

By: Representatives Snowden, Baker, Gipson

To: Judiciary A

HOUSE BILL NO. 496

1 AN ACT TO AMEND SECTION 23-15-974, MISSISSIPPI CODE OF 1972,
2 TO REMOVE NONPARTISANSHIP FROM THE NONPARTISAN JUDICIAL ELECTION
3 ACT; TO CREATE A NEW SECTION TO REQUIRE THAT CANDIDATES FOR
4 JUDICIAL OFFICE BE SELECTED THROUGH NOMINATIONS MADE BY THE
5 DIFFERENT PARTIES OF THIS STATE AT PRIMARY ELECTIONS; TO AMEND
6 SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
7 STATEMENT OF INTENT FILED BY JUDICIAL CANDIDATES TO INCLUDE THE
8 PARTY FOR WHICH THE JUDICIAL CANDIDATE IS AFFILIATED; TO AMEND
9 SECTION 23-15-978, MISSISSIPPI CODE OF 1972, TO REMOVE THE
10 REQUIREMENT THAT JUDICIAL OFFICE CANDIDATES ON THE BALLOT BE
11 GROUPED TOGETHER AS NONPARTISAN; TO REQUIRE THAT THE NAME OF
12 JUDICIAL OFFICE CANDIDATES SHALL NOT BE PLACED ON THE BALLOT IN
13 GENERAL ELECTIONS UNLESS THEY WERE NOMINATED THROUGH A PARTY
14 PRIMARY ELECTION; TO AMEND SECTION 23-15-979, MISSISSIPPI CODE OF
15 1972, TO REQUIRE THAT THE NAME OF THE JUDICIAL CANDIDATE BE LISTED
16 UNDER THE POLITICAL PARTY THAT THE CANDIDATE REPRESENTS; TO AMEND
17 SECTION 23-15-981, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
18 JUDICIAL CANDIDATE WHO RECEIVES THE MAJORITY NUMBER OF VOTES CAST
19 FOR THE JUDICIAL OFFICE SHALL BE THE NOMINEE OF HIS OR HER PARTY
20 FOR THAT OFFICE; TO PROVIDE THE PROVISIONS FOR A RUNOFF ELECTION
21 IF NO JUDICIAL OFFICE CANDIDATE RECEIVES A MAJORITY OF THE VOTES;
22 TO AMEND SECTION 23-15-995, MISSISSIPPI CODE OF 1972, TO PROVIDE
23 THAT THE GENERAL LAWS FOR THE ELECTION OF STATE OFFICERS SHALL
24 APPLY TO AND GOVERN THE ELECTIONS OF JUDICIAL OFFICERS; TO AMEND
25 SECTIONS 23-15-1015, 23-15-1021, 23-15-365, 23-15-359, 9-4-5,
26 23-15-291, 23-15-975, 23-15-197 AND 23-15-367, MISSISSIPPI CODE OF
27 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
28 23-15-973, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES CANDIDATES
29 FOR THE OFFICE OF JUDGE OF THE SUPREME COURT, JUDGES OF THE COURT
30 OF APPEALS, CIRCUIT JUDGE AND CHANCELLOR TO ADDRESS THE PEOPLE
31 DURING COURT TERMS AND PROHIBITS THOSE CANDIDATES FROM ALIGNING
32 THEMSELVES WITH A POLITICAL PARTY; TO REPEAL SECTION 23-15-976,
33 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A JUDICIAL OFFICE IS
34 A NONPARTISAN OFFICE AND PROVIDES THAT A CANDIDATE FOR ELECTION TO



A JUDICIAL OFFICE IS PROHIBITED FROM CAMPAIGNING OR QUALIFYING FOR THAT OFFICE BASED ON PARTY AFFILIATION; TO REPEAL SECTION 23-15-985, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT ALL QUALIFIED ELECTORS, REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, ARE QUALIFIED TO VOTE FOR CANDIDATES FOR NOMINATION FOR JUDICIAL OFFICE; TO BRING FORWARD SECTIONS 23-15-977.1, 23-15-991, 23-15-993, 23-15-1011, 23-15-1023 AND 23-15-1025, MISSISSIPPI CODE OF 1972, WHICH REGULATE THE JUDICIAL ELECTIONS ACT, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-191 AND 23-15-193, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR PRIMARY ELECTIONS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-293, 23-15-295, 23-15-296, 23-15-297, 23-15-299, 23-15-303, 23-15-305, 23-15-307 AND 23-15-317, MISSISSIPPI CODE OF 1972, WHICH REGULATE THE NOMINATION OF CANDIDATES FOR PRIMARY ELECTIONS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-331, 23-15-333 AND 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PREPARATION OF BALLOTS IN PRIMARY ELECTIONS AND OTHER ELECTIONS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-597, 23-15-599, 23-15-605 AND 23-15-607, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DETERMINATION OF THE RESULTS OF THE ELECTION, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-833, 23-15-837, 23-15-839, 23-15-841 AND 23-15-849, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR FILLING VACANCIES IN CERTAIN OFFICES, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-921, 23-15-923, 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937, 23-15-941, 23-15-951, 23-15-953, 23-15-961, 23-15-963 AND 23-15-980, MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE PROCEDURES FOR ELECTION CONTESTS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 23-15-1051, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DUTIES OF THE STATE EXECUTIVE COMMITTEE, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-974, Mississippi Code of 1972, is amended as follows:

23-15-974. Sections 23-15-974 through * * ~~*23-15-985~~
23-15-981 of this subarticle shall be known as
the" * * ~~*Nonpartisan~~ Judicial Election Act."

SECTION 2. Section 23-15-975, Mississippi Code of 1972, is amended as follows:



23-15-975. As used in Sections 23-15-974 through * * *
~~23-15-985~~ 23-15-981 of this subarticle, the term "judicial office"
includes the office of justice of the Supreme Court, judge of the
Court of Appeals, circuit judge, chancellor, county court judge
and family court judge. All such justices and judges shall be
full-time positions and such justices and judges shall not engage
in the practice of law before any court, administrative agency or
other judicial or quasi-judicial forum except as provided by law
for finalizing pending cases after election to judicial office.

SECTION 3. Candidates for judicial office shall be selected
through nominations made by the different parties of this state at
primary elections. All primary elections shall be governed and
regulated by the election laws of the state in force at the time
the primary election is held.

SECTION 4. Section 23-15-977, Mississippi Code of 1972, is
amended as follows:

23-15-977. (1) * * *~~Except as otherwise provided in this~~
~~section, all~~ All candidates for judicial office as defined in
Section 23-15-975 * * *~~of this subarticle~~ upon entering the race
for party nominations for office shall file their intent to be a
candidate with the proper officials not later than 5:00 p.m. on
the first Friday after the first Monday in May * * *~~prior to~~
before the general election for judicial office and shall pay to
the proper officials the following amounts:



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

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

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

Candidates for judicial office may not file their intent to be a candidate and pay the proper assessment before January 1 of the year in which the election for the judicial office is held.

(2) Candidates for judicial offices listed in paragraphs (a) and (b) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the State Board of Election Commissioners. The statement of intent shall include the name and address of the candidate and the party for which he or she is affiliated.

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The statement of intent shall include the name and address of the candidate and the party for which he or she is affiliated. The circuit clerk shall notify the county election commissioners * * *~~of election~~ of all persons who have filed their intent to be a candidate with, and paid the proper assessment to,



such clerk. Such notification shall occur within two (2) business days and shall contain all necessary information.

(4) If only one (1) person files his or her intent to be a candidate for a judicial office and that person * * * ~~subsequently~~ later dies, resigns or is otherwise disqualified from holding the judicial office after the deadline provided for in subsection (1) of this section but more than seventy (70) days before the date of the general election, the Governor, upon notification of the death, resignation or disqualification of the person, shall issue a proclamation authorizing candidates to file their intent to be a candidate for that judicial office for a period of not less than seven (7) nor more than ten (10) days from the date of the proclamation.

(5) If only one (1) person qualifies as a candidate for a judicial office and that person * * * ~~subsequently~~ later dies, resigns or is otherwise disqualified from holding the judicial office within seventy (70) days before the date of the general election, the judicial office shall be considered vacant for the new term and the vacancy shall be filled as provided in by law.

SECTION 5. Section 23-15-978, Mississippi Code of 1972, is amended as follows:

23-15-978. The names of candidates for judicial office which appear on the ballot at the general election shall be grouped together * * * ~~on a separate portion of the ballot, clearly identified as nonpartisan judicial elections.~~ The name of any



candidate for judicial office shall not be placed upon the
official ballot in general elections as a party nominee who is not
nominated as herein provided.

SECTION 6. Section 23-15-979, Mississippi Code of 1972, is
amended as follows:

23-15-979. The names of all candidates for judicial office
shall be listed in alphabetical order on any ballot * * *~~and no~~
~~reference to political party affiliation shall appear on any~~
~~ballot with respect to any nonpartisan judicial office or~~
candidate and listed under the name of the political party that
judicial candidate represents as provided by law and as certified
to the circuit clerk by the state executive committee of that
party.

SECTION 7. Section 23-15-981, Mississippi Code of 1972, is
amended as follows:

23-15-981. * * *~~If two (2) or more candidates qualify for~~
~~judicial office, the names of those candidates shall be placed on~~
~~the general election ballot. If any candidate for such an office~~
~~receives a majority of the votes cast for such office in the~~
~~general election, he shall be declared elected. If no candidate~~
~~for such office receives a majority of the votes cast for such~~
~~office in the general election, the names of the two (2)~~
~~candidates receiving the highest number of votes for such office~~
~~shall be placed on the ballot for a second election to be held~~
~~three (3) weeks later in accordance with appropriate procedures~~



~~followed in other elections involving runoff candidates. The~~
judicial candidate who receives the majority number of votes cast
for the judicial office which he or she seeks shall become the
nominee of his or her party for that office. No person shall be
declared as the nominee of his or her party until he or she
received a majority of the votes cast for that judicial office,
except as hereinafter provided. If no candidate received the
majority of the votes cast in the first primary, then the two (2)
candidates who receive the highest number of votes cast for that
judicial office shall have their names submitted as such
candidates to the second primary and the candidate who leads in
the second primary shall be nominated for the judicial office.

If the candidate who received the second highest number of
votes cast for that office for any reason declines to enter the
second primary, then in that event the candidate who received the
third highest shall have his or her name submitted to the second
primary, together with the candidate who received the highest
number of votes cast for the judicial office.

If the candidate who received the third highest number of
votes cast for the judicial office for any reason declines to
enter the second primary, then in that event the candidate who
received the fourth highest shall have his or her name submitted
to the second primary, together with the candidate who received
the highest number of votes cast for the judicial office.



200 If no candidate will enter the second primary with the
201 candidate who received the highest number of votes cast, then the
202 candidate who received the highest number of votes cast in the
203 first primary shall be declared the nominee of his or her party
204 for the judicial office.

205 **SECTION 8.** Section 23-15-995, Mississippi Code of 1972, is
206 amended as follows:

207 23-15-995. * * *~~Except as may be otherwise provided by the~~
208 ~~provisions of Sections 23-15-974 through 23-15-985, the~~ The
209 general laws for the election of state officers shall apply to and
210 govern the election of * * *~~judges of the Supreme Court~~ judicial
211 officers.

