

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



35 A JUDICIAL OFFICE IS PROHIBITED FROM CAMPAIGNING OR QUALIFYING FOR
36 THAT OFFICE BASED ON PARTY AFFILIATION; TO REPEAL SECTION
37 23-15-985, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT ALL
38 QUALIFIED ELECTORS, REGARDLESS OF PARTY AFFILIATION OR LACK OF
39 PARTY AFFILIATION, ARE QUALIFIED TO VOTE FOR CANDIDATES FOR
40 NOMINATION FOR JUDICIAL OFFICE; TO BRING FORWARD SECTIONS
41 23-15-977.1, 23-15-991, 23-15-993, 23-15-1011, 23-15-1023 AND
42 23-15-1025, MISSISSIPPI CODE OF 1972, WHICH REGULATE THE JUDICIAL
43 ELECTIONS ACT, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING
44 FORWARD SECTIONS 23-15-191 AND 23-15-193, MISSISSIPPI CODE OF
45 1972, WHICH PROVIDE FOR PRIMARY ELECTIONS, FOR THE PURPOSE OF
46 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-293,
47 23-15-295, 23-15-296, 23-15-297, 23-15-299, 23-15-303, 23-15-305,
48 23-15-307 AND 23-15-317, MISSISSIPPI CODE OF 1972, WHICH REGULATE
49 THE NOMINATION OF CANDIDATES FOR PRIMARY ELECTIONS, FOR THE
50 PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS
51 23-15-331, 23-15-333 AND 23-15-363, MISSISSIPPI CODE OF 1972,
52 WHICH PROVIDE FOR THE PREPARATION OF BALLOTS IN PRIMARY ELECTIONS
53 AND OTHER ELECTIONS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO
54 BRING FORWARD SECTIONS 23-15-597, 23-15-599, 23-15-605 AND
55 23-15-607, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
56 DETERMINATION OF THE RESULTS OF THE ELECTION, FOR THE PURPOSE OF
57 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-833,
58 23-15-837, 23-15-839, 23-15-841 AND 23-15-849, MISSISSIPPI CODE OF
59 1972, WHICH PROVIDE FOR FILLING VACANCIES IN CERTAIN OFFICES, FOR
60 THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS
61 23-15-921, 23-15-923, 23-15-927, 23-15-929, 23-15-931, 23-15-933,
62 23-15-935, 23-15-937, 23-15-941, 23-15-951, 23-15-953, 23-15-961,
63 23-15-963 AND 23-15-980, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
64 THE PROCEDURES FOR ELECTION CONTESTS, FOR THE PURPOSE OF POSSIBLE
65 AMENDMENT; TO BRING FORWARD SECTION 23-15-1051, MISSISSIPPI CODE
66 OF 1972, WHICH PROVIDES THE DUTIES OF THE STATE EXECUTIVE
67 COMMITTEE, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
68 PURPOSES.

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

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

72 23-15-974. Sections 23-15-974 through * * * 23-15-981 of
73 this subarticle shall be known as the " * * * Judicial Election
74 Act."

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



77 23-15-975. As used in Sections 23-15-974 through * * *
78 23-15-981 of this subarticle, the term "judicial office" includes
79 the office of justice of the Supreme Court, judge of the Court of
80 Appeals, circuit judge, chancellor, county court judge and family
81 court judge. All such justices and judges shall be full-time
82 positions and such justices and judges shall not engage in the
83 practice of law before any court, administrative agency or other
84 judicial or quasi-judicial forum except as provided by law for
85 finalizing pending cases after election to judicial office.

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

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

93 23-15-977. (1) * * * All candidates for judicial office as
94 defined in Section 23-15-975 * * * upon entering the race for
95 party nominations for office shall file their intent to be a
96 candidate with the proper officials not later than 5:00 p.m. on
97 the first Friday after the first Monday in May * * * before the
98 general election for judicial office and shall pay to the proper
99 officials the following amounts:

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



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

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

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

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

116 (3) Candidates for judicial offices listed in paragraph (c)
117 of subsection (1) of this section shall file their intent to be a
118 candidate with, and pay the proper assessment made pursuant to
119 subsection (1) of this section to, the circuit clerk of the proper
120 county. The statement of intent shall include the name and
121 address of the candidate and the party for which he or she is
122 affiliated. The circuit clerk shall notify the county election
123 commissioners * * * of all persons who have filed their intent to
124 be a candidate with, and paid the proper assessment to, such
125 clerk. Such notification shall occur within two (2) business days
126 and shall contain all necessary information.



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

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

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

146 23-15-978. The names of candidates for judicial office which
147 appear on the ballot at the general election shall be grouped
148 together * * *. The name of any candidate for judicial office
149 shall not be placed upon the official ballot in general elections
150 as a party nominee who is not nominated as herein provided.



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

153 23-15-979. The names of all candidates for judicial office
154 shall be listed in alphabetical order on any ballot * * * and
155 listed under the name of the political party that judicial
156 candidate represents as provided by law and as certified to the
157 circuit clerk by the state executive committee of that party.

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

160 23-15-981. * * * The judicial candidate who receives the
161 majority number of votes cast for the judicial office which he or
162 she seeks shall become the nominee of his or her party for that
163 office. No person shall be declared as the nominee of his or her
164 party until he or she received a majority of the votes cast for
165 that judicial office, except as hereinafter provided. If no
166 candidate received the majority of the votes cast in the first
167 primary, then the two (2) candidates who receive the highest
168 number of votes cast for that judicial office shall have their
169 names submitted as such candidates to the second primary and the
170 candidate who leads in the second primary shall be nominated for
171 the judicial office.

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



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

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

184 If no candidate will enter the second primary with the
185 candidate who received the highest number of votes cast, then the
186 candidate who received the highest number of votes cast in the
187 first primary shall be declared the nominee of his or her party
188 for the judicial office.

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

191 23-15-995. * * * The general laws for the election of state
192 officers shall apply to and govern the election of * * * judicial
193 officers.

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

196 23-15-1015. On Tuesday after the first Monday in November
197 1986, and every four (4) years thereafter and concurrently with
198 the election for representatives in Congress, there shall be held
199 an election in every county for judges of the several circuit and
200 chancery court districts. The laws regulating the general



201 elections shall * * * apply to and govern elections of judges of
202 the circuit and chancery courts.

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

205 23-15-1021. It shall be unlawful for any individual or
206 political action committee * * * to give, donate, appropriate or
207 furnish directly or indirectly, any money, security, funds or
208 property in excess of Two Thousand Five Hundred Dollars
209 (\$2,500.00) for the purpose of aiding any candidate or candidate's
210 political committee for judge of a county, circuit or chancery
211 court or in excess of Five Thousand Dollars (\$5,000.00) for the
212 purpose of aiding any candidate or candidate's political committee
213 for judge of the Court of Appeals or justice of the Supreme Court,
214 or to give, donate, appropriate or furnish directly or indirectly,
215 any money, security, funds or property in excess of Two Thousand
216 Five Hundred Dollars (\$2,500.00) to any candidate or the
217 candidate's political committee for judge of a county, circuit or
218 chancery court or in excess of Five Thousand Dollars (\$5,000.00)
219 for the purpose of aiding any candidate or candidate's political
220 committee for judge of the Court of Appeals or justice of the
221 Supreme Court, as a contribution to the expense of a candidate for
222 judicial office.

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



225 23-15-365. * * * There shall be left on each ballot one (1)
226 blank space under the title of each office to be voted for, and in
227 the event of the death, resignation, withdrawal or removal of any
228 candidate whose name shall have been printed on the official
229 ballot, the name of the candidate duly substituted in the place of
230 such candidate may be written in such blank space by the voter.

231 * * *

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

234 23-15-359. (1) Except as provided in this section, the
235 ballot shall contain the names of all party nominees certified by
236 the appropriate executive committee, and independent and special
237 election candidates who have timely filed petitions containing the
238 required signatures and assessments that must be paid pursuant to
239 Section 23-15-297. A petition requesting that an independent or
240 special election candidate's name be placed on the ballot for any
241 office shall be filed as provided for in subsection (3) or (4) of
242 this section, as appropriate, and shall be signed by not less than
243 the following number of qualified electors:

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

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



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

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

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

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

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

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

266 (2) (a) Unless the petition or fee, whichever is
267 applicable, required above shall be filed as provided for in
268 subsection (3), (4) or (5) of this section, as appropriate, the
269 name of the person requested to be a candidate, unless nominated
270 by a political party, shall not be placed upon the ballot. The
271 ballot shall contain the names of each candidate for each office,
272 and such names shall be listed under the name of the political
273 party such candidate represents as provided by law and as



274 certified to the circuit clerk by the state executive committee of
275 such political party. In the event such candidate qualifies as an
276 independent as provided in this section, he shall be listed on the
277 ballot as an independent candidate.

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

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

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



298 (5) The assessment for the office described in paragraph (h)
299 of subsection (1) of this section shall be paid to the Secretary
300 of State. The Secretary of State shall deposit any qualifying
301 fees received from candidates into the Elections Support Fund
302 established in Section 23-15-5.

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

310 (7) The provisions of this section shall not apply to
311 municipal elections * * *.

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

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



323 whether each candidate meets all other qualifications to hold the
324 office he is seeking or presents absolute proof that he or she
325 will, subject to no contingencies, meet all qualifications on or
326 before the date of the general or special election at which he or
327 she could be elected to office. The election commission shall
328 determine whether the candidate has taken the steps necessary to
329 qualify for more than one (1) office at the election. The
330 election commission also shall determine whether any candidate has
331 been convicted of any felony in a court of this state, or has been
332 convicted on or after December 8, 1992, of any offense in another
333 state which is a felony under the laws of this state, or has been
334 convicted of any felony in a federal court on or after December 8,
335 1992. Excepted from the above are convictions of manslaughter and
336 violations of the United States Internal Revenue Code or any
337 violations of the tax laws of this state, unless the offense also
338 involved misuse or abuse of his office or money coming into his
339 hands by virtue of his office. If the appropriate election
340 commission finds that a candidate either (a) is not a qualified
341 elector, (b) does not meet all qualifications to hold the office
342 he seeks and fails to provide absolute proof, subject to no
343 contingencies, that he or she will meet the qualifications on or
344 before the date of the general or special election at which he or
345 she could be elected, or (c) has been convicted of a felony as
346 described in this subsection, and not pardoned, then the name of
347 such candidate shall not be placed upon the ballot. If the



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

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

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

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

371 9-4-5. (1) The term of office of judges of the Court of
372 Appeals shall be eight (8) years. An election shall be held on



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

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

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



398 (ii) In Congressional District Number 2, the judge
399 of the Court of Appeals for Position Number 1 shall be that office
400 for which the term ends on January 1, 2003, and the judge of the
401 Court of Appeals for Position Number 2 shall be that office for
402 which the term ends January 1, 2001.

