
- 662 (f) Candidates for county district office.

663 The order in which the titles for the various offices are
664 listed within each of the categories listed in this subsection is
665 left to the discretion of the officer charged with printing the
666 official ballot.

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

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

674 23-15-801. (a) "Election" shall mean a general, special,
675 primary or runoff election.

676 (b) "Candidate" shall mean an individual who seeks
677 nomination for election, or election, to any elective office other
678 than a federal elective office and for purposes of this article,
679 an individual shall be deemed to seek nomination for election, or
680 election:

681 (i) If such individual has received contributions
682 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
683 expenditures aggregating in excess of Two Hundred Dollars
684 (\$200.00) or for a candidate for the Legislature or any statewide



685 or state district office, by the qualifying deadlines specified in
686 Section 23-15-299 * * *, whichever occurs first; or

687 (ii) If such individual has given his or her consent to
688 another person to receive contributions or make expenditures on
689 behalf of such individual and if such person has received such
690 contributions aggregating in excess of Two Hundred Dollars
691 (\$200.00) during a calendar year, or has made such expenditures
692 aggregating in excess of Two Hundred Dollars (\$200.00) during a
693 calendar year.

694 (c) "Political committee" shall mean any committee, party,
695 club, association, political action committee, campaign committee
696 or other groups of persons or affiliated organizations which
697 receives contributions aggregating in excess of Two Hundred
698 Dollars (\$200.00) during a calendar year or which makes
699 expenditures aggregating in excess of Two Hundred Dollars
700 (\$200.00) during a calendar year for the purpose of influencing or
701 attempting to influence the action of voters for or against the
702 nomination for election, or election, of one or more candidates,
703 or balloted measures and shall, in addition, include each
704 political party registered with the Secretary of State.

705 (d) "Affiliated organization" shall mean any organization
706 which is not a political committee, but which directly or
707 indirectly establishes, administers or financially supports a
708 political committee.

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

713 (ii) "Contribution" shall not include the value of
714 services provided without compensation by any individual who
715 volunteers on behalf of a candidate or political committee; or the
716 cost of any food or beverage for use in any candidate's campaign



717 or for use by or on behalf of any political committee of a
718 political party;

719 (iii) "Contribution to a political party" includes any
720 gift, subscription, loan, advance or deposit of money or anything
721 of value made by any person, political committee, or other
722 organization to a political party and to any committee,
723 subcommittee, campaign committee, political committee and other
724 groups of persons and affiliated organizations of the political
725 party;

726 (iv) "Contribution to a political party" shall not
727 include the value of services provided without compensation by any
728 individual who volunteers on behalf of a political party or a
729 candidate of a political party.

730 (f) (i) "Expenditure" shall include any purchase, payment,
731 distribution, loan, advance, deposit, gift of money or anything of
732 value, made by any person or political committee for the purpose
733 of influencing any balloted measure or election for elective
734 office; and a written contract, promise, or agreement to make an
735 expenditure;

736 (ii) "Expenditure" shall not include any news story,
737 commentary or editorial distributed through the facilities of any
738 broadcasting station, newspaper, magazine, or other periodical
739 publication, unless such facilities are owned or controlled by any
740 political party, political committee, or candidate; or nonpartisan
741 activity designed to encourage individuals to vote or to register
742 to vote;

743 (iii) "Expenditure by a political party" includes 1.
744 any purchase, payment, distribution, loan, advance, deposit, gift
745 of money or anything of value, made by any political party and by
746 any contractor, subcontractor, agent, and consultant to the
747 political party; and 2. a written contract, promise, or agreement
748 to make such an expenditure.

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



750 (i) In the case of any individual, the name, the
751 mailing address, and the occupation of such individual, as well as
752 the name of his or her employer; and

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

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

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

761 (j) The term "independent expenditure" shall mean an
762 expenditure by a person expressly advocating the election or
763 defeat of a clearly identified candidate which is made without
764 cooperation or consultation with any candidate or any authorized
765 committee or agent of such candidate, and which is not made in
766 concert with or at the request or suggestion of any candidate or
767 any authorized committee or agent of such candidate.

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

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

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

771 or

772 (iii) The identity of the candidate is apparent by
773 unambiguous reference.

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

776 23-15-807. (a) Each candidate or political committee shall
777 file reports of contributions and disbursements in accordance with
778 the provisions of this section. All candidates or political
779 committees required to report may terminate its obligation to
780 report only upon submitting a final report that it will no longer
781 receive any contributions or make any disbursement and that such
782 candidate or committee has no outstanding debts or obligations.