212 **SECTION 9.** Section 23-15-1015, Mississippi Code of 1972, is
213 amended as follows:

214 23-15-1015. On Tuesday after the first Monday in November
215 1986, and every four (4) years thereafter and concurrently with
216 the election for representatives in Congress, there shall be held
217 an election in every county for judges of the several circuit and
218 chancery court districts. The laws regulating the general
219 elections shall * * *~~, except as otherwise provided for in~~
220 ~~Sections 23-15-974 through 23-15-985,~~ apply to and govern
221 elections of judges of the circuit and chancery courts.

222 **SECTION 10.** Section 23-15-1021, Mississippi Code of 1972, is
223 amended as follows:



224 23-15-1021. It shall be unlawful for any individual or
225 political action committee * * * ~~not affiliated with a political~~
226 ~~party~~ to give, donate, appropriate or furnish directly or
227 indirectly, any money, security, funds or property in excess of
228 Two Thousand Five Hundred Dollars (\$2,500.00) for the purpose of
229 aiding any candidate or candidate's political committee for judge
230 of a county, circuit or chancery court or in excess of Five
231 Thousand Dollars (\$5,000.00) for the purpose of aiding any
232 candidate or candidate's political committee for judge of the
233 Court of Appeals or justice of the Supreme Court, or to give,
234 donate, appropriate or furnish directly or indirectly, any money,
235 security, funds or property in excess of Two Thousand Five Hundred
236 Dollars (\$2,500.00) to any candidate or the candidate's political
237 committee for judge of a county, circuit or chancery court or in
238 excess of Five Thousand Dollars (\$5,000.00) for the purpose of
239 aiding any candidate or candidate's political committee for judge
240 of the Court of Appeals or justice of the Supreme Court, as a
241 contribution to the expense of a candidate for judicial office.

242 **SECTION 11.** Section 23-15-365, Mississippi Code of 1972, is
243 amended as follows:

244 23-15-365. * * * ~~(1)~~— There shall be left on each ballot one
245 (1) blank space under the title of each office to be voted for,
246 and in the event of the death, resignation, withdrawal or removal
247 of any candidate whose name shall have been printed on the
248 official ballot, the name of the candidate duly substituted in the



place of such candidate may be written in such blank space by the voter.

~~* * * (2) The provisions of subsection (1) of this section shall not apply to elections conducted under the Nonpartisan Judicial Election Act.~~

SECTION 12. Section 23-15-359, Mississippi Code of 1972, is amended as follows:

23-15-359. (1) Except as provided in this section, the ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures and assessments that must be paid pursuant to Section 23-15-297. A petition requesting that an independent or special election candidate's name be placed on the ballot for any office shall be filed as provided for in subsection (3) or (4) of this section, as appropriate, and shall be signed by not less than the following number of qualified electors:

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

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

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



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

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

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

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

285 (h) For the Office of President of the United States, a
286 party nominee or independent candidate shall pay an assessment in
287 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

288 (2) (a) Unless the petition or fee, whichever is
289 applicable, required above shall be filed as provided for in
290 subsection (3), (4) or (5) of this section, as appropriate, the
291 name of the person requested to be a candidate, unless nominated
292 by a political party, shall not be placed upon the ballot. The
293 ballot shall contain the names of each candidate for each office,
294 and such names shall be listed under the name of the political
295 party such candidate represents as provided by law and as
296 certified to the circuit clerk by the state executive committee of
297 such political party. In the event such candidate qualifies as an



independent as provided in this section, he shall be listed on the ballot as an independent candidate.

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

(3) Petitions for offices described in paragraphs (a), (b), (c), (d) and (e) of subsection (1) of this section shall be filed with the Secretary of State by no later than 5:00 p.m. on the same date by which candidates are required to pay the fee provided for in Section 23-15-297 * * *, ~~Mississippi Code of 1972~~; however, no petition may be filed before January 1 of the year in which the election for the office is held.

(4) Petitions for offices described in paragraphs (f) and (g) of subsection (1) of this section shall be filed with the proper circuit clerk by no later than 5:00 p.m. on the same date by which candidates are required to pay the fee provided for in Section 23-15-297; however, no petition may be filed before January 1 of the year in which the election for the office is held. The circuit clerk shall notify the county commissioners of election of all persons who have filed petitions with such clerk. Such notification shall occur within two (2) business days and shall contain all necessary information.

(5) The assessment for the office described in paragraph (h) of subsection (1) of this section shall be paid to the Secretary of State. The Secretary of State shall deposit any qualifying



fees received from candidates into the Elections Support Fund established in Section 23-15-5.

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

(7) The provisions of this section shall not apply to municipal elections * * * ~~or to the election of the offices of justice of the Supreme Court, judge of the Court of Appeals, circuit judge, chancellor, county court judge and family court judge.~~

(8) Nothing in this section shall prohibit special elections to fill vacancies in either house of the Legislature from being held as provided in Section 23-15-851. In all elections conducted under the provisions of Section 23-15-851, there shall be printed on the ballot the name of any candidate who, not having been nominated by a political party, shall have been requested to be a candidate for any office by a petition filed with the Secretary of State and signed by not less than fifty (50) qualified electors.

(9) The appropriate election commission shall determine whether each candidate is a qualified elector of the state, state district, county or county district they seek to serve, and



348 whether each candidate meets all other qualifications to hold the
349 office he is seeking or presents absolute proof that he or she
350 will, subject to no contingencies, meet all qualifications on or
351 before the date of the general or special election at which he or
352 she could be elected to office. The election commission shall
353 determine whether the candidate has taken the steps necessary to
354 qualify for more than one (1) office at the election. The
355 election commission also shall determine whether any candidate has
356 been convicted of any felony in a court of this state, or has been
357 convicted on or after December 8, 1992, of any offense in another
358 state which is a felony under the laws of this state, or has been
359 convicted of any felony in a federal court on or after December 8,
360 1992. Excepted from the above are convictions of manslaughter and
361 violations of the United States Internal Revenue Code or any
362 violations of the tax laws of this state, unless the offense also
363 involved misuse or abuse of his office or money coming into his
364 hands by virtue of his office. If the appropriate election
365 commission finds that a candidate either (a) is not a qualified
366 elector, (b) does not meet all qualifications to hold the office
367 he seeks and fails to provide absolute proof, subject to no
368 contingencies, that he or she will meet the qualifications on or
369 before the date of the general or special election at which he or
370 she could be elected, or (c) has been convicted of a felony as
371 described in this subsection, and not pardoned, then the name of
372 such candidate shall not be placed upon the ballot. If the



appropriate election commission determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

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

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

SECTION 13. Section 9-4-5, Mississippi Code of 1972, is amended as follows:

9-4-5. (1) The term of office of judges of the Court of Appeals shall be eight (8) years. An election shall be held on



the first Tuesday after the first Monday in November 1994, to elect the ten (10) judges of the Court of Appeals, two (2) from each congressional district; provided, however, judges of the Court of Appeals who are elected to take office after the first Monday of January 2002, shall be elected from the Court of Appeals Districts described in subsection (5) of this section. The judges of the Court of Appeals shall begin service on the first Monday of January 1995.

(2) (a) In order to provide that the offices of not more than a majority of the judges of said court shall become vacant at any one (1) time, the terms of office of six (6) of the judges first to be elected shall expire in less than eight (8) years. For the purpose of all elections of members of the court, each of the ten (10) judges of the Court of Appeals shall be considered a separate office. The two (2) offices in each of the five (5) districts shall be designated Position Number 1 and Position Number 2, and in qualifying for office as a candidate for any office of judge of the Court of Appeals each candidate shall state the position number of the office to which he aspires and the election ballots shall so indicate.

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



423 (ii) In Congressional District Number 2, the judge
424 of the Court of Appeals for Position Number 1 shall be that office
425 for which the term ends on January 1, 2003, and the judge of the
426 Court of Appeals for Position Number 2 shall be that office for
427 which the term ends January 1, 2001.

428 (iii) In Congressional District Number 3, the
429 judge of the Court of Appeals for Position Number 1 shall be that
430 office for which the term ends on January 1, 2001, and the judge
431 of the Court of Appeals for Position Number 2 shall be that office
432 for which the term ends January 1, 1999.

433 (iv) In Congressional District Number 4, the judge
434 of the Court of Appeals for Position Number 1 shall be that office
435 for which the term ends on January 1, 1999, and the judge of the
436 Court of Appeals for Position Number 2 shall be that office for
437 which the term ends January 1, 2003.

438 (v) In Congressional District Number 5, the judge
439 of the Court of Appeals for Position Number 1 shall be that office
440 for which the term ends on January 1, 2003, and the judge of the
441 Court of Appeals for Position Number 2 shall be that office for
442 which the term ends January 1, 2001.

443 (b) The laws regulating the general elections shall
444 apply to and govern the elections of judges of the Court of
445 Appeals * * * ~~except as otherwise provided in Sections 23-15-974~~
446 ~~through 23-15-985.~~



447 (c) In the year prior to the expiration of the term of
448 an incumbent, and likewise each eighth year thereafter, an
449 election shall be held in the manner provided in this section in
450 the district from which the incumbent Court of Appeals judge was
451 elected at which there shall be elected a successor to the
452 incumbent, whose term of office shall thereafter begin on the
453 first Monday of January of the year in which the term of the
454 incumbent he succeeds expires.

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

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

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

466 **FIRST DISTRICT.** The First Court of Appeals District shall be
467 composed of the following counties and portions of counties:
468 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
469 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
470 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
471 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;



472 in Montgomery County the precincts of North Winona, Lodi, Stewart,
473 Nations and Poplar Creek; in Panola County the precincts of East
474 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
475 Springport, South Springport, Eureka, Williamson, East Batesville
476 4, West Batesville 4, Fern Hill, North Batesville A, East
477 Batesville 5 and West Batesville 5; and in Tallahatchie County the
478 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
479 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
480 Murphreesboro and Rosebloom.

481 **SECOND DISTRICT.** The Second Court of Appeals District shall
482 be composed of the following counties and portions of counties:
483 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
484 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
485 Tunica, Warren, Washington and Yazoo; in Attala County the
486 precincts of Northeast, Hesterville, Possomneck, North Central,
487 McAdams, Newport, Sallis and Southwest; that portion of Grenada
488 County not included in the First Court of Appeals District; in
489 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
490 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
491 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
492 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
493 precincts of Conway, West Carthage, Wiggins, Thomastown and
494 Ofahoma; in Madison County the precincts of Farmhaven, Canton
495 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
496 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,



497 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
498 Canton Precinct 1 and Canton Precinct 4; that portion of
499 Montgomery County not included in the First Court of Appeals
500 District; that portion of Panola County not included in the First
501 Court of Appeals District; and that portion of Tallahatchie County
502 not included in the First Court of Appeals District.

503 **THIRD DISTRICT.** The Third Court of Appeals District shall be
504 composed of the following counties and portions of counties:
505 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
506 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
507 portion of Attala County not included in the Second Court of
508 Appeals District; in Jones County the precincts of Northwest High
509 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
510 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
511 Antioch and Landrum; that portion of Leake County not included in
512 the Second Court of Appeals District; that portion of Madison
513 County not included in the Second Court of Appeals District; and
514 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
515 Diamond, Chaparral, Matherville, Coit and Eucutta.

516 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
517 be composed of the following counties and portions of counties:
518 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
519 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
520 that portion of Hinds County not included in the Second Court of



Appeals District; and that portion of Jones county not included in the Third Court of Appeals District.