403 (iii) In Congressional District Number 3, the
404 judge of the Court of Appeals for Position Number 1 shall be that
405 office for which the term ends on January 1, 2001, and the judge
406 of the Court of Appeals for Position Number 2 shall be that office
407 for which the term ends January 1, 1999.

408 (iv) In Congressional District Number 4, the judge
409 of the Court of Appeals for Position Number 1 shall be that office
410 for which the term ends on January 1, 1999, and the judge of the
411 Court of Appeals for Position Number 2 shall be that office for
412 which the term ends January 1, 2003.

413 (v) In Congressional District Number 5, the judge
414 of the Court of Appeals for Position Number 1 shall be that office
415 for which the term ends on January 1, 2003, and the judge of the
416 Court of Appeals for Position Number 2 shall be that office for
417 which the term ends January 1, 2001.

418 (b) The laws regulating the general elections shall
419 apply to and govern the elections of judges of the Court of
420 Appeals * * *.

421 (c) In the year prior to the expiration of the term of
422 an incumbent, and likewise each eighth year thereafter, an



423 election shall be held in the manner provided in this section in
424 the district from which the incumbent Court of Appeals judge was
425 elected at which there shall be elected a successor to the
426 incumbent, whose term of office shall thereafter begin on the
427 first Monday of January of the year in which the term of the
428 incumbent he succeeds expires.

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

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

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

440 **FIRST DISTRICT.** The First Court of Appeals District shall be
441 composed of the following counties and portions of counties:
442 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
443 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
444 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
445 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
446 in Montgomery County the precincts of North Winona, Lodi, Stewart,
447 Nations and Poplar Creek; in Panola County the precincts of East



448 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
449 Springport, South Springport, Eureka, Williamson, East Batesville
450 4, West Batesville 4, Fern Hill, North Batesville A, East
451 Batesville 5 and West Batesville 5; and in Tallahatchie County the
452 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
453 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
454 Murphreesboro and Rosebloom.

455 **SECOND DISTRICT.** The Second Court of Appeals District shall
456 be composed of the following counties and portions of counties:
457 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
458 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
459 Tunica, Warren, Washington and Yazoo; in Attala County the
460 precincts of Northeast, Hesterville, Possomneck, North Central,
461 McAdams, Newport, Sallis and Southwest; that portion of Grenada
462 County not included in the First Court of Appeals District; in
463 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
464 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
465 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
466 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
467 precincts of Conway, West Carthage, Wiggins, Thomastown and
468 Ofahoma; in Madison County the precincts of Farmhaven, Canton
469 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
470 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
471 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
472 Canton Precinct 1 and Canton Precinct 4; that portion of



473 Montgomery County not included in the First Court of Appeals
474 District; that portion of Panola County not included in the First
475 Court of Appeals District; and that portion of Tallahatchie County
476 not included in the First Court of Appeals District.

477 **THIRD DISTRICT.** The Third Court of Appeals District shall be
478 composed of the following counties and portions of counties:
479 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
480 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
481 portion of Attala County not included in the Second Court of
482 Appeals District; in Jones County the precincts of Northwest High
483 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
484 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
485 Antioch and Landrum; that portion of Leake County not included in
486 the Second Court of Appeals District; that portion of Madison
487 County not included in the Second Court of Appeals District; and
488 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
489 Diamond, Chaparral, Matherville, Coit and Eucutta.

490 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
491 be composed of the following counties and portions of counties:
492 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
493 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
494 that portion of Hinds County not included in the Second Court of
495 Appeals District; and that portion of Jones county not included in
496 the Third Court of Appeals District.



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

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

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

508 23-15-291. All nominations for state, district,
509 county * * *, county district, and judicial officers made by the
510 different parties of this state shall be made by primary
511 elections. All primary elections shall be governed and regulated
512 by the election laws of the state in force at the time the primary
513 election is held.

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

516 23-15-197. (1) Times for holding primary and general
517 elections for congressional offices shall be as prescribed in
518 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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



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

526 (4) Times for holding elections for the office of county
527 election commissioners shall be as prescribed in Section
528 23-15-213.

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

531 23-15-367. (1) Except as otherwise provided by Sections
532 23-15-974 through * * * 23-15-981 and subsection (2) of this
533 section, the arrangement of the names of the candidates, and the
534 order in which the titles of the various offices shall be printed,
535 and the size, print and quality of paper of the official ballot is
536 left to the discretion of the officer charged with printing the
537 official ballot; but the arrangement need not be uniform.

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

- 540 (a) Candidates for national office;
- 541 (b) Candidates for statewide office;
- 542 (c) Candidates for state district office;
- 543 (d) Candidates for legislative office;
- 544 (e) Candidates for countywide office;
- 545 (f) Candidates for county district office.



546 The order in which the titles for the various offices are
547 listed within each of the categories listed in this subsection is
548 left to the discretion of the officer charged with printing the
549 official ballot.

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

555 **SECTION 17.** Section 23-15-973, Mississippi Code of 1972,
556 which authorizes candidates for the office of judge of the Supreme
557 Court, judges of the Court of Appeals, circuit judge and
558 chancellor to address the people during court terms and prohibits
559 those candidates from aligning themselves with a political party,
560 is repealed.

561 **SECTION 18.** Section 23-15-976, Mississippi Code of 1972,
562 which provides that a judicial office is a nonpartisan office and
563 provides that a candidate for election to a judicial office is
564 prohibited from campaigning or qualifying for that office based on
565 party affiliation, is repealed.

566 **SECTION 19.** Section 23-15-985, Mississippi Code of 1972,
567 which provides that all qualified electors, regardless of party
568 affiliation or lack of party affiliation, are qualified to vote
569 for candidates for nomination for judicial office, is repealed.



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

597 23-15-991. The term of office of judges of the Supreme Court
598 shall be eight (8) years. Concurrently with the regular election
599 for representatives in Congress, held next preceding the
600 expiration of the term of an incumbent, and likewise each eighth
601 year thereafter, an election shall be held in the Supreme Court
602 district from which such incumbent was elected at which there
603 shall be elected a successor to the incumbent, whose term of
604 office shall thereafter begin on the first Monday of January of
605 the year in which the term of the incumbent he succeeds expires.

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

608 23-15-993. For the purpose of all elections, each of the
609 nine (9) judgeships of the Supreme Court shall be considered a
610 separate office. The three (3) offices in each of the three (3)
611 Supreme Court districts shall be designated Position Number 1,
612 Position Number 2 and Position Number 3, and in qualifying for
613 office as a candidate for any office of judge of the Supreme Court
614 each candidate shall state the position number of the office to
615 which he aspires and the regular election ballots shall so
616 indicate. In Supreme Court District Number 1: Position Number 1
617 shall be that office for which the term ends in January 1966;
618 Position Number 2 shall be that office for which the term ends in
619 January 1965; and Position Number 3 shall be that office for which



620 the term ends in January 1969. In District Number 2: Position
621 Number 1 shall be that office for which the term ends in January
622 1972; Position Number 2 shall be that office for which the term
623 ends in January 1969; and Position Number 3 shall be for that
624 office for which the term ends in January 1973. In District
625 Number 3: Position Number 1 shall be that office for which the
626 term ends in January 1969; Position Number 2 shall be that office
627 for which the term ends in January 1969; and Position Number 3
628 shall be that office for which the term ends in January 1965.

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

631 23-15-1011. Circuit court judges and chancery court judges
632 so elected shall take office at the time, and hold office for the
633 term, provided in Sections 9-5-1 and 9-7-1, Mississippi Code of
634 1972.

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

637 23-15-1023. Judicial candidates shall disclose the identity
638 of any individual or entity from which the candidate or the
639 candidate's committee receives a loan or other extension of credit
640 for use in his campaign and any cosigners for a loan or extension
641 of credit. The candidate or the candidate's committee shall
642 disclose how the loan or other extension of credit was used, and
643 how and when the loan or other extension of credit is to be repaid
644 and the method of repayment. The candidate or the candidate's



645 committee shall disclose all loan documents related to such loans
646 or extensions of credit.

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

649 23-15-1025. If any material is distributed by a judicial
650 candidate or his campaign committee or any other person or entity,
651 or at the request of the candidate, his campaign committee or any
652 other person or entity distributing the material shall state that
653 it is distributed by the candidate or that it is being distributed
654 with the candidate's approval. All such material shall
655 conspicuously identify who has prepared the material and who is
656 distributing the material. The identifying language shall state
657 whether or not the material has been submitted to and approved by
658 the candidate. If the candidate has not approved the material,
659 the material shall so state. The identity of organizations or
660 committees shall state the names of all officers of the
661 organizations or committees. Any person, who violates the
662 provisions of this section, shall be guilty of a misdemeanor and
663 upon conviction shall be punished by a fine of One Thousand
664 Dollars (\$1,000.00) or by imprisonment for six (6) months or both
665 fine and imprisonment.

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

668 23-15-191. The first primary shall be held on the first
669 Tuesday after the first Monday of August preceding any regular or



670 general election; and the second primary shall be held three (3)
671 weeks thereafter. Any candidate who receives the highest popular
672 vote cast for the office which he seeks in the first primary shall
673 thereby become the nominee of the party for such office; provided
674 also it be a majority of all the votes cast for that office. If
675 no candidate receive such majority of popular votes in the first
676 primary, then the two (2) candidates who receive the highest
677 popular vote for such office shall have their names submitted as
678 such candidates to a second primary, and the candidate who leads
679 in such second primary shall be nominated to the office. When
680 there is a tie in the first primary of those receiving next
681 highest vote, these two (2) and the one (1) receiving the highest
682 vote, none having received a majority, shall go into the second
683 primary, and whoever leads in such second primary shall be
684 entitled to the nomination.

