

By: Representatives Porter, Harness, Gibbs
(72nd)

To: Judiciary A

HOUSE BILL NO. 689

1 AN ACT TO AMEND SECTION 23-15-975, MISSISSIPPI CODE OF 1972,
 2 TO INCLUDE JUSTICE COURT JUDGES IN THE "NONPARTISAN JUDICIAL
 3 ELECTION ACT"; TO AMEND SECTION 23-15-197, MISSISSIPPI CODE OF
 4 1972, TO PROVIDE THE TIME FOR HOLDING AN ELECTION FOR THE OFFICE
 5 OF JUSTICE COURT JUDGE; TO AMEND SECTION 23-15-977, MISSISSIPPI
 6 CODE OF 1972, TO PROVIDE THE QUALIFYING FEE FOR ELECTION TO THE
 7 OFFICE OF JUSTICE COURT JUDGE; TO AMEND SECTIONS 9-11-2,
 8 23-15-193, 23-15-297, 23-15-359, 23-15-973 AND 23-15-1021,
 9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
 10 ACT; TO BRING FORWARD SECTIONS 23-15-833, 23-15-849 AND 23-15-981,
 11 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
 12 AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 23-15-975, Mississippi Code of 1972, is
 15 amended as follows:

16 23-15-975. As used in Sections 23-15-974 through 23-15-985
 17 of this subarticle, the term "judicial office" includes the office
 18 of justice of the Supreme Court, judge of the Court of Appeals,
 19 circuit judge, chancellor, county court judge * * ~~and~~, family
 20 court judge and justice court judge. All such justices and judges
 21 shall be full-time positions and such justices and judges, except
 22 justice court judges, shall not engage in the practice of law
 23 before any court, administrative agency or other judicial or



24 quasi-judicial forum except as provided by law for finalizing
25 pending cases after election to judicial office. Justice court
26 judges may engage in the practice of law before any court,
27 administrative agency or other judicial or quasi-judicial forum.

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

30 23-15-197. (1) Times for holding primary and general
31 elections for congressional offices shall be as prescribed in
32 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

33 (2) Times for holding elections for the office of judge of
34 the Supreme Court shall be as prescribed in Section 23-15-991 and
35 Sections 23-15-974 through 23-15-985, and times for holding
36 elections for the office of judge of the Court of Appeals shall be
37 as prescribed in Section 9-4-5.

38 (3) Times for holding elections for the office of circuit
39 court judge and the office of chancery court judge shall be as
40 prescribed in Sections 23-15-974 through 23-15-985, and Section
41 23-15-1015.

42 (4) Times for holding elections for the office of county
43 election commissioners shall be as prescribed in Section
44 23-15-213.

45 (5) Times for holding elections for the office of levee
46 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
47 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
48 Laws of 1983; and Chapter 438, Laws of 2010.



49 (6) Times for holding elections for the office of justice
50 court judge shall be as prescribed in Section 23-15-193 and
51 Sections 23-15-973 through 23-15-985.

52 **SECTION 3.** Section 23-15-977, Mississippi Code of 1972, is
53 amended as follows:

54 23-15-977. (1) Except as otherwise provided in this
55 section, all candidates for judicial office as defined in Section
56 23-15-975 of this subarticle shall file their intent to be a
57 candidate with the proper officials and pay the proper assessment
58 by not later than 5:00 p.m. on February 1 of the year in which the
59 general election for the judicial office is held. If February 1
60 occurs on a Saturday, Sunday or legal holiday, candidates shall
61 file their intent to be a candidate and pay the proper assessment
62 by 5:00 p.m. on the business day immediately following the
63 Saturday, Sunday or legal holiday. Candidates shall pay to the
64 proper officials the following amounts:

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

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

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

71 (d) Candidates for justice court judge, the sum of One
72 Hundred Dollars (\$100.00).



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

76 (2) Candidates for judicial offices listed in paragraphs (a)
77 and (b) of subsection (1) of this section shall file their intent
78 to be a candidate with, and pay the proper assessment made
79 pursuant to subsection (1) of this section to, the State Board of
80 Election Commissioners.