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

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

SECTION 14. Section 23-15-291, Mississippi Code of 1972, is amended as follows:

23-15-291. All nominations for state, district, county * * * ~~and~~, county district, and judicial officers made by the different parties of this state shall be made by primary elections. All primary elections shall be governed and regulated by the election laws of the state in force at the time the primary election is held.

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

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



(2) Times for holding elections for the office of judge of the Supreme Court shall be as prescribed in Section 23-15-991 and Sections 23-15-974 through * * *~~23-15-85~~ 23-15-981.

(3) Times for holding elections for the office of circuit court judge and the office of chancery court judge shall be as prescribed in Sections 23-15-974 through * * *~~23-15-985~~ 23-15-981, and Section 23-15-1015.

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

SECTION 16. Section 23-15-367, Mississippi Code of 1972, is amended as follows:

23-15-367. (1) Except as otherwise provided by Sections 23-15-974 through * * *~~23-15-985~~ 23-15-981 and subsection (2) of this section, the arrangement of the names of the candidates, and the order in which the titles of the various offices shall be printed, and the size, print and quality of paper of the official ballot is left to the discretion of the officer charged with printing the official ballot; but the arrangement need not be uniform.

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

- (a) Candidates for national office;
- (b) Candidates for statewide office;
- (c) Candidates for state district office;



- 570 (d) Candidates for legislative office;
571 (e) Candidates for countywide office;
572 (f) Candidates for county district office.

573 The order in which the titles for the various offices are
574 listed within each of the categories listed in this subsection is
575 left to the discretion of the officer charged with printing the
576 official ballot.

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

582 **SECTION 17.** Section 23-15-973, Mississippi Code of 1972,
583 which authorizes candidates for the office of judge of the Supreme
584 Court, judges of the Court of Appeals, circuit judge and
585 chancellor to address the people during court terms and prohibits
586 those candidates from aligning themselves with a political party,
587 is repealed.

588 **SECTION 18.** Section 23-15-976, Mississippi Code of 1972,
589 which provides that a judicial office is a nonpartisan office and
590 provides that a candidate for election to a judicial office is
591 prohibited from campaigning or qualifying for that office based on
592 party affiliation, is repealed.

593 **SECTION 19.** Section 23-15-985, Mississippi Code of 1972,
594 which provides that all qualified electors, regardless of party



affiliation or lack of party affiliation, are qualified to vote for candidates for nomination for judicial office, is repealed.

SECTION 20. Section 23-15-977.1, Mississippi Code of 1972, is brought forward as follows:

23-15-977.1. Simultaneously with filing the required documents to seek election for a judicial office, the candidate shall sign the following pledge under oath and under penalty of perjury:

"State of Mississippi

County of _____

I, (name of candidate), do solemnly swear or affirm under penalty of perjury that I will faithfully abide by all laws, canons and regulations applicable to elections for judicial office, understanding that a campaign for a judicial office should reflect the dignity, responsibility and professional character that a person chosen for a judicial office should possess.

(signature of candidate)

(name of candidate)

Sworn to and subscribed before me, this the _____ day of _____, _____.

Notary Public or other official
authorized to administer oaths"

SECTION 21. Section 23-15-980, Mississippi Code of 1972, is brought forward as follows:



620 23-15-980. The name of an unopposed candidate for judicial
621 office shall be placed on the general election ballot.

622 **SECTION 22.** Section 23-15-991, Mississippi Code of 1972, is
623 brought forward as follows:

624 23-15-991. The term of office of judges of the Supreme Court
625 shall be eight (8) years. Concurrently with the regular election
626 for representatives in Congress, held next preceding the
627 expiration of the term of an incumbent, and likewise each eighth
628 year thereafter, an election shall be held in the Supreme Court
629 district from which such incumbent was elected at which there
630 shall be elected a successor to the incumbent, whose term of
631 office shall thereafter begin on the first Monday of January of
632 the year in which the term of the incumbent he succeeds expires.

633 **SECTION 23.** Section 23-15-993, Mississippi Code of 1972, is
634 brought forward as follows:

635 23-15-993. For the purpose of all elections, each of the
636 nine (9) judgeships of the Supreme Court shall be considered a
637 separate office. The three (3) offices in each of the three (3)
638 Supreme Court districts shall be designated Position Number 1,
639 Position Number 2 and Position Number 3, and in qualifying for
640 office as a candidate for any office of judge of the Supreme Court
641 each candidate shall state the position number of the office to
642 which he aspires and the regular election ballots shall so
643 indicate. In Supreme Court District Number 1: Position Number 1
644 shall be that office for which the term ends in January 1966;



645 Position Number 2 shall be that office for which the term ends in
646 January 1965; and Position Number 3 shall be that office for which
647 the term ends in January 1969. In District Number 2: Position
648 Number 1 shall be that office for which the term ends in January
649 1972; Position Number 2 shall be that office for which the term
650 ends in January 1969; and Position Number 3 shall be for that
651 office for which the term ends in January 1973. In District
652 Number 3: Position Number 1 shall be that office for which the
653 term ends in January 1969; Position Number 2 shall be that office
654 for which the term ends in January 1969; and Position Number 3
655 shall be that office for which the term ends in January 1965.

656 **SECTION 24.** Section 23-15-1011, Mississippi Code of 1972, is
657 brought forward as follows:

658 23-15-1011. Circuit court judges and chancery court judges
659 so elected shall take office at the time, and hold office for the
660 term, provided in Sections 9-5-1 and 9-7-1, Mississippi Code of
661 1972.

662 **SECTION 25.** Section 23-15-1023, Mississippi Code of 1972, is
663 brought forward as follows:

664 23-15-1023. Judicial candidates shall disclose the identity
665 of any individual or entity from which the candidate or the
666 candidate's committee receives a loan or other extension of credit
667 for use in his campaign and any cosigners for a loan or extension
668 of credit. The candidate or the candidate's committee shall
669 disclose how the loan or other extension of credit was used, and



670 how and when the loan or other extension of credit is to be repaid
671 and the method of repayment. The candidate or the candidate's
672 committee shall disclose all loan documents related to such loans
673 or extensions of credit.

674 **SECTION 26.** Section 23-15-1025, Mississippi Code of 1972, is
675 brought forward as follows:

676 23-15-1025. If any material is distributed by a judicial
677 candidate or his campaign committee or any other person or entity,
678 or at the request of the candidate, his campaign committee or any
679 other person or entity distributing the material shall state that
680 it is distributed by the candidate or that it is being distributed
681 with the candidate's approval. All such material shall
682 conspicuously identify who has prepared the material and who is
683 distributing the material. The identifying language shall state
684 whether or not the material has been submitted to and approved by
685 the candidate. If the candidate has not approved the material,
686 the material shall so state. The identity of organizations or
687 committees shall state the names of all officers of the
688 organizations or committees. Any person, who violates the
689 provisions of this section, shall be guilty of a misdemeanor and
690 upon conviction shall be punished by a fine of One Thousand
691 Dollars (\$1,000.00) or by imprisonment for six (6) months or both
692 fine and imprisonment.

693 **SECTION 27.** Section 23-15-191, Mississippi Code of 1972, is
694 brought forward as follows:



23-15-191. The first primary shall be held on the first Tuesday after the first Monday of August preceding any regular or general election; and the second primary shall be held three (3) weeks thereafter. Any candidate who receives the highest popular vote cast for the office which he seeks in the first primary shall thereby become the nominee of the party for such office; provided also it be a majority of all the votes cast for that office. If no candidate receive such majority of popular votes in the first primary, then the two (2) candidates who receive the highest popular vote for such office shall have their names submitted as such candidates to a second primary, and the candidate who leads in such second primary shall be nominated to the office. When there is a tie in the first primary of those receiving next highest vote, these two (2) and the one (1) receiving the highest vote, none having received a majority, shall go into the second primary, and whoever leads in such second primary shall be entitled to the nomination.

SECTION 28. Section 23-15-193, Mississippi Code of 1972, is brought forward as follows:

23-15-193. At the election in 1995, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and



Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

SECTION 29. Section 23-15-293, Mississippi Code of 1972, is brought forward as follows:

23-15-293. Candidates for state and state district office, and candidates for legislative offices for districts composed of more than one (1) county or parts of more than one (1) county, shall be voted for and nominated by all the counties or parts of counties within their respective districts, and all said district nominations shall be under the supervision and control of the state executive committee of the respective political parties, which committees shall discharge in respect to such state district nominations all the powers and duties imposed upon them in connection with nominations of candidates for other state officers.

SECTION 30. Section 23-15-295, Mississippi Code of 1972, is brought forward as follows:



23-15-295. When any person has qualified in the manner provided by law as a candidate for party nomination in any primary election, such person shall have the right to withdraw his name as a candidate by giving notice of his withdrawal in writing to the secretary of the proper executive committee at any time prior to the printing of the official ballots, and in the event of such withdrawal the name of such candidate shall not be printed on the ballot. When a candidate for party nomination for a state or district office who has qualified with the state executive committee withdraws as a candidate as is herein set forth after the sample of the official ballot has been approved and certified by the state executive committee the secretary or chairman of the state executive committee shall forthwith notify the county executive committee of each county affected or involved of the fact of such withdrawal and such notification shall authorize said county executive committees to omit the name of the withdrawn candidate from the ballot if such notification is received prior to the printing of the ballot. In the case of the withdrawal of any candidate, the fee paid by such candidate shall be retained by the state or county executive committee, as the case may be.

SECTION 31. Section 23-15-296, Mississippi Code of 1972, is brought forward as follows:

23-15-296. All political parties registered with the Secretary of State shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the



name, mailing address and office sought of all candidates for statewide, state district and legislative office who have submitted qualifying papers to the political party on or before the qualifying deadline, and all political parties shall notify the Secretary of State of any such candidate who withdraws his candidacy within two (2) working days of receiving written notice of the withdrawal.

SECTION 32. Section 23-15-297, Mississippi Code of 1972, is brought forward as follows:

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

(a) Candidates for Governor, One Thousand Dollars (\$1,000.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, Five Hundred Dollars (\$500.00).

(c) Candidates for district attorney, State Senator and State Representative, Two Hundred Fifty Dollars (\$250.00).



794 (d) Candidates for sheriff, chancery clerk, circuit
795 clerk, tax assessor, tax collector, county attorney, county
796 superintendent of education and board of supervisors, One Hundred
797 Dollars (\$100.00).

798 (e) Candidates for county surveyor, county coroner,
799 justice court judge and constable, One Hundred Dollars (\$100.00).

800 (f) Candidates for United States Senator, One Thousand
801 Dollars (\$1,000.00).

802 (g) Candidates for United States Representative, Five
803 Hundred Dollars (\$500.00).

804 **SECTION 33.** Section 23-15-299, Mississippi Code of 1972, is
805 brought forward as follows:

806 23-15-299. (1) (a) Assessments made pursuant to paragraphs
807 (a), (b) and (c) of Section 23-15-297 shall be paid by each
808 candidate who seeks a nomination in the political party election
809 to the secretary of the state executive committee with which the
810 candidate is affiliated by 5:00 p.m. on March 1 of the year in
811 which the primary election for the office is held or on the date
812 of the qualifying deadline provided by statute for the office,
813 whichever is earlier; however, no such assessments may be paid
814 before January 1 of the year in which the primary election for the
815 office is held.

