

By: Representative Horan

To: Apportionment and Elections

HOUSE BILL NO. 1035

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 * * *, family court
 20 judge and justice court judge. All such justices and judges shall
 21 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 * * *.

116 (b) In counties with a population, according to the
117 latest federal decennial census, of more than thirty-five thousand
118 (35,000) and less than seventy thousand (70,000), there shall be
119 three (3) justice court judges, unless the board of supervisors,
120 by resolution duly spread upon its minutes, finds that two (2) is
121 a competent number of justice court judges to adequately handle
122 the needs of the citizens of the county.



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

130 (d) In counties with a population, according to the
131 latest federal decennial census, of one hundred fifty thousand
132 (150,000) and more, there shall be five (5) justice court judges,
133 unless the board of supervisors, by resolution duly spread upon
134 its minutes, finds that four (4) is a competent number of justice
135 court judges to adequately handle the needs of the citizens of the
136 county.

137 (2) The board of supervisors shall establish single member
138 election districts in the county for the nonpartisan election of
139 each of the justice court judges authorized and required to be
140 elected for the county under the provisions of subsection (1) of
141 this section, and one (1) justice court judge shall be elected for
142 each district by the electors * * * of each district. In any
143 county authorized and required under the provisions of subsection
144 (1)(a) of this section to provide for the election of two (2)
145 justice court judges for the county in which there are two (2)
146 judicial districts, the smaller of such judicial districts,
147 according to population based upon the latest federal decennial



148 census, shall comprise or shall be wholly encompassed within one
149 (1) of * * * the election districts.

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

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

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

161 23-15-297. (1) All candidates, upon entering the race for
162 party nominations for office, shall first pay to the proper
163 officer as provided for in Section 23-15-299 for each primary
164 election the following amounts:

165 (a) Candidates for Governor, the amount determined by
166 the state executive committee of the party pursuant to subsection
167 (2) of this section but no less than One Thousand Dollars
168 (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).

169 (b) Candidates for Lieutenant Governor, Attorney
170 General, Secretary of State, State Treasurer, Auditor of Public
171 Accounts, Commissioner of Insurance, Commissioner of Agriculture
172 and Commerce, State Highway Commissioner and State Public Service



173 Commissioner, the amount determined by the state executive
174 committee of the party pursuant to subsection (2) of this section
175 but no less than Five Hundred Dollars (\$500.00) and no more than
176 Two Thousand Five Hundred Dollars (\$2,500.00).

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

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

181 (e) Candidates for sheriff, chancery clerk, circuit
182 clerk, tax assessor, tax collector, county attorney, county
183 superintendent of education and board of supervisors, One Hundred
184 Dollars (\$100.00).

185 (f) Candidates for county surveyor, county
186 coroner * * * and constable, One Hundred Dollars (\$100.00).

187 (g) Candidates for United States Senator, the amount
188 determined by the state executive committee of the party pursuant
189 to subsection (2) of this section but no less than One Thousand
190 Dollars (\$1,000.00) and no more than Five Thousand Dollars
191 (\$5,000.00).

192 (h) Candidates for United States Representative, the
193 amount determined by the state executive committee of the party
194 pursuant to subsection (2) of this section but no less than Five
195 Hundred Dollars (\$500.00) and no more than Two Thousand Five
196 Hundred Dollars (\$2,500.00).



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

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

212 (3) All independent candidates and special election
213 candidates entering the race for office shall pay to the proper
214 officer as provided for in Section 23-15-299 the following
215 amounts:

216 (a) Candidates for Governor, One Thousand Dollars
217 (\$1,000.00).

218 (b) Candidates for Lieutenant Governor, Attorney
219 General, Secretary of State, State Treasurer, Auditor of Public
220 Accounts, Commissioner of Insurance, Commissioner of Agriculture



221 and Commerce, State Highway Commissioner and State Public Service
222 Commissioner, Five Hundred Dollars (\$500.00).

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

225 (d) Candidates for sheriff, chancery clerk, circuit
226 clerk, tax assessor, tax collector, county attorney, county
227 superintendent of education and board of supervisors, One Hundred
228 Dollars (\$100.00).

229 (e) Candidates for county surveyor, county
230 coroner * * * and constable, One Hundred Dollars (\$100.00).

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

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

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

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

240 23-15-359. (1) Except as provided in this section, the
241 ballot shall contain the names of all party nominees certified by
242 the appropriate executive committee, and independent and special
243 election candidates who have timely filed petitions containing the
244 required signatures and assessments that must be paid pursuant to
245 Section 23-15-297, if the candidates and nominees meet all of the



246 qualifications to hold the office sought. A petition requesting
247 that an independent or special election candidate's name be placed
248 on the ballot for any office shall be filed as provided for in
249 subsection (3) or (4) of this section, as appropriate, and shall
250 be signed by not less than the following number of qualified
251 electors:

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

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

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

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

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

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

268 (g) For an office elected by the qualified electors of
269 a supervisors district * * *, not less than fifteen (15) qualified
270 electors.



