

By: Representative McBride

To: Apportionment and  
Elections; Judiciary A

HOUSE BILL NO. 660

1 AN ACT TO AMEND SECTIONS 23-15-197, 23-15-973, 23-15-975,  
2 23-15-977, 23-15-991 AND 23-15-993, MISSISSIPPI CODE OF 1972, TO  
3 PROVIDE THAT JUDGES OF THE SUPREME COURT SHALL BE APPOINTED WITH  
4 THE ADVICE AND CONSENT OF THE SENATE AT THE END OF THE CURRENT  
5 TERMS AND EVERY EIGHT YEARS THEREAFTER; TO PROVIDE AN ELECTION AT  
6 THE END OF A TERM TO DETERMINE IF AN INCUMBENT JUDGE SHALL BE  
7 RETAINED OR REMOVED AND A SUCCESSOR APPOINTED; TO REPEAL SECTION  
8 23-15-995, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
9 APPLICABILITY OF ELECTION LAWS TO THE ELECTION OF JUDGES OF THE  
10 SUPREME COURT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-197, Mississippi Code of 1972, is  
13 amended as follows:

14 23-15-197. (1) Times for holding primary and general  
15 elections for congressional offices shall be as prescribed in  
16 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

17 \* \* \*

18 (2) Times for holding elections for the office of circuit  
19 court judge and the office of chancery court judge shall be as  
20 prescribed in Sections 23-15-974 through 23-15-985, and Section  
21 23-15-1015.

22 (3) Times for holding elections for the office of county  
23 election commissioners shall be as prescribed in Section  
24 23-15-213.

25 **SECTION 2.** Section 23-15-973, Mississippi Code of 1972, is  
26 amended as follows:

27 23-15-973. It shall be the duty of the judges of the circuit  
28 court to give a reasonable time and opportunity to the candidates  
29 for the office of \* \* \* judges of the Court of Appeals, circuit  
30 judge and chancellor to address the people during court terms. In  
31 order to give further and every possible emphasis to the fact that



32 the said judicial offices are not political but are to be held  
33 without favor and with absolute impartiality as to all persons,  
34 and because of the jurisdiction conferred upon the courts by this  
35 chapter, the judges thereof should be as far removed as possible  
36 from any political affiliations or obligations. It shall be  
37 unlawful for any candidate for any of the offices mentioned in  
38 this section to align himself with any candidate or candidates for  
39 any other office or with any political faction or any political  
40 party at any time during any primary or general election campaign.  
41 Likewise it shall be unlawful for any candidate for any other  
42 office nominated or to be nominated at any primary election,  
43 wherein any candidate for any of the judicial offices in this  
44 section mentioned, is or are to be nominated, to align himself  
45 with any one or more of the candidates for said offices or to take  
46 any part whatever in any nomination for any one or more of said  
47 judicial offices, except to cast his individual vote. Any  
48 candidate for any office, whether nominated with or without  
49 opposition, at any primary wherein a candidate for any one of the  
50 judicial offices herein mentioned is to be nominated who shall  
51 deliberately, knowingly and willfully violate the provisions of  
52 this section shall forfeit his nomination, or if elected at the  
53 following general election by virtue of said nomination, his  
54 election shall be void.

55 **SECTION 3.** Section 23-15-975, Mississippi Code of 1972, is  
56 amended as follows:

57 23-15-975. As used in Sections 23-15-974 through 23-15-985  
58 of this subarticle, the term "judicial office" includes the office  
59 of \* \* \* judge of the Court of Appeals, circuit judge, chancellor,  
60 county court judge and family court judge. All such \* \* \* judges  
61 shall be full-time positions and such \* \* \* judges shall not  
62 engage in the practice of law before any court, administrative  
63 agency or other judicial or quasi-judicial forum except as



64 provided by law for finalizing pending cases after election to  
65 judicial office.

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

68 23-15-977. (1) All candidates for judicial office as  
69 defined in Section 23-15-975 of this subarticle shall file their  
70 intent to be a candidate with the proper officials not later than  
71 5:00 p.m. on the first Friday after the first Monday in May prior  
72 to the general election for judicial office and shall pay to the  
73 proper officials the following amounts:

74 (a) Candidates for \* \* \* Court of Appeals judge, the  
75 sum of Two Hundred Dollars (\$200.00).

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

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

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

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

94 **SECTION 5.** Section 23-15-991, Mississippi Code of 1972, is  
95 amended as follows:



96           23-15-991. (1) The term of office of judges of the Supreme  
97 Court shall be eight (8) years. Concurrently with the regular  
98 election for representatives in Congress, held next preceding the  
99 expiration of the term of an incumbent, and likewise each eighth  
100 year thereafter, an election shall be held in the Supreme Court  
101 district from which such incumbent was elected at which there  
102 shall be elected a successor to the incumbent, whose term of  
103 office shall thereafter begin on the first Monday of January of  
104 the year in which the term of the incumbent he succeeds expires.  
105 At the end of the current terms of the judges of the Supreme  
106 Court, the Governor shall appoint a successor with the advice and  
107 consent of the Senate who shall serve for a term of eight (8)  
108 years and successors shall be retained or appointed with the  
109 advice and consent of the Senate from thereafter as provided in  
110 this section.

111           (2) In the year prior to the expiration of the term of an  
112 incumbent, and likewise each eighth year thereafter, an election  
113 shall be held at the general election in the Supreme Court  
114 district from which the incumbent Supreme Court judge was elected  
115 or appointed in which the qualified electors shall vote to retain  
116 or remove the judge. If a majority of the qualified electors vote  
117 in favor of retaining a judge, the judge shall serve for another  
118 term. If a majority of the qualified electors vote in favor of  
119 removing a judge, the judge shall serve until the end of the term  
120 and the Governor shall appoint a successor to the incumbent, whose  
121 term of office shall thereafter begin on the first Monday of  
122 January of the year in which the term of the incumbent he succeeds  
123 expires.

124           **SECTION 6.** Section 23-15-993, Mississippi Code of 1972, is  
125 amended as follows:

126           23-15-993. For the purpose of all appointments, each of the  
127 nine (9) judgeships of the Supreme Court shall be considered a  
128 separate office. The three (3) offices in each of the three (3)



129 Supreme Court districts shall be designated Position Number 1,  
130 Position Number 2 and Position Number 3 \* \* \*. In Supreme Court  
131 District Number 1: Position Number 1 shall be that office for  
132 which the term ends in January 1966; Position Number 2 shall be  
133 that office for which the term ends in January 1965; and Position  
134 Number 3 shall be that office for which the term ends in January  
135 1969. In District Number 2: Position Number 1 shall be that  
136 office for which the term ends in January 1972; Position Number 2  
137 shall be that office for which the term ends in January 1969; and  
138 Position Number 3 shall be for that office for which the term ends  
139 in January 1973. In District Number 3: Position Number 1 shall  
140 be that office for which the term ends in January 1969; Position  
141 Number 2 shall be that office for which the term ends in January  
142 1969; and Position Number 3 shall be that office for which the  
143 term ends in January 1965.

144 **SECTION 7.** Section 23-15-995, Mississippi Code of 1972,  
145 which provides for the applicability of election laws to the  
146 election of judges of the Supreme court, is repealed.

147 **SECTION 8.** This act shall take effect and be in force from  
148 and after the date of ratification by the electorate of House  
149 Concurrent Resolution \_\_\_, 2002 Regular Session.