816 (b) Assessments made pursuant to paragraphs (a), (b)
817 and (c) of Section 23-15-297 shall be paid by each independent
818 candidate or special election candidate to the Secretary of State



819 by 5:00 p.m. on March 1 of the year in which the primary election
820 for the office is held or on the date of the qualifying deadline
821 provided by statute for the office, whichever is earlier; however,
822 no such assessments may be paid before January 1 of the year in
823 which the primary election for the office is held.

824 (2) (a) Assessments made pursuant to paragraphs (d) and (e)
825 of Section 23-15-297, shall be paid by each candidate who seeks a
826 nomination in the political party election to the circuit clerk of
827 such candidate's county of residence by 5:00 p.m. on March 1 of
828 the year in which the primary election for the office is held or
829 on the date of the qualifying deadline provided by statute for the
830 office, whichever is earlier; however, no such assessments may be
831 paid before January 1 of the year in which the election for the
832 office is held. The circuit clerk shall forward the fee and all
833 necessary information to the secretary of the proper county
834 executive committee within two (2) business days.

835 (b) Assessments made pursuant to paragraphs (d) and (e)
836 of Section 23-15-297 shall be paid by each independent candidate
837 or special election candidate to the circuit clerk of such
838 candidate's county of residence by 5:00 p.m. on March 1 of the
839 year in which the primary election for the office is held or on
840 the date of the qualifying deadline provided by statute for the
841 office, whichever is earlier; however, no such assessments may be
842 paid before January 1 of the year in which the primary election
843 for the office is held. The circuit clerk shall forward the fee



844 and all necessary information to the secretary of the proper
845 county election commission within two (2) business days.

846 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
847 of Section 23-15-297 must be paid by each candidate who seeks a
848 nomination in the political party election to the secretary of the
849 state executive committee with which the candidate is affiliated
850 by 5:00 p.m. sixty (60) days before the presidential preference
851 primary in years in which a presidential preference primary is
852 held; however, no such assessments may be paid before January 1 of
853 the year in which the primary election for the office is held.
854 Assessments made pursuant to paragraphs (f) and (g) of Section
855 23-15-297, in years when a presidential preference primary is not
856 being held, shall be paid by each candidate who seeks a nomination
857 in the political party election to the secretary of the state
858 executive committee with which the candidate is affiliated by 5:00
859 p.m. on March 1 of the year in which the primary election for the
860 office is held; however, no such assessments may be paid before
861 January 1 of the year in which the primary election for the office
862 is held.

863 (b) Assessments made pursuant to paragraphs (f) and (g)
864 of Section 23-15-297 must be paid by each independent candidate or
865 special election candidate to the Secretary of State by 5:00 p.m.
866 sixty (60) days before the presidential preference primary in
867 years in which a presidential preference primary is held; however,
868 no such assessments may be paid before January 1 of the year in



869 which the primary election for the office is held. Assessments
870 made pursuant to paragraphs (f) and (g) of Section 23-15-297, in
871 years when a presidential preference primary is not being held,
872 shall be paid by each independent candidate or special election
873 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
874 year in which the primary election for the office is held;
875 however, no such assessments may be paid before January 1 of the
876 year in which the primary election for the office is held.

877 (4) (a) The fees paid pursuant to subsections (1), (2) and
878 (3) of this section shall be accompanied by a written statement
879 containing the name and address of the candidate, the party with
880 which he or she is affiliated, if applicable, and the office for
881 which he or she is a candidate.

882 (b) The state executive committee shall transmit to the
883 Secretary of State a copy of the written statements accompanying
884 the fees paid pursuant to subsections (1) and (2) of this section.
885 All copies must be received by the Office of the Secretary of
886 State by not later than 6:00 p.m. on the date of the qualifying
887 deadline; provided, however, the failure of the Office of the
888 Secretary of State to receive such copies by 6:00 p.m. on the date
889 of the qualifying deadline shall not affect the qualification of a
890 person who pays the required fee and files the required statement
891 by 5:00 p.m. on the date of the qualifying deadline. The name of
892 any person who pays the required fee and files the required
893 statement after 5:00 p.m. on the date of the qualifying deadline



894 shall not be placed on the primary election ballot or the general
895 election ballot.

896 (5) The Secretary of State or the secretary or circuit clerk
897 to whom such payments are made shall promptly receipt for same
898 stating the office for which such candidate making payment is
899 running and the political party with which he or she is
900 affiliated, if applicable, and he or she shall keep an itemized
901 account in detail showing the exact time and date of the receipt
902 of each payment received by him or her and, where applicable, the
903 date of the postmark on the envelope containing the fee and from
904 whom, and for what office the party paying same is a candidate.

905 (6) The secretaries of the proper executive committee shall
906 hold said funds to be finally disposed of by order of their
907 respective executive committees. Such funds may be used or
908 disbursed by the executive committee receiving same to pay all
909 necessary traveling or other necessary expenses of the members of
910 the executive committee incurred in discharging their duties as
911 committeemen, and of their secretary and may pay the secretary
912 such salary as may be reasonable. The Secretary of State shall
913 deposit any qualifying fees received from candidates into the
914 Elections Support Fund established in Section 23-15-5.

915 (7) Upon receipt of the proper fee and all necessary
916 information, the proper executive committee or the Secretary of
917 State, whichever is applicable, shall then determine whether each
918 candidate is a qualified elector of the state, state district,



919 county or county district which they seek to serve, and whether
920 each candidate meets all other qualifications to hold the office
921 he is seeking or presents absolute proof that he or she will,
922 subject to no contingencies, meet all qualifications on or before
923 the date of the general or special election at which he could be
924 elected to office. The proper executive committee or the
925 Secretary of State, whichever is applicable, shall determine
926 whether the candidate has taken the steps necessary to qualify for
927 more than one (1) office at the election. The committee or the
928 Secretary of State, whichever is applicable, shall also determine
929 whether any candidate has been convicted of any felony in a court
930 of this state, or has been convicted on or after December 8, 1992,
931 of any offense in another state which is a felony under the laws
932 of this state, or has been convicted of any felony in a federal
933 court on or after December 8, 1992. Excepted from the above are
934 convictions of manslaughter and violations of the United States
935 Internal Revenue Code or any violations of the tax laws of this
936 state unless the offense also involved misuse or abuse of his
937 office or money coming into his hands by virtue of his office. If
938 the proper executive committee or the Secretary of State,
939 whichever is applicable, finds that a candidate either (a) is not
940 a qualified elector, (b) does not meet all qualifications to hold
941 the office he seeks and fails to provide absolute proof, subject
942 to no contingencies, that he or she will meet the qualifications
943 on or before the date of the general or special election at which



he or she could be elected, or (c) has been convicted of a felony as described in this subsection, and not pardoned, then the name of such candidate shall not be placed upon the ballot. If the proper executive committee or the Secretary of State, whichever is applicable, determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

Where there is but one (1) candidate for each office contested at the primary election, the proper executive committee or the Secretary of State, whichever is applicable, when the time has expired within which the names of candidates shall be furnished shall declare such candidates the nominees.

(8) No candidate may qualify by filing the information required by this section by using the Internet.

SECTION 34. Section 23-15-303, Mississippi Code of 1972, is brought forward as follows:

23-15-303. When two (2) or more political parties or political organizations are holding primary elections, each shall be conducted entirely independent of the other but at the same time.

The board of supervisors or the supervisor of the district in which the voting precinct is located shall have authority, and it is made its and his duty when requested, to specifically designate the respective places where the precinct election of each party



shall be held where there may be a dispute as to the room or exact place for holding such precinct elections.

SECTION 35. Section 23-15-305, Mississippi Code of 1972, is brought forward as follows:

23-15-305. The candidate who received the majority number of votes cast for the office which he seeks shall thereby become the nominee of his party for such office and no person shall be declared to be the nominee of his party unless and until he has received a majority of the votes cast for such office, except as hereinafter provided. If no candidate received such majority of the votes cast in the first primary, then the two (2) candidates who receive the highest number of votes cast for such office shall have their names submitted as such candidates to the second primary and the candidate who leads in such second primary shall be nominated for the office.

If the candidate who received the second highest number of votes cast for such office for any reason declines to enter the second primary, then in that event the candidate who received the third highest shall have his name submitted to the second primary, together with the candidate who received the highest number of votes cast for such office.

If the candidate who received the third highest number of votes cast for such office for any reason declines to enter the second primary, then in that event the candidate who received the fourth highest shall have his name submitted to the second



primary, together with the candidate who received the highest number of votes cast for such office.

If no candidate will enter the second primary with the candidate who received the highest number of votes cast, then the candidate who received the highest number of votes cast in the first primary shall be declared the nominee of his party for such office.

SECTION 36. Section 23-15-307, Mississippi Code of 1972, is brought forward as follows:

23-15-307. The name of any candidate shall not be placed upon the official ballot in general elections as a party nominee who is not nominated as herein provided, and the election of any party nominee who shall be nominated otherwise than as provided in this chapter shall be void and he shall not be entitled to hold the office to which he may have been elected. No political party shall be entitled to recognition, as such, in the appointment of the county or precinct election officers, unless it has made its nominations as herein provided.

SECTION 37. Section 23-15-317, Mississippi Code of 1972, is brought forward as follows:

23-15-317. If any person nominated for office in a primary election shall die, be removed after his nomination or withdraw or resign from his candidacy for a legitimate nonpolitical reason as defined in this section, and such vacancy in nomination shall occur between the primary election and the ensuing general



1018 election, then the municipal, county or state executive committee
1019 with which the original nominee qualified as a candidate in the
1020 primary election shall nominate a nominee for such office. Where
1021 such a party nominee is unopposed each political party registered
1022 with the State Board of Election Commissioners shall have the
1023 privilege of nominating a candidate for the office involved. Such
1024 nominee shall be duly certified by the respective executive
1025 committee chairman. Within two (2) days after such nomination is
1026 made by the appropriate executive committee, such committee shall
1027 formally notify the Secretary of State of the name of the nominee.
1028 The Secretary of State shall thereupon officially notify the
1029 appropriate officials charged with conducting the election for the
1030 office wherein the vacancy occurred of the name of the nominee.
1031 All nominations made pursuant to the provisions of this section
1032 shall have the same force and effect and shall entitle the
1033 nominees to all rights and privileges that would accrue to them as
1034 if they had been nominated in the regular primary election.

1035 "Legitimate nonpolitical reason" as used in this section
1036 shall be limited to the following:

1037 (a) Reasons of health, which shall include any health
1038 condition which, in the written opinion of a medical doctor, would
1039 be harmful to the health of the candidate if he continued.

1040 (b) Family crises, which shall include circumstances
1041 which would substantially alter the duties and responsibilities of
1042 the candidate to the family or to a family business.



1043 (c) Substantial business conflict, which shall include
1044 the policy of an employer prohibiting employees being candidates
1045 for public offices and an employment change which would result in
1046 the ineligibility of the candidate or which would impair his
1047 capability to properly carry out the functions of the office being
1048 sought.

1049 Any candidate who withdraws based upon a "legitimate
1050 nonpolitical reason" which is not covered by the above definition
1051 shall have the strict burden of proof for his reason.

1052 A candidate who wishes to withdraw for a legitimate
1053 nonpolitical reason shall submit his reason by sworn affidavit.
1054 Such affidavit shall be filed with the state party chairman of the
1055 nominee's party and the State Board of Election Commissioners. No
1056 substitution of candidates shall be authorized, except for death
1057 or disqualification, unless the State Board of Election
1058 Commissioners approves the affidavit as constituting a "legitimate
1059 nonpolitical reason" for the candidate's resignation within five
1060 (5) days of the date the affidavit is submitted to the board.