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

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

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

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



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

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

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

318 (7) The provisions of this section shall not apply to
319 municipal elections or to the election of the offices of justice
320 of the Supreme Court, judge of the Court of Appeals, circuit



321 judge, chancellor, county court judge, justice court judge and
322 family court judge.

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

331 (9) (a) The appropriate election commission shall determine
332 whether each candidate is a qualified elector of the state, state
333 district, county or county district they seek to serve, and
334 whether each candidate meets all other qualifications to hold the
335 office he or she is seeking or presents absolute proof that he or
336 she will, subject to no contingencies, meet all qualifications on
337 or before the date of the general or special election at which he
338 or she could be elected to office. The election commission shall
339 determine whether the candidate has taken the steps necessary to
340 qualify for more than one (1) office at the election. The
341 election commission also shall determine whether any candidate has
342 been convicted (i) of any felony in a court of this state, (ii) on
343 or after December 8, 1992, of any offense in another state which
344 is a felony under the laws of this state, (iii) of any felony in a
345 federal court on or after December 8, 1992, or (iv) of any offense



346 that involved the misuse or abuse of his or her office or money
347 coming into his or her hands by virtue of the office. Excepted
348 from the above are convictions of manslaughter and violations of
349 the United States Internal Revenue Code or any violations of the
350 tax laws of this state.

351 (b) If the appropriate election commission finds that a
352 candidate either (i) is not a qualified elector, (ii) does not
353 meet all qualifications to hold the office he or she seeks and
354 fails to provide absolute proof, subject to no contingencies, that
355 he or she will meet the qualifications on or before the date of
356 the general or special election at which he or she could be
357 elected, or (iii) has been convicted of a felony or other
358 disqualifying offense as described in paragraph (a) of this
359 subsection, and not pardoned, then the election commission shall
360 notify the candidate and give the candidate an opportunity to be
361 heard. The election commission shall mail notice to the candidate
362 at least three (3) business days before the hearing to the address
363 provided by the candidate on the qualifying forms, and the
364 committee shall attempt to contact the candidate by telephone,
365 email and facsimile if the candidate provided this information on
366 the forms. If the candidate fails to appear at the hearing or to
367 prove that he or she meets all qualifications to hold the office
368 subject to no contingencies, then the name of such candidate shall
369 not be placed upon the ballot. If the appropriate election
370 commission determines that the candidate has taken the steps



371 necessary to qualify for more than one (1) office at the election,
372 the action required by Section 23-15-905, shall be taken.

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

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

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

391 23-15-973. It shall be the duty of the judges of the circuit
392 court to give a reasonable time and opportunity to the candidates
393 for the office of judge of the Supreme Court, judges of the Court
394 of Appeals, circuit judge * * *, chancellor and justice court
395 judge to address the people during court terms. In order to give



396 further and every possible emphasis to the fact that the * * *
397 judicial offices are not political but are to be held without
398 favor and with absolute impartiality as to all persons, and
399 because of the jurisdiction conferred upon the courts by this
400 chapter, the judges * * * of those offices should be as far
401 removed as possible from any political affiliations or
402 obligations. It shall be unlawful for any candidate for any of
403 the offices mentioned in this section to align himself or herself
404 with any candidate or candidates for any other office or with any
405 political faction or any political party at any time during any
406 primary or general election campaign. Likewise it shall be
407 unlawful for any candidate for any other office nominated or to be
408 nominated at any primary election, wherein any candidate for any
409 of the judicial offices in this section mentioned, is or are to be
410 nominated, to align himself or herself with any one or more of the
411 candidates for * * * the offices or to take any part whatever in
412 any nomination for any one or more of * * * the judicial offices,
413 except to cast his or her individual vote. Any candidate for any
414 office, whether nominated with or without opposition, at any
415 primary wherein a candidate for any one (1) of the judicial
416 offices herein mentioned is to be nominated who shall
417 deliberately, knowingly and willfully violate the provisions of
418 this section shall forfeit his or her nomination, or if elected at
419 the following general election by virtue of * * * the nomination,
420 his or her election shall be void.