81 (3) Candidates for judicial offices listed in paragraphs (c)
82 and (d) of subsection (1) of this section shall file their intent
83 to be a candidate with, and pay the proper assessment made
84 pursuant to subsection (1) of this section to, the circuit clerk
85 of the proper county. The circuit clerk shall notify the county
86 election commissioners of all persons who have filed their intent
87 to be a candidate with, and paid the proper assessment to, such
88 clerk. The notification shall occur within two (2) business days
89 and shall contain all necessary information.

90 (4) If only one (1) person files his or her intent to be a
91 candidate for a judicial office and that person later dies,
92 resigns or is otherwise disqualified from holding the judicial
93 office after the deadline provided for in subsection (1) of this
94 section but more than seventy (70) days before the date of the
95 general election, the Governor, upon notification of the death,
96 resignation or disqualification of the person, shall issue a
97 proclamation authorizing candidates to file their intent to be a



98 candidate for that judicial office for a period of not less than
99 seven (7) nor more than ten (10) days from the date of the
100 proclamation.

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

107 **SECTION 4.** Section 9-11-2, Mississippi Code of 1972, is
108 amended as follows:

109 9-11-2. (1) From and after January 1, 1984, there shall be
110 a competent number of justice court judges in each county of the
111 state. The number of justice court judges for each county shall
112 be determined as follows:

113 (a) In counties with a population, according to the
114 latest federal decennial census, of thirty-five thousand (35,000)
115 and less, there shall be two (2) justice court judges * * *~~unless~~
116 ~~the board of supervisors, by resolution duly spread upon its~~
117 ~~minutes, finds that one (1) justice court judge is a competent~~
118 ~~number to adequately handle the needs of the citizens of the~~
119 ~~county.~~

120 (b) In counties with a population, according to the
121 latest federal decennial census, of more than thirty-five thousand
122 (35,000) and less than seventy thousand (70,000), there shall be



123 three (3) justice court judges, unless the board of supervisors,
124 by resolution duly spread upon its minutes, finds that two (2) is
125 a competent number of justice court judges to adequately handle
126 the needs of the citizens of the county.

127 (c) In counties with a population, according to the
128 latest federal decennial census, of seventy thousand (70,000) and
129 less than one hundred fifty thousand (150,000), there shall be
130 four (4) justice court judges, unless the board of supervisors, by
131 resolution duly spread upon its minutes, finds that three (3) is a
132 competent number of justice court judges to adequately handle the
133 needs of the citizens of the county.

134 (d) In counties with a population, according to the
135 latest federal decennial census, of one hundred fifty thousand
136 (150,000) and more, there shall be five (5) justice court judges,
137 unless the board of supervisors, by resolution duly spread upon
138 its minutes, finds that four (4) is a competent number of justice
139 court judges to adequately handle the needs of the citizens of the
140 county.

141 (2) The board of supervisors shall establish single member
142 election districts in the county for the nonpartisan election of
143 each of the justice court judges authorized and required to be
144 elected for the county under the provisions of subsection (1) of
145 this section, and one (1) justice court judge shall be elected for
146 each district by the electors * * *thereof of each district. In
147 any county authorized and required under the provisions of



148 subsection (1) (a) of this section to provide for the election of
149 two (2) justice court judges for the county in which there are two
150 (2) judicial districts, the smaller of such judicial districts,
151 according to population based upon the latest federal decennial
152 census, shall comprise or shall be wholly encompassed within one
153 (1) of * * *~~such~~ the election districts.

154 (3) (a) Nothing in this section shall be construed to
155 authorize or require more than five (5) justice court judges in
156 any one (1) county from and after January 1, 1984, nor to
157 authorize or require an increase in the number of justice court
158 judges for any county during the term of office of any justice
159 court judge.

160 (b) Nothing in this section shall be construed to
161 authorize or require a county to decrease the number of justice
162 court judge positions in the county as of June 30, 2014.

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

165 23-15-297. (1) All candidates, upon entering the race for
166 party nominations for office, shall first pay to the proper
167 officer as provided for in Section 23-15-299 for each primary
168 election the following amounts:

169 (a) Candidates for Governor, the amount determined by
170 the state executive committee of the party pursuant to subsection
171 (2) of this section but no less than One Thousand Dollars
172 (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).