1061 Immediately upon approval or disapproval of such affidavit,
1062 the State Board of Election Commissioners shall notify the
1063 respective executive committee of same.

1064 **SECTION 38.** Section 23-15-331, Mississippi Code of 1972, is
1065 brought forward as follows:

1066 23-15-331. It shall be the duty of the state executive
1067 committee of each political party to furnish to each county



1068 executive committee, not less than fifty (50) days prior to the
1069 election, the names of all state and state district candidates and
1070 all candidates for legislative districts composed of more than one
1071 county or parts of more than one county who have qualified as
1072 provided by law, and in accordance with the requirements of
1073 Section 23-15-333 a sample of the official ballot to be used in
1074 the primary, the general form of which shall be followed as nearly
1075 as practicable.

1076 **SECTION 39.** Section 23-15-333, Mississippi Code of 1972, is
1077 brought forward as follows:

1078 23-15-333. (1) The county executive committee shall have
1079 printed all necessary ballots, for use in primary elections. The
1080 county executive committee shall have printed all necessary
1081 absentee ballots forty-five (45) days prior to the election as
1082 required by law. The ballots shall contain the names of all the
1083 candidates to be voted for at such election, and there shall be
1084 left on each ballot one (1) blank space under the title of each
1085 office for which a nominee is to be elected; and in the event of
1086 the death of any candidate whose name shall have been printed on
1087 the ballot, the name of the candidate duly substituted in the
1088 place of the deceased candidate may be written in such blank space
1089 by the voter. Except as otherwise provided in subsection (2) of
1090 this section, the order in which the titles to the various offices
1091 shall be printed, and the size, print and quality of the paper of
1092 the ballot is left to the discretion of the county executive



1093 committee. Provided, however, that in all cases the arrangement
1094 of the names of the candidates for each office shall be
1095 alphabetical. No ballot shall be used except those so printed.

1096 (2) The titles for the various offices shall be listed in
1097 the following order:

- 1098 (a) Candidates for national office;
- 1099 (b) Candidates for statewide office;
- 1100 (c) Candidates for state district office;
- 1101 (d) Candidates for legislative office;
- 1102 (e) Candidates for countywide office;
- 1103 (f) Candidates for county district office.

1104 The order in which the titles for the various offices are
1105 listed within each of the categories listed in this subsection is
1106 left to the discretion of the county executive committee.

1107 (3) The county executive committee shall also prepare full
1108 instructions for the guidance of electors at elections as to
1109 obtaining ballots, the manner of marking them, and the mode of
1110 obtaining new ballots in the place of those spoiled by accident.
1111 The instructions shall be printed in large, clear type on "Cards
1112 of Instruction," and the county executive committee shall furnish
1113 the same in sufficient numbers for the use of electors. The cards
1114 shall be preserved by the officers of election and returned by
1115 them to the county executive committee and they may be used, if
1116 applicable, in subsequent elections.



1117 (4) (a) If it is eligible under Section 23-15-266, the
1118 county executive committee may enter into a written agreement with
1119 the circuit clerk or the county election commission authorizing
1120 the circuit clerk or the county election commission to perform any
1121 of the duties required of the county executive committee pursuant
1122 to this section. Any agreement entered into pursuant to this
1123 subsection shall be signed by the chairman of the county executive
1124 committee and the circuit clerk or the chairman of the county
1125 election commission, as appropriate. The county executive
1126 committee shall notify the state executive committee and the
1127 Secretary of State of the existence of such agreement.

1128 (b) If it is eligible under Section 23-15-266, the
1129 municipal executive committee may enter into a written agreement
1130 with the municipal clerk or the municipal election commission
1131 authorizing the municipal clerk or the municipal election
1132 commission to perform any of the duties required of the municipal
1133 executive committee pursuant to this section. Any agreement
1134 entered into pursuant to this subsection shall be signed by the
1135 chairman of the municipal executive committee and the municipal
1136 clerk or the chairman of the municipal election commission, as
1137 appropriate. The municipal executive committee shall notify the
1138 state executive committee and the Secretary of State of the
1139 existence of such agreement.

1140 **SECTION 40.** Section 23-15-363, Mississippi Code of 1972, is
1141 brought forward as follows:



1142 23-15-363. After the proper officer has knowledge of or has
1143 been notified of the nomination, as provided, of any candidate for
1144 office, the officer shall not omit his name from the ballot,
1145 unless upon the written request of the candidate nominated, made
1146 at least ten (10) days before the election, and in no case after
1147 such ballot has been printed; and every ballot shall contain the
1148 names of all candidates nominated as specified, and not duly
1149 withdrawn.

1150 **SECTION 41.** Section 23-15-597, Mississippi Code of 1972, is
1151 brought forward as follows:

1152 23-15-597. (1) The county executive committee shall meet on
1153 the first or second day after each primary election, shall receive
1154 and canvass the returns which must be made within the time fixed
1155 by law for returns of general elections and declare the result,
1156 and announce the name of the nominees for county and county
1157 district offices and the names of those candidates to be submitted
1158 to the second primary. The vote for state, state district offices
1159 and legislative offices shall be tabulated by precincts and
1160 certified to and returned to the state executive committee, such
1161 returns to be mailed by registered letter or any safe mode of
1162 transmission within thirty-six (36) hours after the returns are
1163 canvassed and the result ascertained. The state executive
1164 committee shall meet a week from the day following the first
1165 primary election held for state, state district offices and
1166 legislative offices, and shall proceed to canvass the returns and



1167 to declare the result, and announce the names of those nominated
1168 for the different offices in the first primary and the names of
1169 those candidates whose names are to be submitted to the second
1170 primary election. The state executive committee shall also meet a
1171 week from the day on which the second primary election was held
1172 and receive and canvass the returns for state and district
1173 offices, if any, and legislative offices, if any, voted on in such
1174 second primary. An exact and full duplicate of all tabulations by
1175 precincts as certified under this section shall be filed with the
1176 circuit clerk of the county who shall safely preserve the same in
1177 his office.

1178 (2) (a) If it is eligible under Section 23-15-266, the
1179 county executive committee may enter into a written agreement with
1180 the circuit clerk or the county election commission authorizing
1181 the circuit clerk or the county election commission to perform any
1182 of the duties required of the county executive committee pursuant
1183 to this section. Any agreement entered into pursuant to this
1184 subsection shall be signed by the chairman of the county executive
1185 committee and the circuit clerk or the chairman of the county
1186 election commission, as appropriate. The county executive
1187 committee shall notify the state executive committee and the
1188 Secretary of State of the existence of such agreement.

1189 (b) If it is eligible under Section 23-15-266, the
1190 municipal executive committee may enter into a written agreement
1191 with the municipal clerk or the municipal election commission



1192 authorizing the municipal clerk or the municipal election
1193 commission to perform any of the duties required of the municipal
1194 executive committee pursuant to this section. Any agreement
1195 entered into pursuant to this subsection shall be signed by the
1196 chairman of the municipal executive committee and the municipal
1197 clerk or the chairman of the municipal election commission, as
1198 appropriate. The municipal executive committee shall notify the
1199 state executive committee and the Secretary of State of the
1200 existence of such agreement.

1201 **SECTION 42.** Section 23-15-599, Mississippi Code of 1972, is
1202 brought forward as follows:

1203 23-15-599. (1) (a) Within ten (10) days after the first
1204 primary election and within ten (10) days after the second primary
1205 election, if any, the chairman of the state executive committee
1206 shall transmit to the Secretary of State a tabulated statement of
1207 the party vote cast in each county and precinct in each county in
1208 each state and state district election, and each legislative
1209 election for districts consisting of more than one (1) county or
1210 parts of more than one (1) county. The statement shall be
1211 transmitted by the state executive committee on such forms and by
1212 such methods as may be required by rules and regulations
1213 promulgated by the Secretary of State. The statement shall be
1214 filed by the Secretary of State and preserved among the records of
1215 his office.



1216 (b) The statement provided for in paragraph (a) of this
1217 subsection shall contain a certification signed and dated by the
1218 chairman of the state executive committee, which shall read as
1219 follows:

1220 "I _____, Chairman of the _____ Party
1221 State Executive Committee, do hereby certify that, on a
1222 majority vote of the _____ Party State Executive
1223 Committee, these vote totals for each county and for each
1224 candidate are the official vote totals for the election
1225 reflected therein."

1226 (2) (a) Within ten (10) days after the first primary
1227 election and within ten (10) days after the second primary
1228 election, if any, the county executive committee shall transmit to
1229 the Secretary of State a tabulated statement of the party vote
1230 cast in their county and each precinct in their county in each
1231 election for county and county district office and each election
1232 for legislative office for districts containing one (1) county or
1233 less. The statement shall be transmitted by the county executive
1234 committee on such forms and by such methods as may be required by
1235 rules and regulations promulgated by the Secretary of State. The
1236 statement shall be filed by the Secretary of State and preserved
1237 among the records of his office.

1238 (b) The statement provided for in paragraph (a) of this
1239 subsection shall contain a certification signed and dated by the



1240 majority of the members of the county executive committee, which
1241 shall read as follows:

1242 "We, the undersigned members of the county executive
1243 committee, do hereby certify that these vote totals for each
1244 candidate are the official vote totals for the election
1245 reflected therein."

1246 **SECTION 43.** Section 23-15-605, Mississippi Code of 1972, is
1247 brought forward as follows:

1248 23-15-605. The Secretary of State, immediately after
1249 receiving the returns of an election, not longer than thirty (30)
1250 days after the election, shall sum up the whole number of votes
1251 given for each candidate other than candidates for state offices,
1252 legislative offices composed of one (1) county or less, county
1253 offices and county district offices, according to the statements
1254 of the votes certified to him and ascertain the person or persons
1255 having the largest number of votes for each office, and declare
1256 such person or persons to be duly elected; and thereupon all
1257 persons chosen to any office at the election shall be commissioned
1258 by the Governor; but if it appears that two (2) or more candidates
1259 for any district office where the district is composed of two (2)
1260 or more counties, standing highest on the list, and not elected,
1261 have an equal number of votes, the election shall be forthwith
1262 decided between the candidates having an equal number of votes by
1263 lot, fairly and publicly drawn, under the direction of the
1264 Governor and Secretary of State.



1265 **SECTION 44.** Section 23-15-607, Mississippi Code of 1972, is
1266 brought forward as follows:

1267 23-15-607. (1) The commissioners of election shall, within
1268 ten (10) days after an election for judges of the Supreme Court or
1269 Court of Appeals, transmit to the Secretary of State, to be filed
1270 in his office, a statement of the whole number of votes given in
1271 their county, and the whole number of votes given in each precinct
1272 in their county, for each candidate for the Office of Judge of the
1273 Supreme Court or Court of Appeals, and the Secretary of State
1274 shall immediately notify each member of the State Board of
1275 Election Commissioners in writing to assemble at his office on a
1276 day to be fixed by him, to be within ten (10) days after the
1277 receipt by him of such statement, and when assembled pursuant to
1278 such notice the State Board of Election Commissioners shall sum up
1279 the whole number of votes given for each candidate for judge of
1280 the Supreme Court or Court of Appeals according to the total
1281 number of votes in each county for each candidate as certified to
1282 the Secretary of State, ascertain the person or persons to be
1283 elected; and thereupon all persons chosen to such office at the
1284 election shall be commissioned by the Governor; but if it appears
1285 that two (2) or more candidates for judge of the Supreme Court or
1286 Court of Appeals standing highest on the list, and not elected,
1287 have an equal number of votes, the election shall be forthwith
1288 decided between the candidates having an equal number of votes by



1289 lots, fairly and publicly drawn under the direction of the State
1290 Board of Election Commissioners.