783 The candidate, treasurer or chief executive officer shall sign
784 each such report.

785 (b) Candidates who are seeking election, or nomination for
786 election, and political committees that make expenditures for the
787 purpose of influencing or attempting to influence the action of
788 voters for or against the nomination for election, or election, of
789 one or more candidates or balloted measures at such election,
790 shall file the following reports:

791 (i) In any calendar year during which there is a
792 regularly scheduled election, a preelection report, which shall be
793 filed no later than the seventh day before any election in which
794 such candidate or political committee has accepted contributions
795 or made expenditures and which shall be complete as of the tenth
796 day before such election;

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

801 (iii) In any calendar years except 1987 and except
802 every fourth year thereafter, a report covering the calendar year
803 which shall be filed no later than January 31 of the following
804 calendar year.

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

810 (d) Contents of reports. Each report under this article
811 shall disclose:

812 (i) For the reporting period and the calendar year, the
813 total amount of all contributions and the total amount of all
814 expenditures of the candidate or reporting committee which shall
815 include those required to be identified pursuant to paragraph (ii)



816 of this subsection as well as the total of all other contributions
817 and expenditures during the calendar year. Such reports shall be
818 cumulative during the calendar year to which they relate;

819 (ii) The identification of:

820 1. Each person or political committee who makes a
821 contribution to the reporting candidate or political committee
822 during the reporting period, whose contribution or contributions
823 within the calendar year have an aggregate amount or value in
824 excess of Two Hundred Dollars (\$200.00) together with the date and
825 amount of any such contribution;

826 2. Each person or organization, candidate or
827 political committee who receives an expenditure, payment or other
828 transfer from the reporting candidate, political committee or its
829 agent, employee, designee, contractor, consultant or other person
830 or persons acting in its behalf during the reporting period when
831 the expenditure, payment or other transfer to such person,
832 organization, candidate or political committee within the calendar
833 year have an aggregate value or amount in excess of Two Hundred
834 Dollars (\$200.00) together with the date and amount of such
835 expenditure;

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

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

841 1. Each person or political committee who makes a
842 contribution to a political party during the reporting period and
843 whose contribution or contributions to a political party within
844 the calendar year have an aggregate amount or value in excess of
845 Two Hundred Dollars (\$200.00), together with the date and amount
846 of the contribution;

847 2. Each person or organization who receives an
848 expenditure by a political party or expenditures by a political



849 party during the reporting period when the expenditure or
850 expenditures to the person or organization within the calendar
851 year have an aggregate value or amount in excess of Two Hundred
852 Dollars (\$200.00), together with the date and amount of the
853 expenditure.

854 (e) The appropriate office specified in Section 23-15-805
855 must be in actual receipt of the reports specified in this article
856 by 5:00 p.m. on the dates specified in subsection (b) of this
857 section. If the date specified in subsection (b) of this section
858 shall fall on a weekend or legal holiday then the report shall be
859 due in the appropriate office at 5:00 p.m. on the first working
860 day before the date specified in subsection (b) of this section.
861 The reporting candidate or reporting political committee shall
862 ensure that the reports are delivered to the appropriate office by
863 the filing deadline. The Secretary of State may approve specific
864 means of electronic transmission of completed campaign finance
865 disclosure reports, which may include, but not be limited to,
866 transmission by electronic facsimile (FAX) devices.

867 (f) (i) If any contribution of more than Two Hundred
868 Dollars (\$200.00) is received by a candidate or candidate's
869 political committee after the tenth day, but more than forty-eight
870 (48) hours before 12:01 a.m. of the day of the election, the
871 candidate or political committee shall notify the appropriate
872 office designated in Section 23-15-805, within forty-eight (48)
873 hours of receipt of the contribution. The notification shall
874 include:

- 875 1. The name of the receiving candidate;
- 876 2. The name of the receiving candidate's political
877 committee, if any;
- 878 3. The office sought by the candidate;
- 879 4. The identification of the contributor;
- 880 5. The date of receipt;
- 881 6. The amount of the contribution;



882 7. If the contribution is in-kind, a description
883 of the in-kind contribution; and

884 8. The signature of the candidate or the treasurer
885 or director of the candidate's political committee;

886 (ii) The notification shall be in writing, and may be
887 transmitted by overnight mail, courier service, or other reliable
888 means, including electronic facsimile (FAX), but the candidate or
889 candidate's committee shall ensure that the notification shall in
890 fact be received in the appropriate office designated in Section
891 23-15-805 within forty-eight (48) hours of the contribution.