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

687 23-15-193. At the election in 1995, and every four (4) years
688 thereafter, there shall be elected a Governor, Lieutenant
689 Governor, Secretary of State, Auditor of Public Accounts, State
690 Treasurer, Attorney General, three (3) public service
691 commissioners, three (3) Mississippi Transportation Commissioners,
692 Commissioner of Insurance, Commissioner of Agriculture and
693 Commerce, Senators and members of the House of Representatives in
694 the Legislature, district attorneys for the several districts,



695 clerks of the circuit and chancery courts of the several counties,
696 as well as sheriffs, coroners, assessors, surveyors and members of
697 the boards of supervisors, justice court judges and constables,
698 and all other officers to be elected by the people at the general
699 state election. All such officers shall hold their offices for a
700 term of four (4) years, and until their successors are elected and
701 qualified. The state officers shall be elected in the manner
702 prescribed in Section 140 of the Constitution.

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

705 23-15-293. Candidates for state and state district office,
706 and candidates for legislative offices for districts composed of
707 more than one (1) county or parts of more than one (1) county,
708 shall be voted for and nominated by all the counties or parts of
709 counties within their respective districts, and all said district
710 nominations shall be under the supervision and control of the
711 state executive committee of the respective political parties,
712 which committees shall discharge in respect to such state district
713 nominations all the powers and duties imposed upon them in
714 connection with nominations of candidates for other state
715 officers.

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

718 23-15-295. When any person has qualified in the manner
719 provided by law as a candidate for party nomination in any primary



720 election, such person shall have the right to withdraw his name as
721 a candidate by giving notice of his withdrawal in writing to the
722 secretary of the proper executive committee at any time prior to
723 the printing of the official ballots, and in the event of such
724 withdrawal the name of such candidate shall not be printed on the
725 ballot. When a candidate for party nomination for a state or
726 district office who has qualified with the state executive
727 committee withdraws as a candidate as is herein set forth after
728 the sample of the official ballot has been approved and certified
729 by the state executive committee the secretary or chairman of the
730 state executive committee shall forthwith notify the county
731 executive committee of each county affected or involved of the
732 fact of such withdrawal and such notification shall authorize said
733 county executive committees to omit the name of the withdrawn
734 candidate from the ballot if such notification is received prior
735 to the printing of the ballot. In the case of the withdrawal of
736 any candidate, the fee paid by such candidate shall be retained by
737 the state or county executive committee, as the case may be.

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

740 23-15-296. All political parties registered with the
741 Secretary of State shall notify the Secretary of State in writing
742 within two (2) working days of each qualifying deadline of the
743 name, mailing address and office sought of all candidates for
744 statewide, state district and legislative office who have



745 submitted qualifying papers to the political party on or before
746 the qualifying deadline, and all political parties shall notify
747 the Secretary of State of any such candidate who withdraws his
748 candidacy within two (2) working days of receiving written notice
749 of the withdrawal.

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

752 23-15-297. All candidates upon entering the race for party
753 nominations for office shall first pay to the proper officer as
754 provided for in Section 23-15-299 for each primary election and
755 all independent candidates and special election candidates shall
756 pay to the proper officer as provided for in Section 23-15-299 the
757 following amounts:

758 (a) Candidates for Governor, One Thousand Dollars
759 (\$1,000.00).

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

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

767 (d) Candidates for sheriff, chancery clerk, circuit
768 clerk, tax assessor, tax collector, county attorney, county



769 superintendent of education and board of supervisors, One Hundred
770 Dollars (\$100.00).

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

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

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

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

779 23-15-299. (1) (a) Assessments made pursuant to paragraphs
780 (a), (b) and (c) of Section 23-15-297 shall be paid by each
781 candidate who seeks a nomination in the political party election
782 to the secretary of the state executive committee with which the
783 candidate is affiliated by 5:00 p.m. on March 1 of the year in
784 which the primary election for the office is held or on the date
785 of the qualifying deadline provided by statute for the office,
786 whichever is earlier; however, no such assessments may be paid
787 before January 1 of the year in which the primary election for the
788 office is held.

789 (b) Assessments made pursuant to paragraphs (a), (b)
790 and (c) of Section 23-15-297 shall be paid by each independent
791 candidate or special election candidate to the Secretary of State
792 by 5:00 p.m. on March 1 of the year in which the primary election
793 for the office is held or on the date of the qualifying deadline



794 provided by statute for the office, whichever is earlier; however,
795 no such assessments may be paid before January 1 of the year in
796 which the primary election for the office is held.

797 (2) (a) Assessments made pursuant to paragraphs (d) and (e)
798 of Section 23-15-297, shall be paid by each candidate who seeks a
799 nomination in the political party election to the circuit clerk of
800 such candidate's county of residence by 5:00 p.m. on March 1 of
801 the year in which the primary election for the office is held or
802 on the date of the qualifying deadline provided by statute for the
803 office, whichever is earlier; however, no such assessments may be
804 paid before January 1 of the year in which the election for the
805 office is held. The circuit clerk shall forward the fee and all
806 necessary information to the secretary of the proper county
807 executive committee within two (2) business days.

808 (b) Assessments made pursuant to paragraphs (d) and (e)
809 of Section 23-15-297 shall be paid by each independent candidate
810 or special election candidate to the circuit clerk of such
811 candidate's county of residence by 5:00 p.m. on March 1 of the
812 year in which the primary election for the office is held or on
813 the date of the qualifying deadline provided by statute for the
814 office, whichever is earlier; however, no such assessments may be
815 paid before January 1 of the year in which the primary election
816 for the office is held. The circuit clerk shall forward the fee
817 and all necessary information to the secretary of the proper
818 county election commission within two (2) business days.



819 (3) (a) Assessments made pursuant to paragraphs (f) and (g)
820 of Section 23-15-297 must be paid by each candidate who seeks a
821 nomination in the political party election to the secretary of the
822 state executive committee with which the candidate is affiliated
823 by 5:00 p.m. sixty (60) days before the presidential preference
824 primary in years in which a presidential preference primary is
825 held; however, no such assessments may be paid before January 1 of
826 the year in which the primary election for the office is held.
827 Assessments made pursuant to paragraphs (f) and (g) of Section
828 23-15-297, in years when a presidential preference primary is not
829 being held, shall be paid by each candidate who seeks a nomination
830 in the political party election to the secretary of the state
831 executive committee with which the candidate is affiliated by 5:00
832 p.m. on March 1 of the year in which the primary election for the
833 office is held; however, no such assessments may be paid before
834 January 1 of the year in which the primary election for the office
835 is held.

836 (b) Assessments made pursuant to paragraphs (f) and (g)
837 of Section 23-15-297 must be paid by each independent candidate or
838 special election candidate to the Secretary of State by 5:00 p.m.
839 sixty (60) days before the presidential preference primary in
840 years in which a presidential preference primary is held; however,
841 no such assessments may be paid before January 1 of the year in
842 which the primary election for the office is held. Assessments
843 made pursuant to paragraphs (f) and (g) of Section 23-15-297, in



844 years when a presidential preference primary is not being held,
845 shall be paid by each independent candidate or special election
846 candidate to the Secretary of State by 5:00 p.m. on March 1 of the
847 year in which the primary election for the office is held;
848 however, no such assessments may be paid before January 1 of the
849 year in which the primary election for the office is held.

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

855 (b) The state executive committee shall transmit to the
856 Secretary of State a copy of the written statements accompanying
857 the fees paid pursuant to subsections (1) and (2) of this section.
858 All copies must be received by the Office of the Secretary of
859 State by not later than 6:00 p.m. on the date of the qualifying
860 deadline; provided, however, the failure of the Office of the
861 Secretary of State to receive such copies by 6:00 p.m. on the date
862 of the qualifying deadline shall not affect the qualification of a
863 person who pays the required fee and files the required statement
864 by 5:00 p.m. on the date of the qualifying deadline. The name of
865 any person who pays the required fee and files the required
866 statement after 5:00 p.m. on the date of the qualifying deadline
867 shall not be placed on the primary election ballot or the general
868 election ballot.



869 (5) The Secretary of State or the secretary or circuit clerk
870 to whom such payments are made shall promptly receipt for same
871 stating the office for which such candidate making payment is
872 running and the political party with which he or she is
873 affiliated, if applicable, and he or she shall keep an itemized
874 account in detail showing the exact time and date of the receipt
875 of each payment received by him or her and, where applicable, the
876 date of the postmark on the envelope containing the fee and from
877 whom, and for what office the party paying same is a candidate.

878 (6) The secretaries of the proper executive committee shall
879 hold said funds to be finally disposed of by order of their
880 respective executive committees. Such funds may be used or
881 disbursed by the executive committee receiving same to pay all
882 necessary traveling or other necessary expenses of the members of
883 the executive committee incurred in discharging their duties as
884 committeemen, and of their secretary and may pay the secretary
885 such salary as may be reasonable. The Secretary of State shall
886 deposit any qualifying fees received from candidates into the
887 Elections Support Fund established in Section 23-15-5.

888 (7) Upon receipt of the proper fee and all necessary
889 information, the proper executive committee or the Secretary of
890 State, whichever is applicable, shall then determine whether each
891 candidate is a qualified elector of the state, state district,
892 county or county district which they seek to serve, and whether
893 each candidate meets all other qualifications to hold the office



894 he is seeking or presents absolute proof that he or she will,
895 subject to no contingencies, meet all qualifications on or before
896 the date of the general or special election at which he could be
897 elected to office. The proper executive committee or the
898 Secretary of State, whichever is applicable, shall determine
899 whether the candidate has taken the steps necessary to qualify for
900 more than one (1) office at the election. The committee or the
901 Secretary of State, whichever is applicable, shall also determine
902 whether any candidate has been convicted of any felony in a court
903 of this state, or has been convicted on or after December 8, 1992,
904 of any offense in another state which is a felony under the laws
905 of this state, or has been convicted of any felony in a federal
906 court on or after December 8, 1992. Excepted from the above are
907 convictions of manslaughter and violations of the United States
908 Internal Revenue Code or any violations of the tax laws of this
909 state unless the offense also involved misuse or abuse of his
910 office or money coming into his hands by virtue of his office. If
911 the proper executive committee or the Secretary of State,
912 whichever is applicable, finds that a candidate either (a) is not
913 a qualified elector, (b) does not meet all qualifications to hold
914 the office he seeks and fails to provide absolute proof, subject
915 to no contingencies, that he or she will meet the qualifications
916 on or before the date of the general or special election at which
917 he or she could be elected, or (c) has been convicted of a felony
918 as described in this subsection, and not pardoned, then the name



919 of such candidate shall not be placed upon the ballot. If the
920 proper executive committee or the Secretary of State, whichever is
921 applicable, determines that the candidate has taken the steps
922 necessary to qualify for more than one (1) office at the election,
923 the action required by Section 23-15-905, shall be taken.