1291 (2) The statements required by this section shall contain a
1292 certification, signed and dated by a majority of the commissioners
1293 of election, which shall read as follows:

1294 "We, the undersigned commissioners of election, do
1295 hereby certify that this statement of the whole number of
1296 votes contain the official vote for the election reflected
1297 therein."

1298 (3) The statements required by this section shall be
1299 transmitted to the Secretary of State on such forms and by such
1300 methods as may be required by rules and regulations promulgated by
1301 the Secretary of State.

1302 **SECTION 45.** Section 23-15-833, Mississippi Code of 1972, is
1303 brought forward as follows:

1304 23-15-833. Except as otherwise provided by law, the first
1305 Tuesday after the first Monday in November of each year shall be
1306 designated the regular special election day, and on that day an
1307 election shall be held to fill any vacancy in county, county
1308 district, and district attorney elective offices, and any vacancy
1309 in the office of circuit judge or chancellor.

1310 All special elections, or elections to fill vacancies, shall
1311 in all respects be held, conducted and returned in the same manner
1312 as general elections, except that where no candidate receives a
1313 majority of the votes cast in such election, then a runoff



1314 election shall be held three (3) weeks after such election and the
1315 two (2) candidates who receive the highest popular votes for such
1316 office shall have their names submitted as such candidates to the
1317 said runoff and the candidate who leads in such runoff election
1318 shall be elected to the office. When there is a tie in the first
1319 election of those receiving the next highest vote, these two (2)
1320 and the one receiving the highest vote, none having received a
1321 majority, shall go into the runoff election and whoever leads in
1322 such runoff election shall be entitled to the office.

1323 In those years when the regular special election day shall
1324 occur on the same day as the general election, the names of
1325 candidates in any special election and the general election shall
1326 be placed on the same ballot, but shall be clearly distinguished
1327 as general election candidates or special election candidates.

1328 At any time a special election is held on the same day as a
1329 party primary election, the names of the candidates in the special
1330 election may be placed on the same ballot, but shall be clearly
1331 distinguished as special election candidates or primary election
1332 candidates.

1333 **SECTION 46.** Section 23-15-837, Mississippi Code of 1972, is
1334 brought forward as follows:

1335 23-15-837. (1) When a special election shall have been
1336 called to fill any state district office and where only one (1)
1337 person has duly qualified with the State Board of Election
1338 Commissioners to be a candidate in such special election within



the time prescribed by law for qualifying as such candidate, the State Board of Election Commissioners shall make a finding and determination of such fact duly entered upon its official minutes.

(2) A finding and determination and certification to office by the State Board of Election Commissioners, as herein provided, shall dispense with the holding of the special election.

(3) A certified copy of the finding and determination of the State Board of Election Commissioners shall be forthwith filed with the Governor, and the Governor shall appoint the candidate so certified to fill the unexpired term.

SECTION 47. Section 23-15-839, Mississippi Code of 1972, is brought forward as follows:

23-15-839. (1) When a vacancy shall occur in any county or county district office, the same shall be filled by appointment by the board of supervisors of the county, by order entered upon its minutes, where the vacancy occurs, or by appointment of the president of the board of supervisors, by and with the consent of the majority of the board of supervisors, if such vacancy occurs when said board is not in session, and the clerk of the board shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor; and if the unexpired term be longer than six (6) months, such appointee shall serve until a successor is elected as hereinafter provided, unless the regular special election day on which the vacancy should be filled occurs in a year in which an



1364 election would normally be held for that office as provided by
1365 law, in which case the person so appointed shall serve the
1366 unexpired portion of the term. Such vacancies shall be filled for
1367 the unexpired term by the qualified electors at the next regular
1368 special election day occurring more than ninety (90) days after
1369 the occurrence of the vacancy. The board of supervisors of the
1370 county shall, within ten (10) days after the happening of the
1371 vacancy, make an order, in writing, directed to the commissioners
1372 of election, commanding an election to be held on the next regular
1373 special election day to fill the vacancy. The election
1374 commissioners shall require each candidate to qualify at least
1375 sixty (60) days before the date of the election, and shall give a
1376 certificate of election to the person elected, and shall return to
1377 the Secretary of State a copy of the order of holding the
1378 election, showing the results thereof, certified by the clerk of
1379 the board of supervisors. The person elected shall be
1380 commissioned by the Governor.

1381 (2) In any election ordered pursuant to this section where
1382 only one (1) person shall have qualified with the commissioners of
1383 election to be a candidate within the time provided by law, the
1384 commissioners of election shall certify to the board of
1385 supervisors that there is but one (1) candidate. Thereupon, the
1386 board of supervisors shall dispense with the election and shall
1387 appoint the candidate so certified to fill the unexpired term.
1388 The clerk of the board shall certify to the Secretary of State the



1389 candidate so appointed to serve in said office and that candidate
1390 shall be commissioned by the Governor. In the event that no
1391 person shall have qualified by 5:00 p.m. sixty (60) days prior to
1392 the date of the election, the commissioners of election shall
1393 certify that fact to the board of supervisors which shall dispense
1394 with the election and fill the vacancy by appointment. The clerk
1395 of the board of supervisors shall certify to the Secretary of
1396 State the fact of the appointment, and the person so appointed
1397 shall be commissioned by the Governor.

1398 **SECTION 48.** Section 23-15-841, Mississippi Code of 1972, is
1399 brought forward as follows:

1400 23-15-841. Nominations for candidates to fill vacancies in
1401 county or county district offices shall be made upon dates to be
1402 fixed by the county executive committee for county or county
1403 district offices. The first and second primaries shall be held on
1404 the dates to be fixed by such executive committees, which
1405 committees shall also fix the dates when the returns are to be
1406 made of the results of such primaries. If there is not sufficient
1407 time, after the election is ordered, for the holding of second
1408 primary to fill such vacancies, on account of the nearness of the
1409 election, from the date at which it is ordered, the executive
1410 committee having such nomination in charge, may submit the result
1411 to the first primary election, the nomination going to the
1412 candidate receiving the highest popular vote. Such special



primary election shall be conducted, as far as applicable, under the laws governing other primary elections.

SECTION 49. Section 23-15-849, Mississippi Code of 1972, is brought forward as follows:

23-15-849. (1) Vacancies in the office of circuit judge or chancellor shall be filled for the unexpired term by the qualified electors at the next regular special election occurring more than nine (9) months after the existence of the vacancy to be filled, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following his election. Upon the occurring of such a vacancy, the Governor shall appoint a qualified person from the district in which the vacancy exists to hold the office and discharge the duties thereof until the vacancy shall be filled by election as provided in this subsection.

(2) (a) If half or more than half of the term remains, vacancies in the office of judge of the Supreme Court or Court of Appeals shall be filled for the unexpired term by the qualified electors at the next regular election for state officers or for representatives in Congress occurring more than nine (9) months after the existence of the vacancy to be filled, and the term of office of the person elected to fill a vacancy shall commence on the first Monday in January following his election. If less than half of the term remains, vacancies in the office of judge of the Supreme Court or Court of Appeals shall be filled for the



1438 remaining unexpired term solely by appointment as provided in this
1439 subsection.

1440 (b) Upon occurrence of a vacancy, the Governor shall
1441 appoint a qualified person from the district in which the vacancy
1442 exists to hold the office and discharge the duties thereof as
1443 follows:

1444 (i) If less than half of the term remains, the
1445 appointee shall serve until expiration of the term;

1446 (ii) If half or more than half of the term
1447 remains, the appointee shall serve until the vacancy shall be
1448 filled by election as provided in subsection (1) of this section
1449 for judges of the circuit and chancery courts. Elections to fill
1450 vacancies in the office of judge of the Supreme Court or Court of
1451 Appeals shall be held, conducted, returned and the persons elected
1452 commissioned in accordance with the law governing regular
1453 elections for judges of the Supreme Court or Court of Appeals
1454 insofar as they may be applicable.

1455 (c) This subsection (2) shall apply to all
1456 gubernatorial appointees to the Supreme Court or Court of Appeals
1457 who have not stood for special election as of July 2, 2002, as if
1458 Laws of 2002, Chapter 586, were in full force and effect on the
1459 day of each of their appointments.

1460 **SECTION 50.** Section 23-15-921, Mississippi Code of 1972, is
1461 brought forward as follows:



1462 23-15-921. Except as otherwise provided by Section
1463 23-15-961, a person desiring to contest the election of another
1464 person returned as the nominee of the party to any county or
1465 county district office, or as the nominee of a legislative
1466 district composed of one (1) county or less, may, within twenty
1467 (20) days after the primary election, file a petition with the
1468 secretary, or any member of the county executive committee in the
1469 county in which the election was held, setting forth the grounds
1470 upon which the primary election is contested; and it shall be the
1471 duty of the executive committee to assemble by call of the
1472 chairman or three (3) members of said committee, notice of which
1473 contest shall be served five (5) days before said meeting, and
1474 after notifying all parties concerned proceed to investigate the
1475 grounds upon which the election is contested and, by majority vote
1476 of members present, declare the true results of such primary.

1477 **SECTION 51.** Section 23-15-923, Mississippi Code of 1972, is
1478 brought forward as follows:

1479 23-15-923. Except as otherwise provided in Section
1480 23-15-961, a person desiring to contest the election of another
1481 returned as the nominee in state, congressional and judicial
1482 districts, and in legislative districts composed of more than one
1483 (1) county or parts of more than one (1) county, upon complaint
1484 filed with the chairman of the state executive committee, by
1485 petition, reciting the grounds upon which the election is
1486 contested. If necessary and with the advice of four (4) members



1487 of said committee, the chairman shall issue his fiat to the
1488 chairman of the appropriate county executive committee, and in
1489 like manner as in the county office, the county committee shall
1490 investigate the complaint and return their findings to the
1491 chairman of the state committee. The state executive committee by
1492 majority vote of members present shall declare the true results of
1493 such primary.

1494 **SECTION 52.** Section 23-15-927, Mississippi Code of 1972, is
1495 brought forward as follows:

1496 23-15-927. When and after any contest has been filed with
1497 the county executive committee, or complaint with the State
1498 Executive Committee, and the executive committee having
1499 jurisdiction fails to promptly meet or, having met, fails or
1500 unreasonably delays to fully act upon the contest or complaint or
1501 fails to give with reasonable promptness the full relief required
1502 by the facts and the law, the contestant shall have the right
1503 forthwith to file in the circuit court of the county in which the
1504 irregularities are charged to have occurred, or, if more than one
1505 (1) county is involved, then in one (1) of the counties, a sworn
1506 copy of his protest or complaint, together with a sworn petition,
1507 setting forth with particularity how the executive committee has
1508 wrongfully failed to act or to fully and promptly investigate or
1509 has wrongfully denied the relief prayed by the contest, with a
1510 prayer for a judicial review thereof. A petition for judicial
1511 review must be filed within ten (10) days after any contest or



1512 complaint has been filed with an executive committee. The
1513 petition for a judicial review shall not be filed unless it bears
1514 the certificate of two (2) practicing attorneys stating that they
1515 have each fully made an independent investigation into the matters
1516 of fact and of law upon which the protest and petition are based,
1517 and that after the investigation they believe that the protest and
1518 petition should be sustained and that the relief prayed in the
1519 protest and petitions should be granted; the two (2) attorneys may
1520 not be practicing in the same law firm. The petitioner shall give
1521 a cost bond in the sum of Three Hundred Dollars (\$300.00), with
1522 two (2) or more sufficient sureties conditioned to pay all costs
1523 in case his petition be dismissed, and an additional bond may be
1524 required, by the judge, if necessary, at any subsequent stage of
1525 the proceedings. The filing of the petition for judicial review
1526 in the manner set forth in this section shall automatically
1527 supersede and suspend the operation and effect of the order,
1528 ruling or judgment of the executive committee appealed from. In
1529 no event shall a prayer for relief be filed in any court other
1530 than the appropriate circuit court as authorized in this section.

