

By: Senator(s) Fillingane

To: Elections

SENATE BILL NO. 2058

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.