173 (b) Candidates for Lieutenant Governor, Attorney
174 General, Secretary of State, State Treasurer, Auditor of Public
175 Accounts, Commissioner of Insurance, Commissioner of Agriculture
176 and Commerce, State Highway Commissioner and State Public Service
177 Commissioner, the amount determined by the state executive
178 committee of the party pursuant to subsection (2) of this section
179 but no less than Five Hundred Dollars (\$500.00) and no more than
180 Two Thousand Five Hundred Dollars (\$2,500.00).

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

183 (d) Candidates for district attorney, Two Hundred Fifty
184 Dollars (\$250.00).

185 (e) Candidates for sheriff, chancery clerk, circuit
186 clerk, tax assessor, tax collector, county attorney, county
187 superintendent of education and board of supervisors, One Hundred
188 Dollars (\$100.00).

189 (f) Candidates for county surveyor, county
190 coroner * * *, ~~justice court judge~~ and constable, One Hundred
191 Dollars (\$100.00).

192 (g) Candidates for United States Senator, the amount
193 determined by the state executive committee of the party pursuant
194 to subsection (2) of this section but no less than One Thousand
195 Dollars (\$1,000.00) and no more than Five Thousand Dollars
196 (\$5,000.00).



197 (h) Candidates for United States Representative, the
198 amount determined by the state executive committee of the party
199 pursuant to subsection (2) of this section but no less than Five
200 Hundred Dollars (\$500.00) and no more than Two Thousand Five
201 Hundred Dollars (\$2,500.00).

202 (2) (a) The state executive committee of a political party
203 shall set the entry fee that a candidate is to pay upon entering
204 the race for party nominations for the offices listed in
205 paragraphs (a), (b), (g) and (h) of subsection (1) of this section
206 and Section 23-15-1093(2) (a). The authority granted under this
207 subsection shall not be exercised by any state executive committee
208 of a political party for any individual office more than once
209 every two (2) years, beginning July 1, 2022.

210 (b) Each state executive committee of a political party
211 shall report the entry fee determined for each office to the
212 Secretary of State by October 1 of the year before the election is
213 held for that office. If a state executive committee does not
214 meet the deadline in this paragraph for any office, the minimum
215 entry fee shall be assessed for the office in that party's primary
216 election during that election cycle.

217 (3) All independent candidates and special election
218 candidates entering the race for office shall pay to the proper
219 officer as provided for in Section 23-15-299 the following
220 amounts:



221 (a) Candidates for Governor, One Thousand Dollars
222 (\$1,000.00).

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

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

230 (d) Candidates for sheriff, chancery clerk, circuit
231 clerk, tax assessor, tax collector, county attorney, county
232 superintendent of education and board of supervisors, One Hundred
233 Dollars (\$100.00).

234 (e) Candidates for county surveyor, county
235 coroner * * *, ~~justice court judge~~ and constable, One Hundred
236 Dollars (\$100.00).

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

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

241 (4) The Secretary of State shall publish the fees listed in
242 this section and Section 23-15-1093 no later than forty-five (45)
243 days before the qualifying period begins for each office.

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



246 23-15-359. (1) Except as provided in this section, the
247 ballot shall contain the names of all party nominees certified by
248 the appropriate executive committee, and independent and special
249 election candidates who have timely filed petitions containing the
250 required signatures and assessments that must be paid pursuant to
251 Section 23-15-297, if the candidates and nominees meet all of the
252 qualifications to hold the office sought. A petition requesting
253 that an independent or special election candidate's name be placed
254 on the ballot for any office shall be filed as provided for in
255 subsection (3) or (4) of this section, as appropriate, and shall
256 be signed by not less than the following number of qualified
257 electors:

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

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

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

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



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

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

274 (g) For an office elected by the qualified electors of
275 a supervisors district * * *~~or justice court district~~, not less
276 than fifteen (15) qualified electors.