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

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

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

933 23-15-303. When two (2) or more political parties or
934 political organizations are holding primary elections, each shall
935 be conducted entirely independent of the other but at the same
936 time.

937 The board of supervisors or the supervisor of the district in
938 which the voting precinct is located shall have authority, and it
939 is made its and his duty when requested, to specifically designate
940 the respective places where the precinct election of each party
941 shall be held where there may be a dispute as to the room or exact
942 place for holding such precinct elections.



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

945 23-15-305. The candidate who received the majority number of
946 votes cast for the office which he seeks shall thereby become the
947 nominee of his party for such office and no person shall be
948 declared to be the nominee of his party unless and until he has
949 received a majority of the votes cast for such office, except as
950 hereinafter provided. If no candidate received such majority of
951 the votes cast in the first primary, then the two (2) candidates
952 who receive the highest number of votes cast for such office shall
953 have their names submitted as such candidates to the second
954 primary and the candidate who leads in such second primary shall
955 be nominated for the office.

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

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



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

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

975 23-15-307. The name of any candidate shall not be placed
976 upon the official ballot in general elections as a party nominee
977 who is not nominated as herein provided, and the election of any
978 party nominee who shall be nominated otherwise than as provided in
979 this chapter shall be void and he shall not be entitled to hold
980 the office to which he may have been elected. No political party
981 shall be entitled to recognition, as such, in the appointment of
982 the county or precinct election officers, unless it has made its
983 nominations as herein provided.

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

986 23-15-317. If any person nominated for office in a primary
987 election shall die, be removed after his nomination or withdraw or
988 resign from his candidacy for a legitimate nonpolitical reason as
989 defined in this section, and such vacancy in nomination shall
990 occur between the primary election and the ensuing general
991 election, then the municipal, county or state executive committee
992 with which the original nominee qualified as a candidate in the



993 primary election shall nominate a nominee for such office. Where
994 such a party nominee is unopposed each political party registered
995 with the State Board of Election Commissioners shall have the
996 privilege of nominating a candidate for the office involved. Such
997 nominee shall be duly certified by the respective executive
998 committee chairman. Within two (2) days after such nomination is
999 made by the appropriate executive committee, such committee shall
1000 formally notify the Secretary of State of the name of the nominee.
1001 The Secretary of State shall thereupon officially notify the
1002 appropriate officials charged with conducting the election for the
1003 office wherein the vacancy occurred of the name of the nominee.
1004 All nominations made pursuant to the provisions of this section
1005 shall have the same force and effect and shall entitle the
1006 nominees to all rights and privileges that would accrue to them as
1007 if they had been nominated in the regular primary election.

1008 "Legitimate nonpolitical reason" as used in this section
1009 shall be limited to the following:

1010 (a) Reasons of health, which shall include any health
1011 condition which, in the written opinion of a medical doctor, would
1012 be harmful to the health of the candidate if he continued.

1013 (b) Family crises, which shall include circumstances
1014 which would substantially alter the duties and responsibilities of
1015 the candidate to the family or to a family business.

1016 (c) Substantial business conflict, which shall include
1017 the policy of an employer prohibiting employees being candidates



1018 for public offices and an employment change which would result in
1019 the ineligibility of the candidate or which would impair his
1020 capability to properly carry out the functions of the office being
1021 sought.

1022 Any candidate who withdraws based upon a "legitimate
1023 nonpolitical reason" which is not covered by the above definition
1024 shall have the strict burden of proof for his reason.

1025 A candidate who wishes to withdraw for a legitimate
1026 nonpolitical reason shall submit his reason by sworn affidavit.
1027 Such affidavit shall be filed with the state party chairman of the
1028 nominee's party and the State Board of Election Commissioners. No
1029 substitution of candidates shall be authorized, except for death
1030 or disqualification, unless the State Board of Election
1031 Commissioners approves the affidavit as constituting a "legitimate
1032 nonpolitical reason" for the candidate's resignation within five
1033 (5) days of the date the affidavit is submitted to the board.

1034 Immediately upon approval or disapproval of such affidavit,
1035 the State Board of Election Commissioners shall notify the
1036 respective executive committee of same.

1037 **SECTION 38.** Section 23-15-331, Mississippi Code of 1972, is
1038 brought forward as follows:

1039 23-15-331. It shall be the duty of the state executive
1040 committee of each political party to furnish to each county
1041 executive committee, not less than fifty (50) days prior to the
1042 election, the names of all state and state district candidates and



1043 all candidates for legislative districts composed of more than one
1044 county or parts of more than one county who have qualified as
1045 provided by law, and in accordance with the requirements of
1046 Section 23-15-333 a sample of the official ballot to be used in
1047 the primary, the general form of which shall be followed as nearly
1048 as practicable.

1049 **SECTION 39.** Section 23-15-333, Mississippi Code of 1972, is
1050 brought forward as follows:

1051 23-15-333. (1) The county executive committee shall have
1052 printed all necessary ballots, for use in primary elections. The
1053 county executive committee shall have printed all necessary
1054 absentee ballots forty-five (45) days prior to the election as
1055 required by law. The ballots shall contain the names of all the
1056 candidates to be voted for at such election, and there shall be
1057 left on each ballot one (1) blank space under the title of each
1058 office for which a nominee is to be elected; and in the event of
1059 the death of any candidate whose name shall have been printed on
1060 the ballot, the name of the candidate duly substituted in the
1061 place of the deceased candidate may be written in such blank space
1062 by the voter. Except as otherwise provided in subsection (2) of
1063 this section, the order in which the titles to the various offices
1064 shall be printed, and the size, print and quality of the paper of
1065 the ballot is left to the discretion of the county executive
1066 committee. Provided, however, that in all cases the arrangement



1067 of the names of the candidates for each office shall be
1068 alphabetical. No ballot shall be used except those so printed.

1069 (2) The titles for the various offices shall be listed in
1070 the following order:

- 1071 (a) Candidates for national office;
- 1072 (b) Candidates for statewide office;
- 1073 (c) Candidates for state district office;
- 1074 (d) Candidates for legislative office;
- 1075 (e) Candidates for countywide office;
- 1076 (f) Candidates for county district office.

1077 The order in which the titles for the various offices are
1078 listed within each of the categories listed in this subsection is
1079 left to the discretion of the county executive committee.

1080 (3) The county executive committee shall also prepare full
1081 instructions for the guidance of electors at elections as to
1082 obtaining ballots, the manner of marking them, and the mode of
1083 obtaining new ballots in the place of those spoiled by accident.
1084 The instructions shall be printed in large, clear type on "Cards
1085 of Instruction," and the county executive committee shall furnish
1086 the same in sufficient numbers for the use of electors. The cards
1087 shall be preserved by the officers of election and returned by
1088 them to the county executive committee and they may be used, if
1089 applicable, in subsequent elections.

1090 (4) (a) If it is eligible under Section 23-15-266, the
1091 county executive committee may enter into a written agreement with



1092 the circuit clerk or the county election commission authorizing
1093 the circuit clerk or the county election commission to perform any
1094 of the duties required of the county executive committee pursuant
1095 to this section. Any agreement entered into pursuant to this
1096 subsection shall be signed by the chairman of the county executive
1097 committee and the circuit clerk or the chairman of the county
1098 election commission, as appropriate. The county executive
1099 committee shall notify the state executive committee and the
1100 Secretary of State of the existence of such agreement.

1101 (b) If it is eligible under Section 23-15-266, the
1102 municipal executive committee may enter into a written agreement
1103 with the municipal clerk or the municipal election commission
1104 authorizing the municipal clerk or the municipal election
1105 commission to perform any of the duties required of the municipal
1106 executive committee pursuant to this section. Any agreement
1107 entered into pursuant to this subsection shall be signed by the
1108 chairman of the municipal executive committee and the municipal
1109 clerk or the chairman of the municipal election commission, as
1110 appropriate. The municipal executive committee shall notify the
1111 state executive committee and the Secretary of State of the
1112 existence of such agreement.

1113 **SECTION 40.** Section 23-15-363, Mississippi Code of 1972, is
1114 brought forward as follows:

1115 23-15-363. After the proper officer has knowledge of or has
1116 been notified of the nomination, as provided, of any candidate for



1117 office, the officer shall not omit his name from the ballot,
1118 unless upon the written request of the candidate nominated, made
1119 at least ten (10) days before the election, and in no case after
1120 such ballot has been printed; and every ballot shall contain the
1121 names of all candidates nominated as specified, and not duly
1122 withdrawn.

1123 **SECTION 41.** Section 23-15-597, Mississippi Code of 1972, is
1124 brought forward as follows:

1125 23-15-597. (1) The county executive committee shall meet on
1126 the first or second day after each primary election, shall receive
1127 and canvass the returns which must be made within the time fixed
1128 by law for returns of general elections and declare the result,
1129 and announce the name of the nominees for county and county
1130 district offices and the names of those candidates to be submitted
1131 to the second primary. The vote for state, state district offices
1132 and legislative offices shall be tabulated by precincts and
1133 certified to and returned to the state executive committee, such
1134 returns to be mailed by registered letter or any safe mode of
1135 transmission within thirty-six (36) hours after the returns are
1136 canvassed and the result ascertained. The state executive
1137 committee shall meet a week from the day following the first
1138 primary election held for state, state district offices and
1139 legislative offices, and shall proceed to canvass the returns and
1140 to declare the result, and announce the names of those nominated
1141 for the different offices in the first primary and the names of



1142 those candidates whose names are to be submitted to the second
1143 primary election. The state executive committee shall also meet a
1144 week from the day on which the second primary election was held
1145 and receive and canvass the returns for state and district
1146 offices, if any, and legislative offices, if any, voted on in such
1147 second primary. An exact and full duplicate of all tabulations by
1148 precincts as certified under this section shall be filed with the
1149 circuit clerk of the county who shall safely preserve the same in
1150 his office.