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

894 23-15-973. It shall be the duty of the judges of the circuit
895 court to give a reasonable time and opportunity to the candidates
896 for the office of judge of the Supreme Court, judges of the Court
897 of Appeals, circuit judge and chancellor to address the people
898 during court terms. In order to give further and every possible
899 emphasis to the fact that the said judicial offices are not
900 political but are to be held without favor and with absolute
901 impartiality as to all persons, and because of the jurisdiction
902 conferred upon the courts by this chapter, the judges thereof
903 should be as far removed as possible from any political
904 affiliations or obligations within their party. It shall be
905 unlawful for any candidate for any of the offices mentioned in
906 this section to align himself with any candidate or candidates for
907 any other office or with any political faction within his party at
908 any time during any primary or general election campaign.
909 Likewise it shall be unlawful for any candidate for any other
910 office nominated or to be nominated at any primary election,
911 wherein any candidate for any of the judicial offices in this
912 section mentioned, is or are to be nominated, to align himself
913 with any one or more of the candidates for said offices or to take
914 any part whatever in any nomination for any one or more of said



915 judicial offices, except to cast his individual vote. Any
916 candidate for any office, whether nominated with or without
917 opposition, at any primary wherein a candidate for any one (1) of
918 the judicial offices herein mentioned is to be nominated who shall
919 deliberately, knowingly and willfully violate the provisions of
920 this section shall forfeit his nomination, or if elected at the
921 following general election by virtue of said nomination, his
922 election shall be void.

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

925 23-15-993. For the purpose of all elections, including
926 primary elections, each of the nine (9) judgeships of the Supreme
927 Court shall be considered a separate office. The three (3)
928 offices in each of the three (3) Supreme Court districts shall be
929 designated Position Number 1, Position Number 2 and Position
930 Number 3, and in qualifying for office as a candidate for any
931 office of judge of the Supreme Court each candidate shall state
932 the position number of the office to which he aspires and both the
933 primary and regular election ballots shall so indicate. In
934 Supreme Court District Number 1: Position Number 1 shall be that
935 office for which the term ends in January 1966; Position Number 2
936 shall be that office for which the term ends in January 1965; and
937 Position Number 3 shall be that office for which the term ends in
938 January 1969. In District Number 2: Position Number 1 shall be
939 that office for which the term ends in January 1972; Position
940 Number 2 shall be that office for which the term ends in January
941 1969; and Position Number 3 shall be for that office for which the
942 term ends in January 1973. In District Number 3: Position Number
943 1 shall be that office for which the term ends in January 1969;
944 Position Number 2 shall be that office for which the term ends in
945 January 1969; and Position Number 3 shall be that office for which
946 the term ends in January 1965.



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

949 23-15-995. Except as may be otherwise provided * * *, the
950 general laws for the election of state officers shall apply to and
951 govern the election of judges of the Supreme Court.

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

954 23-15-1015. On Tuesday after the first Monday in November
955 1986, and every four (4) years thereafter and concurrently with
956 the election for representatives in Congress, there shall be held
957 an election in every county for judges of the several circuit and
958 chancery court districts; provided, however, that the terms of
959 judges of the several circuit and chancery court districts shall
960 be six (6) years beginning with the term commencing January 2003.
961 The laws regulating the general elections shall, in all respects,
962 apply to and govern elections of judges of the circuit and
963 chancery courts.

964 **SECTION 28.** The Attorney General of the State of Mississippi
965 shall submit this act, immediately upon approval by the Governor,
966 or upon approval by the Legislature subsequent to a veto, to the
967 Attorney General of the United States or to the United States
968 District Court for the District of Columbia in accordance with the
969 provisions of the Voting Rights Act of 1965, as amended and
970 extended.

971 **SECTION 29.** This act shall take effect and be in force from
972 and after July 1, 2010, if it is effectuated on or before that
973 date under Section 5 of the Voting Rights Act of 1965, as amended
974 and extended. If it is effectuated under Section 5 of the Voting
975 Rights Act of 1965, as amended and extended, after July 1, 2010,
976 this act shall take effect and be in force from and after the date
977 it is effectuated under Section 5 of the Voting Rights Act of
978 1965, as amended and extended.