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

280 (2) (a) Unless the petition or fee, whichever is
281 applicable, required above shall be filed as provided for in
282 subsection (3), (4) or (5) of this section, as appropriate, the
283 name of the person requested to be a candidate, unless nominated
284 by a political party, shall not be placed upon the ballot. The
285 ballot shall contain the names of each candidate for each office,
286 and the names shall be listed under the name of the political
287 party that candidate represents as provided by law and as
288 certified to the circuit clerk by the state executive committee of
289 the political party. In the event the candidate qualifies as an
290 independent as provided in this section, he or she shall be listed
291 on the ballot as an independent candidate.



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

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

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

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



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

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

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

337 (9) (a) The appropriate election commission shall determine
338 whether each candidate is a qualified elector of the state, state
339 district, county or county district they seek to serve, and
340 whether each candidate meets all other qualifications to hold the
341 office he or she is seeking or presents absolute proof that he or



342 she will, subject to no contingencies, meet all qualifications on
343 or before the date of the general or special election at which he
344 or she could be elected to office. The election commission shall
345 determine whether the candidate has taken the steps necessary to
346 qualify for more than one (1) office at the election. The
347 election commission also shall determine whether any candidate has
348 been convicted (i) of any felony in a court of this state, (ii) on
349 or after December 8, 1992, of any offense in another state which
350 is a felony under the laws of this state, (iii) of any felony in a
351 federal court on or after December 8, 1992, or (iv) of any offense
352 that involved the misuse or abuse of his or her office or money
353 coming into his or her hands by virtue of the office. Excepted
354 from the above are convictions of manslaughter and violations of
355 the United States Internal Revenue Code or any violations of the
356 tax laws of this state.

357 (b) If the appropriate election commission finds that a
358 candidate either (i) is not a qualified elector, (ii) does not
359 meet all qualifications to hold the office he or she seeks and
360 fails to provide absolute proof, subject to no contingencies, that
361 he or she will meet the qualifications on or before the date of
362 the general or special election at which he or she could be
363 elected, or (iii) has been convicted of a felony or other
364 disqualifying offense as described in paragraph (a) of this
365 subsection, and not pardoned, then the election commission shall
366 notify the candidate and give the candidate an opportunity to be



367 heard. The election commission shall mail notice to the candidate
368 at least three (3) business days before the hearing to the address
369 provided by the candidate on the qualifying forms, and the
370 committee shall attempt to contact the candidate by telephone,
371 email and facsimile if the candidate provided this information on
372 the forms. If the candidate fails to appear at the hearing or to
373 prove that he or she meets all qualifications to hold the office
374 subject to no contingencies, then the name of such candidate shall
375 not be placed upon the ballot. If the appropriate election
376 commission determines that the candidate has taken the steps
377 necessary to qualify for more than one (1) office at the election,
378 the action required by Section 23-15-905, shall be taken.

379 (10) If after the deadline to qualify as a candidate for an
380 office or after the time for holding any party primary for an
381 office, only one (1) person has duly qualified to be a candidate
382 for the office in the general election, the name of that person
383 shall be placed on the ballot; provided, however, that if not more
384 than one (1) person duly qualified to be a candidate for each
385 office on the general election ballot, the election for all
386 offices on the ballot shall be dispensed with and the appropriate
387 election commission shall declare each candidate elected without
388 opposition if the candidate meets all the qualifications to hold
389 the office as determined pursuant to a review by the election
390 commission in accordance with the provisions of subsection (9) of



391 this section and if the candidate has filed all required campaign
392 finance disclosure reports as required by Section 23-15-807.

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

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

397 23-15-973. It shall be the duty of the judges of the circuit
398 court to give a reasonable time and opportunity to the candidates
399 for the office of judge of the Supreme Court, judges of the Court
400 of Appeals, circuit judge * * *~~and~~, chancellor and justice court
401 judge to address the people during court terms. In order to give
402 further and every possible emphasis to the fact that the * * *~~said~~
403 judicial offices are not political but are to be held without
404 favor and with absolute impartiality as to all persons, and
405 because of the jurisdiction conferred upon the courts by this
406 chapter, the judges * * *~~thereof~~ of those offices should be as far
407 removed as possible from any political affiliations or
408 obligations. It shall be unlawful for any candidate for any of
409 the offices mentioned in this section to align himself or herself
410 with any candidate or candidates for any other office or with any
411 political faction or any political party at any time during any
412 primary or general election campaign. Likewise it shall be
413 unlawful for any candidate for any other office nominated or to be
414 nominated at any primary election, wherein any candidate for any
415 of the judicial offices in this section mentioned, is or are to be