1151 (2) (a) If it is eligible under Section 23-15-266, the
1152 county executive committee may enter into a written agreement with
1153 the circuit clerk or the county election commission authorizing
1154 the circuit clerk or the county election commission to perform any
1155 of the duties required of the county executive committee pursuant
1156 to this section. Any agreement entered into pursuant to this
1157 subsection shall be signed by the chairman of the county executive
1158 committee and the circuit clerk or the chairman of the county
1159 election commission, as appropriate. The county executive
1160 committee shall notify the state executive committee and the
1161 Secretary of State of the existence of such agreement.

1162 (b) If it is eligible under Section 23-15-266, the
1163 municipal executive committee may enter into a written agreement
1164 with the municipal clerk or the municipal election commission
1165 authorizing the municipal clerk or the municipal election
1166 commission to perform any of the duties required of the municipal



1167 executive committee pursuant to this section. Any agreement
1168 entered into pursuant to this subsection shall be signed by the
1169 chairman of the municipal executive committee and the municipal
1170 clerk or the chairman of the municipal election commission, as
1171 appropriate. The municipal executive committee shall notify the
1172 state executive committee and the Secretary of State of the
1173 existence of such agreement.

1174 **SECTION 42.** Section 23-15-599, Mississippi Code of 1972, is
1175 brought forward as follows:

1176 23-15-599. (1) (a) Within ten (10) days after the first
1177 primary election and within ten (10) days after the second primary
1178 election, if any, the chairman of the state executive committee
1179 shall transmit to the Secretary of State a tabulated statement of
1180 the party vote cast in each county and precinct in each county in
1181 each state and state district election, and each legislative
1182 election for districts consisting of more than one (1) county or
1183 parts of more than one (1) county. The statement shall be
1184 transmitted by the state executive committee on such forms and by
1185 such methods as may be required by rules and regulations
1186 promulgated by the Secretary of State. The statement shall be
1187 filed by the Secretary of State and preserved among the records of
1188 his office.

1189 (b) The statement provided for in paragraph (a) of this
1190 subsection shall contain a certification signed and dated by the



1191 chairman of the state executive committee, which shall read as
1192 follows:

1193 "I _____, Chairman of the _____ Party
1194 State Executive Committee, do hereby certify that, on a
1195 majority vote of the _____ Party State Executive
1196 Committee, these vote totals for each county and for each
1197 candidate are the official vote totals for the election
1198 reflected therein."

1199 (2) (a) Within ten (10) days after the first primary
1200 election and within ten (10) days after the second primary
1201 election, if any, the county executive committee shall transmit to
1202 the Secretary of State a tabulated statement of the party vote
1203 cast in their county and each precinct in their county in each
1204 election for county and county district office and each election
1205 for legislative office for districts containing one (1) county or
1206 less. The statement shall be transmitted by the county executive
1207 committee on such forms and by such methods as may be required by
1208 rules and regulations promulgated by the Secretary of State. The
1209 statement shall be filed by the Secretary of State and preserved
1210 among the records of his office.

1211 (b) The statement provided for in paragraph (a) of this
1212 subsection shall contain a certification signed and dated by the
1213 majority of the members of the county executive committee, which
1214 shall read as follows:



1215 "We, the undersigned members of the county executive
1216 committee, do hereby certify that these vote totals for each
1217 candidate are the official vote totals for the election
1218 reflected therein."

1219 **SECTION 43.** Section 23-15-605, Mississippi Code of 1972, is
1220 brought forward as follows:

1221 23-15-605. The Secretary of State, immediately after
1222 receiving the returns of an election, not longer than thirty (30)
1223 days after the election, shall sum up the whole number of votes
1224 given for each candidate other than candidates for state offices,
1225 legislative offices composed of one (1) county or less, county
1226 offices and county district offices, according to the statements
1227 of the votes certified to him and ascertain the person or persons
1228 having the largest number of votes for each office, and declare
1229 such person or persons to be duly elected; and thereupon all
1230 persons chosen to any office at the election shall be commissioned
1231 by the Governor; but if it appears that two (2) or more candidates
1232 for any district office where the district is composed of two (2)
1233 or more counties, standing highest on the list, and not elected,
1234 have an equal number of votes, the election shall be forthwith
1235 decided between the candidates having an equal number of votes by
1236 lot, fairly and publicly drawn, under the direction of the
1237 Governor and Secretary of State.

1238 **SECTION 44.** Section 23-15-607, Mississippi Code of 1972, is
1239 brought forward as follows:



1240 23-15-607. (1) The commissioners of election shall, within
1241 ten (10) days after an election for judges of the Supreme Court or
1242 Court of Appeals, transmit to the Secretary of State, to be filed
1243 in his office, a statement of the whole number of votes given in
1244 their county, and the whole number of votes given in each precinct
1245 in their county, for each candidate for the Office of Judge of the
1246 Supreme Court or Court of Appeals, and the Secretary of State
1247 shall immediately notify each member of the State Board of
1248 Election Commissioners in writing to assemble at his office on a
1249 day to be fixed by him, to be within ten (10) days after the
1250 receipt by him of such statement, and when assembled pursuant to
1251 such notice the State Board of Election Commissioners shall sum up
1252 the whole number of votes given for each candidate for judge of
1253 the Supreme Court or Court of Appeals according to the total
1254 number of votes in each county for each candidate as certified to
1255 the Secretary of State, ascertain the person or persons to be
1256 elected; and thereupon all persons chosen to such office at the
1257 election shall be commissioned by the Governor; but if it appears
1258 that two (2) or more candidates for judge of the Supreme Court or
1259 Court of Appeals standing highest on the list, and not elected,
1260 have an equal number of votes, the election shall be forthwith
1261 decided between the candidates having an equal number of votes by
1262 lots, fairly and publicly drawn under the direction of the State
1263 Board of Election Commissioners.



1264 (2) The statements required by this section shall contain a
1265 certification, signed and dated by a majority of the commissioners
1266 of election, which shall read as follows:

1267 "We, the undersigned commissioners of election, do
1268 hereby certify that this statement of the whole number of
1269 votes contain the official vote for the election reflected
1270 therein."

1271 (3) The statements required by this section shall be
1272 transmitted to the Secretary of State on such forms and by such
1273 methods as may be required by rules and regulations promulgated by
1274 the Secretary of State.

1275 **SECTION 45.** Section 23-15-833, Mississippi Code of 1972, is
1276 brought forward as follows:

1277 23-15-833. Except as otherwise provided by law, the first
1278 Tuesday after the first Monday in November of each year shall be
1279 designated the regular special election day, and on that day an
1280 election shall be held to fill any vacancy in county, county
1281 district, and district attorney elective offices, and any vacancy
1282 in the office of circuit judge or chancellor.

1283 All special elections, or elections to fill vacancies, shall
1284 in all respects be held, conducted and returned in the same manner
1285 as general elections, except that where no candidate receives a
1286 majority of the votes cast in such election, then a runoff
1287 election shall be held three (3) weeks after such election and the
1288 two (2) candidates who receive the highest popular votes for such



1289 office shall have their names submitted as such candidates to the
1290 said runoff and the candidate who leads in such runoff election
1291 shall be elected to the office. When there is a tie in the first
1292 election of those receiving the next highest vote, these two (2)
1293 and the one receiving the highest vote, none having received a
1294 majority, shall go into the runoff election and whoever leads in
1295 such runoff election shall be entitled to the office.

1296 In those years when the regular special election day shall
1297 occur on the same day as the general election, the names of
1298 candidates in any special election and the general election shall
1299 be placed on the same ballot, but shall be clearly distinguished
1300 as general election candidates or special election candidates.

1301 At any time a special election is held on the same day as a
1302 party primary election, the names of the candidates in the special
1303 election may be placed on the same ballot, but shall be clearly
1304 distinguished as special election candidates or primary election
1305 candidates.

1306 **SECTION 46.** Section 23-15-837, Mississippi Code of 1972, is
1307 brought forward as follows:

1308 23-15-837. (1) When a special election shall have been
1309 called to fill any state district office and where only one (1)
1310 person has duly qualified with the State Board of Election
1311 Commissioners to be a candidate in such special election within
1312 the time prescribed by law for qualifying as such candidate, the



1313 State Board of Election Commissioners shall make a finding and
1314 determination of such fact duly entered upon its official minutes.

1315 (2) A finding and determination and certification to office
1316 by the State Board of Election Commissioners, as herein provided,
1317 shall dispense with the holding of the special election.

1318 (3) A certified copy of the finding and determination of the
1319 State Board of Election Commissioners shall be forthwith filed
1320 with the Governor, and the Governor shall appoint the candidate so
1321 certified to fill the unexpired term.

1322 **SECTION 47.** Section 23-15-839, Mississippi Code of 1972, is
1323 brought forward as follows:

1324 23-15-839. (1) When a vacancy shall occur in any county or
1325 county district office, the same shall be filled by appointment by
1326 the board of supervisors of the county, by order entered upon its
1327 minutes, where the vacancy occurs, or by appointment of the
1328 president of the board of supervisors, by and with the consent of
1329 the majority of the board of supervisors, if such vacancy occurs
1330 when said board is not in session, and the clerk of the board
1331 shall certify to the Secretary of State the fact of the
1332 appointment, and the person so appointed shall be commissioned by
1333 the Governor; and if the unexpired term be longer than six (6)
1334 months, such appointee shall serve until a successor is elected as
1335 hereinafter provided, unless the regular special election day on
1336 which the vacancy should be filled occurs in a year in which an
1337 election would normally be held for that office as provided by



1338 law, in which case the person so appointed shall serve the
1339 unexpired portion of the term. Such vacancies shall be filled for
1340 the unexpired term by the qualified electors at the next regular
1341 special election day occurring more than ninety (90) days after
1342 the occurrence of the vacancy. The board of supervisors of the
1343 county shall, within ten (10) days after the happening of the
1344 vacancy, make an order, in writing, directed to the commissioners
1345 of election, commanding an election to be held on the next regular
1346 special election day to fill the vacancy. The election
1347 commissioners shall require each candidate to qualify at least
1348 sixty (60) days before the date of the election, and shall give a
1349 certificate of election to the person elected, and shall return to
1350 the Secretary of State a copy of the order of holding the
1351 election, showing the results thereof, certified by the clerk of
1352 the board of supervisors. The person elected shall be
1353 commissioned by the Governor.

