

By: Representative Horan

To: Apportionment and Elections

HOUSE BILL NO. 1035  
(As Sent to Governor)

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, who are licensed and/or authorized to practice law by The  
27 Mississippi Bar, may engage in the practice of law before any  
28 court, administrative agency or other judicial or quasi-judicial  
29 forum.

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

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

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

40 (3) Times for holding elections for the office of circuit  
41 court judge and the office of chancery court judge shall be as  
42 prescribed in Sections 23-15-974 through 23-15-985, and Section  
43 23-15-1015.

44 (4) Times for holding elections for the office of county  
45 election commissioners shall be as prescribed in Section  
46 23-15-213.

47 (5) Times for holding elections for the office of levee  
48 commissioner shall be as prescribed in Chapter 12, Laws of 1928;



49 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,  
50 Laws of 1983; and Chapter 438, Laws of 2010.

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

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

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

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

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

71 (c) Candidates for county judge and family court judge,  
72 the sum of \* \* \* One Hundred Dollars (\$100.00).



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

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

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

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

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



98 resignation or disqualification of the person, shall issue a  
99 proclamation authorizing candidates to file their intent to be a  
100 candidate for that judicial office for a period of not less than  
101 seven (7) nor more than ten (10) days from the date of the  
102 proclamation.

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

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

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

115 (a) In counties with a population, according to the  
116 latest federal decennial census, of thirty-five thousand (35,000)  
117 and less, there shall be two (2) justice court judges \* \* \*.

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



123 a competent number of justice court judges to adequately handle  
124 the needs of the citizens of the county.

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

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

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



148 judicial districts, the smaller of such judicial districts,  
149 according to population based upon the latest federal decennial  
150 census, shall comprise or shall be wholly encompassed within one  
151 (1) of \* \* \* the election districts.

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

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

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

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

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

171 (b) Candidates for Lieutenant Governor, Attorney  
172 General, Secretary of State, State Treasurer, Auditor of Public



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

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

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

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

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

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

194 (h) Candidates for United States Representative, the  
195 amount determined by the state executive committee of the party  
196 pursuant to subsection (2) of this section but no less than Five





197 Hundred Dollars (\$500.00) and no more than Two Thousand Five  
198 Hundred Dollars (\$2,500.00).

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

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

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

218 (a) Candidates for Governor, One Thousand Dollars  
219 (\$1,000.00).

220 (b) Candidates for Lieutenant Governor, Attorney  
221 General, Secretary of State, State Treasurer, Auditor of Public



222 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
223 and Commerce, State Highway Commissioner and State Public Service  
224 Commissioner, Five Hundred Dollars (\$500.00).

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

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

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

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

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

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

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

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



247 Section 23-15-297, if the candidates and nominees meet all of the  
248 qualifications to hold the office sought. A petition requesting  
249 that an independent or special election candidate's name be placed  
250 on the ballot for any office shall be filed as provided for in  
251 subsection (3) or (4) of this section, as appropriate, and shall  
252 be signed by not less than the following number of qualified  
253 electors:

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

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

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

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

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

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



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

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

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

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

291 (3) Petitions for offices described in paragraphs (a), (b),  
292 (c), (d) and (e) of subsection (1) of this section shall be filed  
293 with the Secretary of State by no later than 5:00 p.m. on the same  
294 date or business day, as applicable, by which candidates are



295 required to pay the fee provided for in Section 23-15-297;  
296 however, no petition may be filed before January 1 of the year in  
297 which the election for the office is held.

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

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

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



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

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

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



345 or after December 8, 1992, of any offense in another state which  
346 is a felony under the laws of this state, (iii) of any felony in a  
347 federal court on or after December 8, 1992, or (iv) of any offense  
348 that involved the misuse or abuse of his or her office or money  
349 coming into his or her hands by virtue of the office. Excepted  
350 from the above are convictions of manslaughter and violations of  
351 the United States Internal Revenue Code or any violations of the  
352 tax laws of this state.

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



370 subject to no contingencies, then the name of such candidate shall  
371 not be placed upon the ballot. If the appropriate election  
372 commission determines that the candidate has taken the steps  
373 necessary to qualify for more than one (1) office at the election,  
374 the action required by Section 23-15-905, shall be taken.

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

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

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

393 23-15-973. It shall be the duty of the judges of the circuit  
394 court to give a reasonable time and opportunity to the candidates





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



420 this section shall forfeit his or her nomination, or if elected at  
421 the following general election by virtue of \* \* \* the nomination,  
422 his or her election shall be void.

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

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



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

446           23-15-193. (1) At the election in 2023, and every four (4)  
447 years thereafter, there shall be elected a Governor, Lieutenant  
448 Governor, Secretary of State, Auditor of Public Accounts, State  
449 Treasurer, Attorney General, three (3) public service  
450 commissioners, three (3) Mississippi Transportation Commissioners,  
451 Commissioner of Insurance, Commissioner of Agriculture and  
452 Commerce, Senators and members of the House of Representatives in  
453 the Legislature, district attorneys for the several districts,  
454 clerks of the circuit and chancery courts of the several counties,  
455 as well as sheriffs, coroners, assessors, surveyors and members of  
456 the boards of supervisors, justice court judges and constables,  
457 and all other officers to be elected by the people at the general  
458 state election. All such officers shall hold their offices for a  
459 term of four (4) years, and until their successors are elected and  
460 qualified. The state officers shall be elected in the manner  
461 prescribed in Section 140 of the Constitution.

462           (2) The state officers that receive a majority of votes cast  
463 for the office at the general election shall be elected. If no  
464 candidate receives a majority number of votes cast at the  
465 election, then the two (2) candidates who receive the highest  
466 number of votes cast shall have their names placed on the ballot  
467 for the runoff election to be held three (3) weeks later. The  
468 candidate who receives a majority of the votes cast in the runoff



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

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

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

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



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

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

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



518           23-15-849. (1) Vacancies in the office of circuit judge or  
519 chancellor shall be filled for the unexpired term by the qualified  
520 electors at the next regular special election occurring more than  
521 nine (9) months after the vacancy to be filled occurred, and the  
522 term of office of the person elected to fill a vacancy shall  
523 commence on the first Monday in January following the election.  
524 Upon the occurrence of a vacancy, the Governor shall appoint a  
525 qualified person from the district in which the vacancy exists to  
526 hold the office and discharge the duties thereof until the vacancy  
527 is filled by election as provided in this subsection.

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

540           (b) Upon occurrence of a vacancy, the Governor shall  
541 appoint a qualified person from the district in which the vacancy



542 exists to hold the office and discharge the duties thereof as  
543 follows:

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

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

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

557 23-15-981. If two (2) or more candidates qualify for  
558 judicial office, the names of those candidates shall be placed on  
559 the general election ballot. If any candidate for such an office  
560 receives a majority of the votes cast for such office in the  
561 general election, he shall be declared elected. If no candidate  
562 for such office receives a majority of the votes cast for such  
563 office in the general election, the names of the two (2)  
564 candidates receiving the highest number of votes for such office  
565 shall be placed on the ballot for a second election to be held



566 three (3) weeks later in accordance with appropriate procedures  
567 followed in other elections involving runoff candidates.

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