416 nominated, to align himself or herself with any one or more of the
417 candidates for * * *~~said~~ the offices or to take any part whatever
418 in any nomination for any one or more of * * *~~said~~ the judicial
419 offices, except to cast his or her individual vote. Any candidate
420 for any office, whether nominated with or without opposition, at
421 any primary wherein a candidate for any one (1) of the judicial
422 offices herein mentioned is to be nominated who shall
423 deliberately, knowingly and willfully violate the provisions of
424 this section shall forfeit his or her nomination, or if elected at
425 the following general election by virtue of * * *~~said~~ the
426 nomination, his or her election shall be void.

427 **SECTION 8.** Section 23-15-1021, Mississippi Code of 1972, is
428 amended as follows:

429 23-15-1021. It shall be unlawful for any individual or
430 political action committee not affiliated with a political party
431 to give, donate, appropriate or furnish directly or indirectly,
432 any money, security, funds or property in excess of Two Thousand
433 Five Hundred Dollars (\$2,500.00) for the purpose of aiding any
434 candidate or candidate's political committee for judge of a
435 county, circuit * * *~~or~~, chancery or justice court or in excess of
436 Five Thousand Dollars (\$5,000.00) for the purpose of aiding any
437 candidate or candidate's political committee for judge of the
438 Court of Appeals or justice of the Supreme Court, or to give,
439 donate, appropriate or furnish directly or indirectly, any money,
440 security, funds or property in excess of Two Thousand Five Hundred



441 Dollars (\$2,500.00) to any candidate or the candidate's political
442 committee for judge of a county, circuit * * *~~or~~, chancery or
443 justice court or in excess of Five Thousand Dollars (\$5,000.00)
444 for the purpose of aiding any candidate or candidate's political
445 committee for judge of the Court of Appeals or justice of the
446 Supreme Court, as a contribution to the expense of a candidate for
447 judicial office.

448 **SECTION 9.** Section 23-15-193, Mississippi Code of 1972, is
449 amended as follows:

450 23-15-193. (1) At the election in 2023, and every four (4)
451 years thereafter, there shall be elected a Governor, Lieutenant
452 Governor, Secretary of State, Auditor of Public Accounts, State
453 Treasurer, Attorney General, three (3) public service
454 commissioners, three (3) Mississippi Transportation Commissioners,
455 Commissioner of Insurance, Commissioner of Agriculture and
456 Commerce, Senators and members of the House of Representatives in
457 the Legislature, district attorneys for the several districts,
458 clerks of the circuit and chancery courts of the several counties,
459 as well as sheriffs, coroners, assessors, surveyors and members of
460 the boards of supervisors, justice court judges and constables,
461 and all other officers to be elected by the people at the general
462 state election. All such officers shall hold their offices for a
463 term of four (4) years, and until their successors are elected and
464 qualified. The state officers shall be elected in the manner
465 prescribed in Section 140 of the Constitution.



466 (2) The state officers that receive a majority of votes cast
467 for the office at the general election shall be elected. If no
468 candidate receives a majority number of votes cast at the
469 election, then the two (2) candidates who receive the highest
470 number of votes cast shall have their names placed on the ballot
471 for the runoff election to be held three (3) weeks later. The
472 candidate who receives a majority of the votes cast in the runoff
473 election shall be elected. However, if no candidate receives a
474 majority vote cast at the election, and there is a tie in the
475 election of those receiving the next highest vote, then those
476 candidates receiving the next highest vote and the candidate
477 receiving the highest number of votes cast shall have their names
478 placed on the ballot for the runoff election to be held three (3)
479 weeks later, and whoever receives the majority of votes cast in
480 the runoff election shall be elected. If it appears that two (2)
481 or more candidates for state office have an equal number of votes
482 after the runoff election, the interested candidates shall appear
483 before the Chief Justice of the Mississippi Supreme Court within
484 two (2) days after the canvass and the tie shall be determined by
485 a toss of a coin or by lot fairly and publicly drawn, and a
486 certificate of election shall be given accordingly.