1531 **SECTION 53.** Section 23-15-929, Mississippi Code of 1972, is
1532 brought forward as follows:

1533 23-15-929. Upon the filing of the petition and bond as
1534 provided for in Section 23-15-927, the circuit clerk shall
1535 immediately, by registered letter or by telegraph or telephone, or
1536 personally, notify the Chief Justice of the Supreme Court, or, in



1537 his absence, or disability, some other judge of the Supreme Court,
1538 who shall forthwith designate and notify a circuit judge or a
1539 retired judge on senior status of a district other than that which
1540 embraces the county or any of the counties, involved in the
1541 contest or complaint, to proceed to the county in which the
1542 contest or complaint has been filed to hear and determine the
1543 contest or complaint, and it shall be the official duty of the
1544 trial judge to proceed to the discharge of the designated duty at
1545 the earliest possible date to be fixed by the judge and of which
1546 the contestant and contestee shall have reasonable notice, to be
1547 served in such reasonable manner as the judge may direct, in
1548 response to which notice the contestee shall promptly file his
1549 answer, and also his cross-complaint if he has one to prefer.

1550 **SECTION 54.** Section 23-15-931, Mississippi Code of 1972, is
1551 brought forward as follows:

1552 23-15-931. When the day for the hearing has been set, the
1553 circuit clerk shall issue subpoenas for witnesses as in other
1554 litigated cases, and he shall also issue a summons to each of the
1555 five (5) election commissioners of the county, unless they waive
1556 summons, requiring them to attend the hearing, throughout which
1557 the commissioners shall sit with the judge as advisors or
1558 assistants in the trial and determination of the facts, and as
1559 assistants in counts, calculations and inspections, and in seeing
1560 to it that ballots, papers, documents, books and the like are
1561 diligently secured against misplacement, alteration, concealment



1562 or loss both in the sessions and during recesses or adjournments.
1563 The judge is, however, the controlling judge both of the facts and
1564 the law, and has all the power in every respect of a circuit judge
1565 in termtime. The tribunal shall be attended by the sheriff, and
1566 clerk, each with sufficient deputies, and by a court reporter.
1567 The special tribunal so constituted shall fully hear the contest
1568 or complaint de novo, and the original contestant before the party
1569 executive committee shall have the burden of proof and the burden
1570 of going forward with the evidence in the hearing before the
1571 special tribunal. The special tribunal, after the contest or
1572 complaint has been fully heard anew, shall make a finding dictated
1573 to the reporter covering all controverted material issues of fact,
1574 together with any dissents of any commissioner, and thereupon, the
1575 trial judge shall enter the judgment which the county executive
1576 committee should have entered, of which the election commissioners
1577 shall take judicial notice, or if the matter be one within the
1578 jurisdiction of the State Executive Committee, the judgment shall
1579 be certified and promptly forwarded to the Secretary of the State
1580 Executive Committee, and, in the absence of an appeal, it shall be
1581 the duty of the State Executive Committee forthwith to reassemble
1582 and revise any decision theretofore made by it so as to conform to
1583 the judicial judgment; that when the contest is upon a complaint
1584 filed with the State Executive Committee and the petition to the
1585 court avers that the wrong or irregularity is one which occurred
1586 wholly within the proceedings of the state committee, the petition



to the court shall be filed in the Circuit Court of Hinds County and, after notice served, shall be promptly heard by the circuit judge of that county, without the attendance of commissioners.

SECTION 55. Section 23-15-933, Mississippi Code of 1972, is brought forward as follows:

23-15-933. The contestant or contestee, or both, may file an appeal in the Supreme Court within the time and under such conditions and procedures as are established by the Supreme Court for other appeals. If the findings of fact have been concurred in by all the commissioners in attendance, provided as many as three (3) commissioners are and have been in attendance, the facts shall not be subject to appellate review. But if not so many as three (3) of the commissioners are or have been in attendance, or if one or more commissioners dissent, upon review, the Supreme Court may make such findings as the evidence requires.

SECTION 56. Section 23-15-935, Mississippi Code of 1972, is brought forward as follows:

23-15-935. The trial judge shall have the same power to compel the attendance of the election commissioners upon and throughout the hearings as is given to the judge of a circuit court to compel the attendance of jurors, and the commissioners must attend unless physically unable so to do. But if any one or more or all of the commissioners are absent so as to not be served with notice, or is or are physically unable to attend, the trial judge shall proceed without them or any of them, so that the



1612 hearing shall not be delayed on their account or on account of any
1613 one or more of them. When, under Section 23-15-937, the hearing
1614 is transferred in whole or in part to another county or counties,
1615 the election commissioners of the county or counties to which the
1616 hearing is transferred shall attend the hearings in their
1617 respective counties, subject to foregoing provisions in respect to
1618 absent or disabled commissioners.

1619 **SECTION 57.** Section 23-15-937, Mississippi Code of 1972, is
1620 brought forward as follows:

1621 23-15-937. If more than one (1) county is involved in a
1622 contest or complaint, the judge shall have the authority to
1623 transfer the hearing to a more convenient county within the
1624 district, if the contest or complaint involves a district office,
1625 or within the state if the contest or complaint involves a state
1626 office; or the judge may proceed to any county or counties in
1627 which the facts complained of are charged to have transpired, and
1628 there hear the evidence and make a finding of facts relating to
1629 that county and any convenient neighboring county or counties,
1630 but, in any event, if possible with due diligence to do so, the
1631 hearing must be completed and final judgment rendered in time to
1632 permit the printing and distribution of the official ballots at
1633 the election for which the contested nomination is made. When any
1634 judge lawfully designated to hear a contest or complaint shall not
1635 promptly and diligently proceed with the hearing and final
1636 determination of the contest or complaint, he shall be guilty of a



1637 high misdemeanor in office unless excused by actual illness, or by
1638 an equivalent excuse. When no final decision has been made by the
1639 time the official ballots are required to be printed, the name of
1640 the nominee declared by the party executive committee shall be
1641 printed on the official ballots as the party nominee, but the
1642 contest or complaint shall not thereby be dismissed but the cause
1643 shall nevertheless proceed to final judgment and if the judgment
1644 is in favor of the contestant, the election of the contestee shall
1645 thereby be vacated and the Governor, or the Lieutenant Governor,
1646 in case the Governor is a party to the contest, shall call a
1647 special election for the office or offices involved. If the
1648 contestee has already entered upon the term he shall vacate the
1649 office upon the qualification of the person elected at the special
1650 election, and may be removed by quo warranto if he fail so to do.

1651 **SECTION 58.** Section 23-15-941, Mississippi Code of 1972, is
1652 brought forward as follows:

1653 23-15-941. If upon the hearing of a primary election contest
1654 or complaint, under Section 23-15-931, it shall distinctly appear
1655 to the trial judge that any person, including a candidate or
1656 election officer, has willfully and corruptly violated any primary
1657 election statute and such violation is by said statute made a
1658 criminal offense, whether a misdemeanor or a felony, it shall be
1659 the duty of the trial judge to issue immediately his warrant for
1660 the arrest of the guilty party, reciting in his order therefor, in
1661 brief, the grounds or causes for the arrest. Such warrant and a



1662 certified copy of the order shall be forthwith placed in the hands
1663 of the sheriff of the county wherein the offense occurred, and the
1664 sheriff shall at once, upon receipt of the warrant, arrest the
1665 party and commit him to prison, unless and until the party give
1666 bond in the sum of Five Hundred Dollars (\$500.00) with two (2) or
1667 more good and sufficient sureties conditioned for his appearance
1668 at the next term of the circuit court and from term to term until
1669 discharged by law. When the arrest has been made and the bond, if
1670 any, given, the sheriff shall deliver all the papers therein with
1671 his return thereon to the circuit clerk who shall file, and
1672 thereafter personally deliver, the same to the foreman of the next
1673 grand jury.

1674 **SECTION 59.** Section 23-15-951, Mississippi Code of 1972, is
1675 brought forward as follows:

1676 23-15-951. Except as otherwise provided by Section 23-15-955
1677 or 23-15-961, a person desiring to contest the election of another
1678 person returned as elected to any office within any county, may,
1679 within twenty (20) days after the election, file a petition in the
1680 office of the clerk of the circuit court of the county, setting
1681 forth the grounds upon which the election is contested. When such
1682 a petition is filed, the circuit clerk shall immediately notify,
1683 by registered letter, telegraph, telephone, or personally the
1684 Chief Justice of the Supreme Court or in his absence, or
1685 disability, some other Justice of the Supreme Court, who shall
1686 forthwith designate and notify a circuit judge or chancellor of a



1687 district other than that which embraces the district, subdistrict,
1688 county or any of the counties, involved in the contest or
1689 complaint, to proceed to the county in which the contest or
1690 complaint has been filed to hear and determine the contest or
1691 complaint. The circuit clerk shall also cause a copy of such
1692 petition to be served upon the contestee, which shall serve as
1693 notice to such contestee.

1694 The Supreme Court shall compile a list of judges throughout
1695 the state to hear such disputes before an election. It shall be
1696 the official duty of the designated circuit judge or chancellor to
1697 proceed to discharge the duty of hearing the contest at the
1698 earliest possible date. The date of the contest shall be fixed by
1699 the judge or chancellor, and the judge or chancellor shall provide
1700 reasonable notice to the contestant and the contestee of the date
1701 and time fixed for the contest. The judge or chancellor shall
1702 cause the contestant and contestee to be served in a reasonable
1703 manner. When the contestee is served, such contestee shall
1704 promptly file his answer, and cross-complaint, if the contestee
1705 has a cross-complaint.

1706 The court shall, at the first term, cause an issue to be made
1707 up and tried by a jury, and the verdict of the jury shall find the
1708 person having the greatest number of legal votes at the election.
1709 If the jury shall find against the person returned elected, the
1710 clerk shall issue a certificate thereof; and the person in whose
1711 favor the jury shall find shall be commissioned by the Governor,



1712 and shall qualify and enter upon the duties of his office. Each
1713 party shall be allowed ten (10) peremptory challenges, and new
1714 trials shall be granted and costs awarded as in other cases. In
1715 case the election of district attorney or other state district
1716 election be contested, the petition may be filed in any county of
1717 the district or in any county of an adjoining district within
1718 twenty (20) days after the election, and like proceedings shall be
1719 had thereon as in the case of county officers, and the person
1720 found to be entitled to the office shall qualify as required by
1721 law and enter upon the duties of his office.