1354 (2) In any election ordered pursuant to this section where
1355 only one (1) person shall have qualified with the commissioners of
1356 election to be a candidate within the time provided by law, the
1357 commissioners of election shall certify to the board of
1358 supervisors that there is but one (1) candidate. Thereupon, the
1359 board of supervisors shall dispense with the election and shall
1360 appoint the candidate so certified to fill the unexpired term.
1361 The clerk of the board shall certify to the Secretary of State the
1362 candidate so appointed to serve in said office and that candidate



1363 shall be commissioned by the Governor. In the event that no
1364 person shall have qualified by 5:00 p.m. sixty (60) days prior to
1365 the date of the election, the commissioners of election shall
1366 certify that fact to the board of supervisors which shall dispense
1367 with the election and fill the vacancy by appointment. The clerk
1368 of the board of supervisors shall certify to the Secretary of
1369 State the fact of the appointment, and the person so appointed
1370 shall be commissioned by the Governor.

1371 **SECTION 48.** Section 23-15-841, Mississippi Code of 1972, is
1372 brought forward as follows:

1373 23-15-841. Nominations for candidates to fill vacancies in
1374 county or county district offices shall be made upon dates to be
1375 fixed by the county executive committee for county or county
1376 district offices. The first and second primaries shall be held on
1377 the dates to be fixed by such executive committees, which
1378 committees shall also fix the dates when the returns are to be
1379 made of the results of such primaries. If there is not sufficient
1380 time, after the election is ordered, for the holding of second
1381 primary to fill such vacancies, on account of the nearness of the
1382 election, from the date at which it is ordered, the executive
1383 committee having such nomination in charge, may submit the result
1384 to the first primary election, the nomination going to the
1385 candidate receiving the highest popular vote. Such special
1386 primary election shall be conducted, as far as applicable, under
1387 the laws governing other primary elections.



1388 **SECTION 49.** Section 23-15-849, Mississippi Code of 1972, is
1389 brought forward as follows:

1390 23-15-849. (1) Vacancies in the office of circuit judge or
1391 chancellor shall be filled for the unexpired term by the qualified
1392 electors at the next regular special election occurring more than
1393 nine (9) months after the existence of the vacancy to be filled,
1394 and the term of office of the person elected to fill a vacancy
1395 shall commence on the first Monday in January following his
1396 election. Upon the occurring of such a vacancy, the Governor
1397 shall appoint a qualified person from the district in which the
1398 vacancy exists to hold the office and discharge the duties thereof
1399 until the vacancy shall be filled by election as provided in this
1400 subsection.

1401 (2) (a) If half or more than half of the term remains,
1402 vacancies in the office of judge of the Supreme Court or Court of
1403 Appeals shall be filled for the unexpired term by the qualified
1404 electors at the next regular election for state officers or for
1405 representatives in Congress occurring more than nine (9) months
1406 after the existence of the vacancy to be filled, and the term of
1407 office of the person elected to fill a vacancy shall commence on
1408 the first Monday in January following his election. If less than
1409 half of the term remains, vacancies in the office of judge of the
1410 Supreme Court or Court of Appeals shall be filled for the
1411 remaining unexpired term solely by appointment as provided in this
1412 subsection.



1413 (b) Upon occurrence of a vacancy, the Governor shall
1414 appoint a qualified person from the district in which the vacancy
1415 exists to hold the office and discharge the duties thereof as
1416 follows:

1417 (i) If less than half of the term remains, the
1418 appointee shall serve until expiration of the term;

1419 (ii) If half or more than half of the term
1420 remains, the appointee shall serve until the vacancy shall be
1421 filled by election as provided in subsection (1) of this section
1422 for judges of the circuit and chancery courts. Elections to fill
1423 vacancies in the office of judge of the Supreme Court or Court of
1424 Appeals shall be held, conducted, returned and the persons elected
1425 commissioned in accordance with the law governing regular
1426 elections for judges of the Supreme Court or Court of Appeals
1427 insofar as they may be applicable.

1428 (c) This subsection (2) shall apply to all
1429 gubernatorial appointees to the Supreme Court or Court of Appeals
1430 who have not stood for special election as of July 2, 2002, as if
1431 Laws of 2002, Chapter 586, were in full force and effect on the
1432 day of each of their appointments.

1433 **SECTION 50.** Section 23-15-921, Mississippi Code of 1972, is
1434 brought forward as follows:

1435 23-15-921. Except as otherwise provided by Section
1436 23-15-961, a person desiring to contest the election of another
1437 person returned as the nominee of the party to any county or



1438 county district office, or as the nominee of a legislative
1439 district composed of one (1) county or less, may, within twenty
1440 (20) days after the primary election, file a petition with the
1441 secretary, or any member of the county executive committee in the
1442 county in which the election was held, setting forth the grounds
1443 upon which the primary election is contested; and it shall be the
1444 duty of the executive committee to assemble by call of the
1445 chairman or three (3) members of said committee, notice of which
1446 contest shall be served five (5) days before said meeting, and
1447 after notifying all parties concerned proceed to investigate the
1448 grounds upon which the election is contested and, by majority vote
1449 of members present, declare the true results of such primary.

1450 **SECTION 51.** Section 23-15-923, Mississippi Code of 1972, is
1451 brought forward as follows:

1452 23-15-923. Except as otherwise provided in Section
1453 23-15-961, a person desiring to contest the election of another
1454 returned as the nominee in state, congressional and judicial
1455 districts, and in legislative districts composed of more than one
1456 (1) county or parts of more than one (1) county, upon complaint
1457 filed with the chairman of the state executive committee, by
1458 petition, reciting the grounds upon which the election is
1459 contested. If necessary and with the advice of four (4) members
1460 of said committee, the chairman shall issue his fiat to the
1461 chairman of the appropriate county executive committee, and in
1462 like manner as in the county office, the county committee shall



1463 investigate the complaint and return their findings to the
1464 chairman of the state committee. The state executive committee by
1465 majority vote of members present shall declare the true results of
1466 such primary.

1467 **SECTION 52.** Section 23-15-927, Mississippi Code of 1972, is
1468 brought forward as follows:

1469 23-15-927. When and after any contest has been filed with
1470 the county executive committee, or complaint with the State
1471 Executive Committee, and the executive committee having
1472 jurisdiction fails to promptly meet or, having met, fails or
1473 unreasonably delays to fully act upon the contest or complaint or
1474 fails to give with reasonable promptness the full relief required
1475 by the facts and the law, the contestant shall have the right
1476 forthwith to file in the circuit court of the county in which the
1477 irregularities are charged to have occurred, or, if more than one
1478 (1) county is involved, then in one (1) of the counties, a sworn
1479 copy of his protest or complaint, together with a sworn petition,
1480 setting forth with particularity how the executive committee has
1481 wrongfully failed to act or to fully and promptly investigate or
1482 has wrongfully denied the relief prayed by the contest, with a
1483 prayer for a judicial review thereof. A petition for judicial
1484 review must be filed within ten (10) days after any contest or
1485 complaint has been filed with an executive committee. The
1486 petition for a judicial review shall not be filed unless it bears
1487 the certificate of two (2) practicing attorneys stating that they



1488 have each fully made an independent investigation into the matters
1489 of fact and of law upon which the protest and petition are based,
1490 and that after the investigation they believe that the protest and
1491 petition should be sustained and that the relief prayed in the
1492 protest and petitions should be granted; the two (2) attorneys may
1493 not be practicing in the same law firm. The petitioner shall give
1494 a cost bond in the sum of Three Hundred Dollars (\$300.00), with
1495 two (2) or more sufficient sureties conditioned to pay all costs
1496 in case his petition be dismissed, and an additional bond may be
1497 required, by the judge, if necessary, at any subsequent stage of
1498 the proceedings. The filing of the petition for judicial review
1499 in the manner set forth in this section shall automatically
1500 supersede and suspend the operation and effect of the order,
1501 ruling or judgment of the executive committee appealed from. In
1502 no event shall a prayer for relief be filed in any court other
1503 than the appropriate circuit court as authorized in this section.

1504 **SECTION 53.** Section 23-15-929, Mississippi Code of 1972, is
1505 brought forward as follows:

1506 23-15-929. Upon the filing of the petition and bond as
1507 provided for in Section 23-15-927, the circuit clerk shall
1508 immediately, by registered letter or by telegraph or telephone, or
1509 personally, notify the Chief Justice of the Supreme Court, or, in
1510 his absence, or disability, some other judge of the Supreme Court,
1511 who shall forthwith designate and notify a circuit judge or a
1512 retired judge on senior status of a district other than that which



1513 embraces the county or any of the counties, involved in the
1514 contest or complaint, to proceed to the county in which the
1515 contest or complaint has been filed to hear and determine the
1516 contest or complaint, and it shall be the official duty of the
1517 trial judge to proceed to the discharge of the designated duty at
1518 the earliest possible date to be fixed by the judge and of which
1519 the contestant and contestee shall have reasonable notice, to be
1520 served in such reasonable manner as the judge may direct, in
1521 response to which notice the contestee shall promptly file his
1522 answer, and also his cross-complaint if he has one to prefer.