487 (3) The provisions of Section 23-15-981 shall control the
488 run-off elections of justice court judges.

489 **SECTION 10.** Section 23-15-833, Mississippi Code of 1972, is
490 brought forward as follows:



491 23-15-833. Except as otherwise provided by law, the first
492 Tuesday after the first Monday in November of each year shall be
493 designated the regular special election day, and on that day an
494 election shall be held to fill any vacancy in county, county
495 district, and district attorney elective offices, and any vacancy
496 in the office of circuit judge or chancellor.

497 All special elections, or elections to fill vacancies, shall
498 in all respects be held, conducted and returned in the same manner
499 as general elections, except that where no candidate receives a
500 majority of the votes cast in the election, a runoff election
501 shall be held three (3) weeks after the election. The two (2)
502 candidates who receive the highest popular votes for the office
503 shall have their names submitted as the candidates to the runoff
504 and the candidate who leads in the runoff election shall be
505 elected to the office. When there is a tie in the first election
506 of those receiving the next highest vote, these two (2) and the
507 one receiving the highest vote, none having received a majority,
508 shall go into the runoff election and whoever leads in the runoff
509 election shall be entitled to the office.

510 In those years when the regular special election day shall
511 occur on the same day as the general election, the names of
512 candidates in any special election and the general election shall
513 be placed on the same ballot, but shall be clearly distinguished
514 as general election candidates or special election candidates. At
515 any time a special election is held on the same day as a party



516 primary election, the names of the candidates in the special
517 election may be placed on the same ballot, but shall be clearly
518 distinguished as special election candidates or primary election
519 candidates.

520 **SECTION 11.** Section 23-15-849, Mississippi Code of 1972, is
521 brought forward as follows:

522 23-15-849. (1) Vacancies in the office of circuit judge or
523 chancellor shall be filled for the unexpired term by the qualified
524 electors at the next regular special election occurring more than
525 nine (9) months after the vacancy to be filled occurred, and the
526 term of office of the person elected to fill a vacancy shall
527 commence on the first Monday in January following the election.
528 Upon the occurrence of a vacancy, the Governor shall appoint a
529 qualified person from the district in which the vacancy exists to
530 hold the office and discharge the duties thereof until the vacancy
531 is filled by election as provided in this subsection.

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



541 justice of the Supreme Court or judge of the Court of Appeals
542 shall be filled for the remaining unexpired term solely by
543 appointment as provided in this subsection.

544 (b) Upon occurrence of a vacancy, the Governor shall
545 appoint a qualified person from the district in which the vacancy
546 exists to hold the office and discharge the duties thereof as
547 follows:

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

550 (ii) If half or more than half of the term
551 remains, the appointee shall serve until the vacancy is filled by
552 election as provided in subsection (1) of this section for judges
553 of the circuit and chancery courts. Elections to fill vacancies
554 in the office of justice of the Supreme Court or judge of the
555 Court of Appeals shall be held, conducted, returned and the
556 persons elected commissioned in accordance with the law governing
557 regular elections for justices of the Supreme Court or judges of
558 the Court of Appeals to the extent applicable.

559 **SECTION 12.** Section 23-15-981, Mississippi Code of 1972, is
560 brought forward as follows:

561 23-15-981. If two (2) or more candidates qualify for
562 judicial office, the names of those candidates shall be placed on
563 the general election ballot. If any candidate for such an office
564 receives a majority of the votes cast for such office in the
565 general election, he shall be declared elected. If no candidate



566 for such office receives a majority of the votes cast for such
567 office in the general election, the names of the two (2)
568 candidates receiving the highest number of votes for such office
569 shall be placed on the ballot for a second election to be held
570 three (3) weeks later in accordance with appropriate procedures
571 followed in other elections involving runoff candidates.

572 **SECTION 13.** This act shall take effect and be in force from
573 and after July 1, 2024.