1722 A person desiring to contest the election of another person
1723 returned as elected to any seat in the Mississippi Legislature
1724 shall comply with the provisions of Section 23-15-955. A person
1725 desiring to contest the qualifications of a candidate for
1726 nomination in a political party primary election shall comply with
1727 the provisions of Section 23-15-961.

1728 **SECTION 60.** Section 23-15-953, Mississippi Code of 1972, is
1729 brought forward as follows:

1730 23-15-953. If the petition shall be filed more than forty
1731 (40) days before the term of the circuit court next after the
1732 election which is contested, the summons may be made returnable,
1733 and a trial of the issue be had in vacation, in the manner
1734 prescribed for a trial in vacation of an information in the nature
1735 of a quo warranto; and all of the provisions in reference to a
1736 trial in vacation of such proceedings shall apply to the trial of



1737 issues as to contested elections in the state of case herein
1738 mentioned; but this section shall not be held to include a contest
1739 of the election of a justice court judge, constable, coroner,
1740 surveyor, or member of a board of supervisors.

1741 **SECTION 61.** Section 23-15-961, Mississippi Code of 1972, is
1742 brought forward as follows:

1743 23-15-961. (1) Any person desiring to contest the
1744 qualifications of another person as a candidate for nomination in
1745 a political party primary election shall file a petition
1746 specifically setting forth the grounds of the challenge within ten
1747 (10) days after the qualifying deadline for the office in
1748 question. The petition shall be filed with the executive
1749 committee with whom the candidate in question qualified.

1750 (2) Within ten (10) days of receipt of the petition
1751 described in subsection (1) of this section, the appropriate
1752 executive committee shall meet and rule upon the petition. At
1753 least two (2) days before the hearing to consider the petition,
1754 the appropriate executive committee shall give notice to both the
1755 petitioner and the contested candidate of the time and place of
1756 the hearing on the petition. Each party shall be given an
1757 opportunity to be heard at that meeting and present evidence in
1758 support of his position.

1759 (3) If the appropriate executive committee fails to rule
1760 upon the petition within the time required in subsection (2) of



1761 this section, that inaction shall be interpreted as a denial of
1762 the request for relief contained in the petition.

1763 (4) Any party aggrieved by the action or inaction of the
1764 appropriate executive committee may file a petition for judicial
1765 review to the circuit court of the county in which the executive
1766 committee whose decision is being reviewed sits. The petition
1767 must be filed no later than fifteen (15) days after the date the
1768 petition was originally filed with the appropriate executive
1769 committee. The person filing for judicial review shall give a
1770 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1771 (2) or more sufficient sureties conditioned to pay all costs in
1772 case his petition be dismissed, and an additional bond may be
1773 required, by the court, if necessary, at any subsequent stage of
1774 the proceedings.

1775 (5) Upon the filing of the petition and bond, the circuit
1776 clerk shall immediately, by registered letter or by telegraph or
1777 by telephone, or personally, notify the Chief Justice of the
1778 Supreme Court, or in his absence, or disability, some other judge
1779 of the Supreme Court, who shall forthwith designate and notify a
1780 circuit judge or retired judge on senior status of a district
1781 other than that which embraces the district, subdistrict, county
1782 or any of the counties, involved in the contest or complaint, to
1783 proceed to the county in which the contest or complaint has been
1784 filed to hear and determine the contest or complaint. It shall be
1785 the official duty of the trial judge to proceed to the discharge



1786 of the designated duty at the earliest possible date to be fixed
1787 by the judge and of which the contestant and contestee shall have
1788 reasonable notice. The contestant and contestee are to be served
1789 in a reasonable manner as the judge may direct, in response to
1790 which notice the contestee shall promptly file his answer, and
1791 also his cross-complaint if he has a cross-complaint. The hearing
1792 before the trial court shall be de novo. The matter shall be
1793 tried to the trial judge, without a jury. After hearing the
1794 evidence, the trial judge shall determine whether the candidate
1795 whose qualifications have been challenged is legally qualified to
1796 have his name placed upon the ballot in question. The trial judge
1797 may, upon disqualification of any such candidate, order that such
1798 candidate shall bear the court costs of the proceedings.

1799 (6) Within three (3) days after judgment is rendered by the
1800 circuit court, the contestant or contestee, or both, may file an
1801 appeal in the Supreme Court upon giving a cost bond in the sum of
1802 Three Hundred Dollars (\$300.00), together with a bill of
1803 exceptions which shall state the point or points of law at issue
1804 with a sufficient synopsis of the facts to fully disclose the
1805 bearing and relevancy of such points of law. The bill of
1806 exceptions shall be signed by the trial judge, or in case of his
1807 absence, refusal or disability, by two (2) disinterested
1808 attorneys, as is provided by law in other cases of bills of
1809 exception. The filing of such appeals shall automatically suspend
1810 the decision of the circuit court and the appropriate executive



1811 committee is entitled to proceed based upon their decision unless
1812 and until the Supreme Court, in its discretion, stays further
1813 proceedings in the matter. The appeal shall be immediately
1814 docketed in the Supreme Court and referred to the court en banc
1815 upon briefs without oral argument unless the court shall call for
1816 oral argument, and shall be decided at the earliest possible date,
1817 as a preference case over all others. The Supreme Court shall
1818 have the authority to grant such relief as is appropriate under
1819 the circumstances.

1820 (7) The procedure set forth in this section shall be the
1821 sole and only manner in which the qualifications of a candidate
1822 seeking public office as a party nominee may be challenged prior
1823 to the time of his nomination or election. After a party nominee
1824 has been elected to public office, the election may be challenged
1825 as otherwise provided by law. After a party nominee assumes an
1826 elective office, his qualifications to hold that office may be
1827 contested as otherwise provided by law.

1828 **SECTION 62.** Section 23-15-963, Mississippi Code of 1972, is
1829 brought forward as follows:

1830 23-15-963. (1) Any person desiring to contest the
1831 qualifications of another person who has qualified pursuant to the
1832 provisions of Section 23-15-359, Mississippi Code of 1972, as a
1833 candidate for any office elected at a general election, shall file
1834 a petition specifically setting forth the grounds of the challenge
1835 not later than thirty-one (31) days after the date of the first



1836 primary election set forth in Section 23-15-191, Mississippi Code
1837 of 1972. Such petition shall be filed with the same body with
1838 whom the candidate in question qualified pursuant to Section
1839 23-15-359, Mississippi Code of 1972.

1840 (2) Any person desiring to contest the qualifications of
1841 another person who has qualified pursuant to the provisions of
1842 Section 23-15-213, Mississippi Code of 1972, as a candidate for
1843 county election commissioner elected at a general election, shall
1844 file a petition specifically setting forth the grounds of the
1845 challenge no later than sixty (60) days prior to the general
1846 election. Such petition shall be filed with the county board of
1847 supervisors, being the same body with whom the candidate in
1848 question qualified pursuant to Section 23-15-213, Mississippi Code
1849 of 1972.

1850 (3) Any person desiring to contest the qualifications of
1851 another person who has qualified pursuant to the provisions of
1852 Section 23-15-361, Mississippi Code of 1972, as a candidate for
1853 municipal office elected on the date designated by law for regular
1854 municipal elections, shall file a petition specifically setting
1855 forth the grounds of the challenge no later than thirty-one (31)
1856 days after the date of the first primary election set forth in
1857 Section 23-15-309, Mississippi Code of 1972. Such petition shall
1858 be filed with the municipal commissioners of election, being the
1859 same body with whom the candidate in question qualified pursuant
1860 to Section 23-15-361, Mississippi Code of 1972.



1861 (4) Within ten (10) days of receipt of the petition
1862 described in subsections (1), (2) and (3) of this section, the
1863 appropriate election officials shall meet and rule upon the
1864 petition. At least two (2) days before the hearing to consider
1865 the petition, the appropriate election officials shall give notice
1866 to both the petitioner and the contested candidate of the time and
1867 place of the hearing on the petition. Each party shall be given
1868 an opportunity to be heard at such meeting and present evidence in
1869 support of his position.

1870 (5) If the appropriate election officials fail to rule upon
1871 the petition within the time required above, such inaction shall
1872 be interpreted as a denial of the request for relief contained in
1873 the petition.

1874 (6) Any party aggrieved by the action or inaction of the
1875 appropriate election officials may file a petition for judicial
1876 review to the circuit court of the county in which the election
1877 officials whose decision is being reviewed sits. Such petition
1878 must be filed no later than fifteen (15) days after the date the
1879 petition was originally filed with the appropriate election
1880 officials. Such person filing for judicial review shall give a
1881 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1882 (2) or more sufficient sureties conditioned to pay all costs in
1883 case his petition be dismissed, and an additional bond may be
1884 required, by the court, if necessary, at any subsequent stage of
1885 the proceedings.



1886 (7) The circuit court with whom such a petition for judicial
1887 review has been filed shall at the earliest possible date set the
1888 matter for hearing. Notice shall be given the interested parties
1889 of the time set for hearing by the circuit clerk. The hearing
1890 before the circuit court shall be de novo. The matter shall be
1891 tried to the circuit judge, without a jury. After hearing the
1892 evidence, the circuit judge shall determine whether the candidate
1893 whose qualifications have been challenged is legally qualified to
1894 have his name placed upon the ballot in question. The circuit
1895 judge may, upon disqualification of any such candidate, order that
1896 such candidate shall bear the court costs of the proceedings.

1897 (8) Within three (3) days after judgment is rendered by the
1898 circuit court, the contestant or contestee, or both, may file an
1899 appeal in the Supreme Court upon giving a cost bond in the sum of
1900 Three Hundred Dollars (\$300.00), together with a bill of
1901 exceptions which shall state the point or points of law at issue
1902 with a sufficient synopsis of the facts to fully disclose the
1903 bearing and relevancy of such points of law. The bill of
1904 exceptions shall be signed by the trial judge, or in case of his
1905 absence, refusal or disability, by two (2) disinterested
1906 attorneys, as is provided by law in other cases of bills of
1907 exception. The filing of such appeals shall automatically suspend
1908 the decision of the circuit court and the appropriate election
1909 officials are entitled to proceed based upon their decision unless
1910 and until the Supreme Court, in its discretion, stays further



1911 proceedings in the matter. The appeal shall be immediately
1912 docketed in the Supreme Court and referred to the court en banc
1913 upon briefs without oral argument unless the court shall call for
1914 oral argument, and shall be decided at the earliest possible date,
1915 as a preference case over all others. The Supreme Court shall
1916 have the authority to grant such relief as is appropriate under
1917 the circumstances.

1918 (9) The procedure set forth above shall be the sole and only
1919 manner in which the qualifications of a candidate seeking public
1920 office who qualified pursuant to the provisions of Sections
1921 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
1922 be challenged prior to the time of his election. After any such
1923 person has been elected to public office, the election may be
1924 challenged as otherwise provided by law. After any person assumes
1925 an elective office, his qualifications to hold that office may be
1926 contested as otherwise provided by law.

1927 **SECTION 63.** Section 23-15-1051, Mississippi Code of 1972, is
1928 brought forward as follows:

1929 23-15-1051. All duties in regard to senatorial or other
1930 districts of more than one (1) county shall be performed by the
1931 State Executive Committee; and candidates for any office from such
1932 district shall qualify with the State Executive Committee as the
1933 law provides.

1934 **SECTION 64.** This act shall take effect and be in force from
1935 and after July 1, 2017.