1523 **SECTION 54.** Section 23-15-931, Mississippi Code of 1972, is
1524 brought forward as follows:

1525 23-15-931. When the day for the hearing has been set, the
1526 circuit clerk shall issue subpoenas for witnesses as in other
1527 litigated cases, and he shall also issue a summons to each of the
1528 five (5) election commissioners of the county, unless they waive
1529 summons, requiring them to attend the hearing, throughout which
1530 the commissioners shall sit with the judge as advisors or
1531 assistants in the trial and determination of the facts, and as
1532 assistants in counts, calculations and inspections, and in seeing
1533 to it that ballots, papers, documents, books and the like are
1534 diligently secured against misplacement, alteration, concealment
1535 or loss both in the sessions and during recesses or adjournments.
1536 The judge is, however, the controlling judge both of the facts and
1537 the law, and has all the power in every respect of a circuit judge



1538 in termtime. The tribunal shall be attended by the sheriff, and
1539 clerk, each with sufficient deputies, and by a court reporter.
1540 The special tribunal so constituted shall fully hear the contest
1541 or complaint de novo, and the original contestant before the party
1542 executive committee shall have the burden of proof and the burden
1543 of going forward with the evidence in the hearing before the
1544 special tribunal. The special tribunal, after the contest or
1545 complaint has been fully heard anew, shall make a finding dictated
1546 to the reporter covering all controverted material issues of fact,
1547 together with any dissents of any commissioner, and thereupon, the
1548 trial judge shall enter the judgment which the county executive
1549 committee should have entered, of which the election commissioners
1550 shall take judicial notice, or if the matter be one within the
1551 jurisdiction of the State Executive Committee, the judgment shall
1552 be certified and promptly forwarded to the Secretary of the State
1553 Executive Committee, and, in the absence of an appeal, it shall be
1554 the duty of the State Executive Committee forthwith to reassemble
1555 and revise any decision theretofore made by it so as to conform to
1556 the judicial judgment; that when the contest is upon a complaint
1557 filed with the State Executive Committee and the petition to the
1558 court avers that the wrong or irregularity is one which occurred
1559 wholly within the proceedings of the state committee, the petition
1560 to the court shall be filed in the Circuit Court of Hinds County
1561 and, after notice served, shall be promptly heard by the circuit
1562 judge of that county, without the attendance of commissioners.



1563 **SECTION 55.** Section 23-15-933, Mississippi Code of 1972, is
1564 brought forward as follows:

1565 23-15-933. The contestant or contestee, or both, may file an
1566 appeal in the Supreme Court within the time and under such
1567 conditions and procedures as are established by the Supreme Court
1568 for other appeals. If the findings of fact have been concurred in
1569 by all the commissioners in attendance, provided as many as three
1570 (3) commissioners are and have been in attendance, the facts shall
1571 not be subject to appellate review. But if not so many as three
1572 (3) of the commissioners are or have been in attendance, or if one
1573 or more commissioners dissent, upon review, the Supreme Court may
1574 make such findings as the evidence requires.

1575 **SECTION 56.** Section 23-15-935, Mississippi Code of 1972, is
1576 brought forward as follows:

1577 23-15-935. The trial judge shall have the same power to
1578 compel the attendance of the election commissioners upon and
1579 throughout the hearings as is given to the judge of a circuit
1580 court to compel the attendance of jurors, and the commissioners
1581 must attend unless physically unable so to do. But if any one or
1582 more or all of the commissioners are absent so as to not be served
1583 with notice, or is or are physically unable to attend, the trial
1584 judge shall proceed without them or any of them, so that the
1585 hearing shall not be delayed on their account or on account of any
1586 one or more of them. When, under Section 23-15-937, the hearing
1587 is transferred in whole or in part to another county or counties,



1588 the election commissioners of the county or counties to which the
1589 hearing is transferred shall attend the hearings in their
1590 respective counties, subject to foregoing provisions in respect to
1591 absent or disabled commissioners.

1592 **SECTION 57.** Section 23-15-937, Mississippi Code of 1972, is
1593 brought forward as follows:

1594 23-15-937. If more than one (1) county is involved in a
1595 contest or complaint, the judge shall have the authority to
1596 transfer the hearing to a more convenient county within the
1597 district, if the contest or complaint involves a district office,
1598 or within the state if the contest or complaint involves a state
1599 office; or the judge may proceed to any county or counties in
1600 which the facts complained of are charged to have transpired, and
1601 there hear the evidence and make a finding of facts relating to
1602 that county and any convenient neighboring county or counties,
1603 but, in any event, if possible with due diligence to do so, the
1604 hearing must be completed and final judgment rendered in time to
1605 permit the printing and distribution of the official ballots at
1606 the election for which the contested nomination is made. When any
1607 judge lawfully designated to hear a contest or complaint shall not
1608 promptly and diligently proceed with the hearing and final
1609 determination of the contest or complaint, he shall be guilty of a
1610 high misdemeanor in office unless excused by actual illness, or by
1611 an equivalent excuse. When no final decision has been made by the
1612 time the official ballots are required to be printed, the name of



1613 the nominee declared by the party executive committee shall be
1614 printed on the official ballots as the party nominee, but the
1615 contest or complaint shall not thereby be dismissed but the cause
1616 shall nevertheless proceed to final judgment and if the judgment
1617 is in favor of the contestant, the election of the contestee shall
1618 thereby be vacated and the Governor, or the Lieutenant Governor,
1619 in case the Governor is a party to the contest, shall call a
1620 special election for the office or offices involved. If the
1621 contestee has already entered upon the term he shall vacate the
1622 office upon the qualification of the person elected at the special
1623 election, and may be removed by quo warranto if he fail so to do.

1624 **SECTION 58.** Section 23-15-941, Mississippi Code of 1972, is
1625 brought forward as follows:

1626 23-15-941. If upon the hearing of a primary election contest
1627 or complaint, under Section 23-15-931, it shall distinctly appear
1628 to the trial judge that any person, including a candidate or
1629 election officer, has willfully and corruptly violated any primary
1630 election statute and such violation is by said statute made a
1631 criminal offense, whether a misdemeanor or a felony, it shall be
1632 the duty of the trial judge to issue immediately his warrant for
1633 the arrest of the guilty party, reciting in his order therefor, in
1634 brief, the grounds or causes for the arrest. Such warrant and a
1635 certified copy of the order shall be forthwith placed in the hands
1636 of the sheriff of the county wherein the offense occurred, and the
1637 sheriff shall at once, upon receipt of the warrant, arrest the



1638 party and commit him to prison, unless and until the party give
1639 bond in the sum of Five Hundred Dollars (\$500.00) with two (2) or
1640 more good and sufficient sureties conditioned for his appearance
1641 at the next term of the circuit court and from term to term until
1642 discharged by law. When the arrest has been made and the bond, if
1643 any, given, the sheriff shall deliver all the papers therein with
1644 his return thereon to the circuit clerk who shall file, and
1645 thereafter personally deliver, the same to the foreman of the next
1646 grand jury.

1647 **SECTION 59.** Section 23-15-951, Mississippi Code of 1972, is
1648 brought forward as follows:

1649 23-15-951. Except as otherwise provided by Section 23-15-955
1650 or 23-15-961, a person desiring to contest the election of another
1651 person returned as elected to any office within any county, may,
1652 within twenty (20) days after the election, file a petition in the
1653 office of the clerk of the circuit court of the county, setting
1654 forth the grounds upon which the election is contested. When such
1655 a petition is filed, the circuit clerk shall immediately notify,
1656 by registered letter, telegraph, telephone, or personally the
1657 Chief Justice of the Supreme Court or in his absence, or
1658 disability, some other Justice of the Supreme Court, who shall
1659 forthwith designate and notify a circuit judge or chancellor of a
1660 district other than that which embraces the district, subdistrict,
1661 county or any of the counties, involved in the contest or
1662 complaint, to proceed to the county in which the contest or



1663 complaint has been filed to hear and determine the contest or
1664 complaint. The circuit clerk shall also cause a copy of such
1665 petition to be served upon the contestee, which shall serve as
1666 notice to such contestee.

1667 The Supreme Court shall compile a list of judges throughout
1668 the state to hear such disputes before an election. It shall be
1669 the official duty of the designated circuit judge or chancellor to
1670 proceed to discharge the duty of hearing the contest at the
1671 earliest possible date. The date of the contest shall be fixed by
1672 the judge or chancellor, and the judge or chancellor shall provide
1673 reasonable notice to the contestant and the contestee of the date
1674 and time fixed for the contest. The judge or chancellor shall
1675 cause the contestant and contestee to be served in a reasonable
1676 manner. When the contestee is served, such contestee shall
1677 promptly file his answer, and cross-complaint, if the contestee
1678 has a cross-complaint.

1679 The court shall, at the first term, cause an issue to be made
1680 up and tried by a jury, and the verdict of the jury shall find the
1681 person having the greatest number of legal votes at the election.
1682 If the jury shall find against the person returned elected, the
1683 clerk shall issue a certificate thereof; and the person in whose
1684 favor the jury shall find shall be commissioned by the Governor,
1685 and shall qualify and enter upon the duties of his office. Each
1686 party shall be allowed ten (10) peremptory challenges, and new
1687 trials shall be granted and costs awarded as in other cases. In



1688 case the election of district attorney or other state district
1689 election be contested, the petition may be filed in any county of
1690 the district or in any county of an adjoining district within
1691 twenty (20) days after the election, and like proceedings shall be
1692 had thereon as in the case of county officers, and the person
1693 found to be entitled to the office shall qualify as required by
1694 law and enter upon the duties of his office.

1695 A person desiring to contest the election of another person
1696 returned as elected to any seat in the Mississippi Legislature
1697 shall comply with the provisions of Section 23-15-955. A person
1698 desiring to contest the qualifications of a candidate for
1699 nomination in a political party primary election shall comply with
1700 the provisions of Section 23-15-961.

1701 **SECTION 60.** Section 23-15-953, Mississippi Code of 1972, is
1702 brought forward as follows:

1703 23-15-953. If the petition shall be filed more than forty
1704 (40) days before the term of the circuit court next after the
1705 election which is contested, the summons may be made returnable,
1706 and a trial of the issue be had in vacation, in the manner
1707 prescribed for a trial in vacation of an information in the nature
1708 of a quo warranto; and all of the provisions in reference to a
1709 trial in vacation of such proceedings shall apply to the trial of
1710 issues as to contested elections in the state of case herein
1711 mentioned; but this section shall not be held to include a contest



1712 of the election of a justice court judge, constable, coroner,
1713 surveyor, or member of a board of supervisors.