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

423 23-15-1021. It shall be unlawful for any individual or
424 political action committee not affiliated with a political party
425 to give, donate, appropriate or furnish directly or indirectly,
426 any money, security, funds or property in excess of Two Thousand
427 Five Hundred Dollars (\$2,500.00) for the purpose of aiding any
428 candidate or candidate's political committee for judge of a
429 county, circuit * * *, chancery or justice court or in excess of
430 Five Thousand Dollars (\$5,000.00) for the purpose of aiding any
431 candidate or candidate's political committee for judge of the
432 Court of Appeals or justice of the Supreme Court, or to give,
433 donate, appropriate or furnish directly or indirectly, any money,
434 security, funds or property in excess of Two Thousand Five Hundred
435 Dollars (\$2,500.00) to any candidate or the candidate's political
436 committee for judge of a county, circuit * * *, chancery or
437 justice court or in excess of Five Thousand Dollars (\$5,000.00)
438 for the purpose of aiding any candidate or candidate's political
439 committee for judge of the Court of Appeals or justice of the
440 Supreme Court, as a contribution to the expense of a candidate for
441 judicial office.

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

444 23-15-193. (1) At the election in 2023, and every four (4)
445 years thereafter, there shall be elected a Governor, Lieutenant



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

460 (2) The state officers that receive a majority of votes cast
461 for the office at the general election shall be elected. If no
462 candidate receives a majority number of votes cast at the
463 election, then the two (2) candidates who receive the highest
464 number of votes cast shall have their names placed on the ballot
465 for the runoff election to be held three (3) weeks later. The
466 candidate who receives a majority of the votes cast in the runoff
467 election shall be elected. However, if no candidate receives a
468 majority vote cast at the election, and there is a tie in the
469 election of those receiving the next highest vote, then those
470 candidates receiving the next highest vote and the candidate



471 receiving the highest number of votes cast shall have their names
472 placed on the ballot for the runoff election to be held three (3)
473 weeks later, and whoever receives the majority of votes cast in
474 the runoff election shall be elected. If it appears that two (2)
475 or more candidates for state office have an equal number of votes
476 after the runoff election, the interested candidates shall appear
477 before the Chief Justice of the Mississippi Supreme Court within
478 two (2) days after the canvass and the tie shall be determined by
479 a toss of a coin or by lot fairly and publicly drawn, and a
480 certificate of election shall be given accordingly.

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

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

485 23-15-833. Except as otherwise provided by law, the first
486 Tuesday after the first Monday in November of each year shall be
487 designated the regular special election day, and on that day an
488 election shall be held to fill any vacancy in county, county
489 district, and district attorney elective offices, and any vacancy
490 in the office of circuit judge or chancellor.

491 All special elections, or elections to fill vacancies, shall
492 in all respects be held, conducted and returned in the same manner
493 as general elections, except that where no candidate receives a
494 majority of the votes cast in the election, a runoff election
495 shall be held three (3) weeks after the election. The two (2)



496 candidates who receive the highest popular votes for the office
497 shall have their names submitted as the candidates to the runoff
498 and the candidate who leads in the runoff election shall be
499 elected to the office. When there is a tie in the first election
500 of those receiving the next highest vote, these two (2) and the
501 one receiving the highest vote, none having received a majority,
502 shall go into the runoff election and whoever leads in the runoff
503 election shall be entitled to the office.

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

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

516 23-15-849. (1) Vacancies in the office of circuit judge or
517 chancellor shall be filled for the unexpired term by the qualified
518 electors at the next regular special election occurring more than
519 nine (9) months after the vacancy to be filled occurred, and the
520 term of office of the person elected to fill a vacancy shall



521 commence on the first Monday in January following the election.
522 Upon the occurrence of a vacancy, the Governor shall appoint a
523 qualified person from the district in which the vacancy exists to
524 hold the office and discharge the duties thereof until the vacancy
525 is filled by election as provided in this subsection.

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

538 (b) Upon occurrence of a vacancy, the Governor shall
539 appoint a qualified person from the district in which the vacancy
540 exists to hold the office and discharge the duties thereof as
541 follows:

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

544 (ii) If half or more than half of the term
545 remains, the appointee shall serve until the vacancy is filled by



546 election as provided in subsection (1) of this section for judges
547 of the circuit and chancery courts. Elections to fill vacancies
548 in the office of justice of the Supreme Court or judge of the
549 Court of Appeals shall be held, conducted, returned and the
550 persons elected commissioned in accordance with the law governing
551 regular elections for justices of the Supreme Court or judges of
552 the Court of Appeals to the extent applicable.

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

555 23-15-981. If two (2) or more candidates qualify for
556 judicial office, the names of those candidates shall be placed on
557 the general election ballot. If any candidate for such an office
558 receives a majority of the votes cast for such office in the
559 general election, he shall be declared elected. If no candidate
560 for such office receives a majority of the votes cast for such
561 office in the general election, the names of the two (2)
562 candidates receiving the highest number of votes for such office
563 shall be placed on the ballot for a second election to be held
564 three (3) weeks later in accordance with appropriate procedures
565 followed in other elections involving runoff candidates.

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