1714 **SECTION 61.** Section 23-15-961, Mississippi Code of 1972, is
1715 brought forward as follows:

1716 23-15-961. (1) Any person desiring to contest the
1717 qualifications of another person as a candidate for nomination in
1718 a political party primary election shall file a petition
1719 specifically setting forth the grounds of the challenge within ten
1720 (10) days after the qualifying deadline for the office in
1721 question. The petition shall be filed with the executive
1722 committee with whom the candidate in question qualified.

1723 (2) Within ten (10) days of receipt of the petition
1724 described in subsection (1) of this section, the appropriate
1725 executive committee shall meet and rule upon the petition. At
1726 least two (2) days before the hearing to consider the petition,
1727 the appropriate executive committee shall give notice to both the
1728 petitioner and the contested candidate of the time and place of
1729 the hearing on the petition. Each party shall be given an
1730 opportunity to be heard at that meeting and present evidence in
1731 support of his position.

1732 (3) If the appropriate executive committee fails to rule
1733 upon the petition within the time required in subsection (2) of
1734 this section, that inaction shall be interpreted as a denial of
1735 the request for relief contained in the petition.



1736 (4) Any party aggrieved by the action or inaction of the
1737 appropriate executive committee may file a petition for judicial
1738 review to the circuit court of the county in which the executive
1739 committee whose decision is being reviewed sits. The petition
1740 must be filed no later than fifteen (15) days after the date the
1741 petition was originally filed with the appropriate executive
1742 committee. The person filing for judicial review shall give a
1743 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1744 (2) or more sufficient sureties conditioned to pay all costs in
1745 case his petition be dismissed, and an additional bond may be
1746 required, by the court, if necessary, at any subsequent stage of
1747 the proceedings.

1748 (5) Upon the filing of the petition and bond, the circuit
1749 clerk shall immediately, by registered letter or by telegraph or
1750 by telephone, or personally, notify the Chief Justice of the
1751 Supreme Court, or in his absence, or disability, some other judge
1752 of the Supreme Court, who shall forthwith designate and notify a
1753 circuit judge or retired judge on senior status of a district
1754 other than that which embraces the district, subdistrict, county
1755 or any of the counties, involved in the contest or complaint, to
1756 proceed to the county in which the contest or complaint has been
1757 filed to hear and determine the contest or complaint. It shall be
1758 the official duty of the trial judge to proceed to the discharge
1759 of the designated duty at the earliest possible date to be fixed
1760 by the judge and of which the contestant and contestee shall have



1761 reasonable notice. The contestant and contestee are to be served
1762 in a reasonable manner as the judge may direct, in response to
1763 which notice the contestee shall promptly file his answer, and
1764 also his cross-complaint if he has a cross-complaint. The hearing
1765 before the trial court shall be de novo. The matter shall be
1766 tried to the trial judge, without a jury. After hearing the
1767 evidence, the trial judge shall determine whether the candidate
1768 whose qualifications have been challenged is legally qualified to
1769 have his name placed upon the ballot in question. The trial judge
1770 may, upon disqualification of any such candidate, order that such
1771 candidate shall bear the court costs of the proceedings.

1772 (6) Within three (3) days after judgment is rendered by the
1773 circuit court, the contestant or contestee, or both, may file an
1774 appeal in the Supreme Court upon giving a cost bond in the sum of
1775 Three Hundred Dollars (\$300.00), together with a bill of
1776 exceptions which shall state the point or points of law at issue
1777 with a sufficient synopsis of the facts to fully disclose the
1778 bearing and relevancy of such points of law. The bill of
1779 exceptions shall be signed by the trial judge, or in case of his
1780 absence, refusal or disability, by two (2) disinterested
1781 attorneys, as is provided by law in other cases of bills of
1782 exception. The filing of such appeals shall automatically suspend
1783 the decision of the circuit court and the appropriate executive
1784 committee is entitled to proceed based upon their decision unless
1785 and until the Supreme Court, in its discretion, stays further



1786 proceedings in the matter. The appeal shall be immediately
1787 docketed in the Supreme Court and referred to the court en banc
1788 upon briefs without oral argument unless the court shall call for
1789 oral argument, and shall be decided at the earliest possible date,
1790 as a preference case over all others. The Supreme Court shall
1791 have the authority to grant such relief as is appropriate under
1792 the circumstances.

1793 (7) The procedure set forth in this section shall be the
1794 sole and only manner in which the qualifications of a candidate
1795 seeking public office as a party nominee may be challenged prior
1796 to the time of his nomination or election. After a party nominee
1797 has been elected to public office, the election may be challenged
1798 as otherwise provided by law. After a party nominee assumes an
1799 elective office, his qualifications to hold that office may be
1800 contested as otherwise provided by law.

1801 **SECTION 62.** Section 23-15-963, Mississippi Code of 1972, is
1802 brought forward as follows:

1803 23-15-963. (1) Any person desiring to contest the
1804 qualifications of another person who has qualified pursuant to the
1805 provisions of Section 23-15-359, Mississippi Code of 1972, as a
1806 candidate for any office elected at a general election, shall file
1807 a petition specifically setting forth the grounds of the challenge
1808 not later than thirty-one (31) days after the date of the first
1809 primary election set forth in Section 23-15-191, Mississippi Code
1810 of 1972. Such petition shall be filed with the same body with



1811 whom the candidate in question qualified pursuant to Section
1812 23-15-359, Mississippi Code of 1972.

1813 (2) Any person desiring to contest the qualifications of
1814 another person who has qualified pursuant to the provisions of
1815 Section 23-15-213, Mississippi Code of 1972, as a candidate for
1816 county election commissioner elected at a general election, shall
1817 file a petition specifically setting forth the grounds of the
1818 challenge no later than sixty (60) days prior to the general
1819 election. Such petition shall be filed with the county board of
1820 supervisors, being the same body with whom the candidate in
1821 question qualified pursuant to Section 23-15-213, Mississippi Code
1822 of 1972.

1823 (3) Any person desiring to contest the qualifications of
1824 another person who has qualified pursuant to the provisions of
1825 Section 23-15-361, Mississippi Code of 1972, as a candidate for
1826 municipal office elected on the date designated by law for regular
1827 municipal elections, shall file a petition specifically setting
1828 forth the grounds of the challenge no later than thirty-one (31)
1829 days after the date of the first primary election set forth in
1830 Section 23-15-309, Mississippi Code of 1972. Such petition shall
1831 be filed with the municipal commissioners of election, being the
1832 same body with whom the candidate in question qualified pursuant
1833 to Section 23-15-361, Mississippi Code of 1972.

1834 (4) Within ten (10) days of receipt of the petition
1835 described in subsections (1), (2) and (3) of this section, the



1836 appropriate election officials shall meet and rule upon the
1837 petition. At least two (2) days before the hearing to consider
1838 the petition, the appropriate election officials shall give notice
1839 to both the petitioner and the contested candidate of the time and
1840 place of the hearing on the petition. Each party shall be given
1841 an opportunity to be heard at such meeting and present evidence in
1842 support of his position.

1843 (5) If the appropriate election officials fail to rule upon
1844 the petition within the time required above, such inaction shall
1845 be interpreted as a denial of the request for relief contained in
1846 the petition.

1847 (6) Any party aggrieved by the action or inaction of the
1848 appropriate election officials may file a petition for judicial
1849 review to the circuit court of the county in which the election
1850 officials whose decision is being reviewed sits. Such petition
1851 must be filed no later than fifteen (15) days after the date the
1852 petition was originally filed with the appropriate election
1853 officials. Such person filing for judicial review shall give a
1854 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1855 (2) or more sufficient sureties conditioned to pay all costs in
1856 case his petition be dismissed, and an additional bond may be
1857 required, by the court, if necessary, at any subsequent stage of
1858 the proceedings.

1859 (7) The circuit court with whom such a petition for judicial
1860 review has been filed shall at the earliest possible date set the



1861 matter for hearing. Notice shall be given the interested parties
1862 of the time set for hearing by the circuit clerk. The hearing
1863 before the circuit court shall be de novo. The matter shall be
1864 tried to the circuit judge, without a jury. After hearing the
1865 evidence, the circuit judge shall determine whether the candidate
1866 whose qualifications have been challenged is legally qualified to
1867 have his name placed upon the ballot in question. The circuit
1868 judge may, upon disqualification of any such candidate, order that
1869 such candidate shall bear the court costs of the proceedings.

1870 (8) Within three (3) days after judgment is rendered by the
1871 circuit court, the contestant or contestee, or both, may file an
1872 appeal in the Supreme Court upon giving a cost bond in the sum of
1873 Three Hundred Dollars (\$300.00), together with a bill of
1874 exceptions which shall state the point or points of law at issue
1875 with a sufficient synopsis of the facts to fully disclose the
1876 bearing and relevancy of such points of law. The bill of
1877 exceptions shall be signed by the trial judge, or in case of his
1878 absence, refusal or disability, by two (2) disinterested
1879 attorneys, as is provided by law in other cases of bills of
1880 exception. The filing of such appeals shall automatically suspend
1881 the decision of the circuit court and the appropriate election
1882 officials are entitled to proceed based upon their decision unless
1883 and until the Supreme Court, in its discretion, stays further
1884 proceedings in the matter. The appeal shall be immediately
1885 docketed in the Supreme Court and referred to the court en banc



1886 upon briefs without oral argument unless the court shall call for
1887 oral argument, and shall be decided at the earliest possible date,
1888 as a preference case over all others. The Supreme Court shall
1889 have the authority to grant such relief as is appropriate under
1890 the circumstances.

1891 (9) The procedure set forth above shall be the sole and only
1892 manner in which the qualifications of a candidate seeking public
1893 office who qualified pursuant to the provisions of Sections
1894 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
1895 be challenged prior to the time of his election. After any such
1896 person has been elected to public office, the election may be
1897 challenged as otherwise provided by law. After any person assumes
1898 an elective office, his qualifications to hold that office may be
1899 contested as otherwise provided by law.

1900 **SECTION 63.** Section 23-15-1051, Mississippi Code of 1972, is
1901 brought forward as follows:

1902 23-15-1051. All duties in regard to senatorial or other
1903 districts of more than one (1) county shall be performed by the
1904 State Executive Committee; and candidates for any office from such
1905 district shall qualify with the State Executive Committee as the
1906 law provides.

1907 **SECTION 64.** This act shall take effect and be in force from
1908 and after July 1, 2017.

