

By: Representative Fleming

To: Apportionment and
Elections; Judiciary B

HOUSE BILL NO. 515

1 AN ACT TO PRESCRIBE THE PROCEDURE TO BE USED IN A PRIMARY
 2 ELECTION WHEN A VACANCY OCCURS IN CERTAIN JUDICIAL OFFICES; TO
 3 PROVIDE THAT THE STATE EXECUTIVE COMMITTEES SHALL SUPERVISE THE
 4 PRIMARY ELECTIONS FOR CERTAIN JUDICIAL OFFICES; TO PROVIDE THAT
 5 THE NOMINATION OF CANDIDATES FOR THE OFFICES OF JUDGE OF THE
 6 SUPREME COURT AND JUDGE OF THE COURT OF APPEALS WILL BE BY
 7 DISTRICT AND WILL BE HELD CONCURRENTLY WITH THE PRIMARY ELECTIONS
 8 FOR THE NOMINATION OF REPRESENTATIVES IN CONGRESS; TO PROVIDE THAT
 9 NOMINATIONS FOR CIRCUIT COURT JUDGE AND CHANCERY COURT JUDGE WILL
 10 BE MADE IN EVERY COUNTY IN THEIR RESPECTIVE DISTRICTS BY PRIMARY
 11 ELECTION AND WILL BE HELD CONCURRENTLY WITH THE PRIMARY ELECTION
 12 HELD FOR REPRESENTATIVES IN CONGRESS AND EVERY FOUR YEARS
 13 THEREAFTER; TO PROVIDE THAT COUNTY JUDGES MAY BE NOMINATED IN THE
 14 REGULAR JUDICIAL PRIMARY ELECTIONS; TO AMEND SECTIONS 9-4-5,
 15 9-4-15, 9-5-29, 9-5-36, 9-5-50, 9-5-58, 9-7-46, 9-7-51, 23-15-197,
 16 23-15-297, 23-15-359, 23-15-367, 23-15-973, 23-15-993, 23-15-995
 17 AND 23-15-1015, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUDICIAL
 18 ELECTIONS WILL BE PARTISAN ELECTIONS; TO REPEAL SECTIONS
 19 23-15-974, 23-15-975, 23-15-976, 23-15-977, 23-15-978, 23-15-979,
 20 23-15-980, 23-15-981, 23-15-982, 23-15-983, 23-15-984 AND
 21 23-15-985, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE
 22 NONPARTISAN JUDICIAL ELECTION ACT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Primary elections for the nomination of
 25 candidates to fill vacancies in the office of judge of the Supreme
 26 Court shall be held upon the same dates and concurrently with the
 27 primary elections for the nomination of candidates for the office
 28 or offices to be filled in the election at which the vacancies in
 29 the office of judge of the Supreme Court are to be filled.

30 **SECTION 2.** At the primary election in the year in which an
 31 election shall be held pursuant to Section 23-15-849 to fill
 32 vacancies in the office of judge of the Supreme Court, or judge of
 33 the Court of Appeals or circuit judge, or chancellor, vacancy
 34 nominations shall be made for the offices in the manner as
 35 nominations are made for the full term.

36 **SECTION 3.** Party primary elections for the nomination of
 37 candidates for the office of circuit judge, and of chancellor,



38 judge of the Court of Appeals and of judge of the Supreme Court
39 shall be under the supervision and control of the State Executive
40 Committee of the respective political parties, which committees
41 shall discharge in connection with the elections all of the duties
42 imposed upon them in connection with elections for the nomination
43 of candidates for other state officers.

44 **SECTION 4.** Nominations of candidates for the office of judge
45 of the Supreme Court and judge of the Court of Appeals by any
46 political party shall be made by districts, and the primary
47 elections for that purpose shall be held concurrently with the
48 primary elections for the nomination of Representative in
49 Congress, except as may be otherwise provided. The general
50 primary election laws shall apply to and govern the nomination of
51 candidates for the office of judge of the Supreme Court and judge
52 of the Court of Appeals insofar as they may be applicable.

53 **SECTION 5.** Nominations of candidates for the office of
54 circuit court judge and for the office of chancery court judge
55 shall be made in every county in their respective districts by
56 primary election to be held concurrently with the primary election
57 to be held for the nomination of Representatives in Congress in
58 1986 and every four (4) years thereafter. Primary elections for
59 the nominations of candidates for the offices of judge of the
60 circuit and chancery courts shall be held under the general
61 primary election laws of the state.

62 **SECTION 6.** Except where the judge is elected for less than
63 the full four-year term, he may be nominated in the regular
64 judicial primary elections at the same time when nominations for
65 circuit judges and chancellors are made.

66 **SECTION 7.** Section 9-4-5, Mississippi Code of 1972, is
67 amended as follows:

68 9-4-5. (1) The term of office of judges of the Court of
69 Appeals shall be eight (8) years. An election shall be held on
70 the first Tuesday after the first Monday in November 1994, to



71 elect the ten (10) judges of the Court of Appeals, two (2) from
72 each congressional district; provided, however, judges of the
73 Court of Appeals who are elected to take office after the first
74 Monday of January 2002, shall be elected from the Court of Appeals
75 Districts described in subsection (5) of this section. The judges
76 of the Court of Appeals shall begin service on the first Monday of
77 January 1995.

78 (2) (a) In order to provide that the offices of not more
79 than a majority of the judges of said court shall become vacant at
80 any one (1) time, the terms of office of six (6) of the judges
81 first to be elected shall expire in less than eight (8) years.
82 For the purpose of all elections of members of the court, each of
83 the ten (10) judges of the Court of Appeals shall be considered a
84 separate office. The two (2) offices in each of the five (5)
85 districts shall be designated Position Number 1 and Position
86 Number 2, and in qualifying for office as a candidate for any
87 office of judge of the Court of Appeals each candidate shall state
88 the position number of the office to which he aspires and the
89 election ballots shall so indicate.

90 (i) In Congressional District Number 1, the judge
91 of the Court of Appeals for Position Number 1 shall be that office
92 for which the term ends January 1, 1999, and the judge of the
93 Court of Appeals for Position Number 2 shall be that office for
94 which the term ends January 1, 2003.

95 (ii) In Congressional District Number 2, the judge
96 of the Court of Appeals for Position Number 1 shall be that office
97 for which the term ends on January 1, 2003, and the judge of the
98 Court of Appeals for Position Number 2 shall be that office for
99 which the term ends January 1, 2001.

100 (iii) In Congressional District Number 3, the
101 judge of the Court of Appeals for Position Number 1 shall be that
102 office for which the term ends on January 1, 2001, and the judge



103 of the Court of Appeals for Position Number 2 shall be that office
104 for which the term ends January 1, 1999.

105 (iv) In Congressional District Number 4, the judge
106 of the Court of Appeals for Position Number 1 shall be that office
107 for which the term ends on January 1, 1999, and the judge of the
108 Court of Appeals for Position Number 2 shall be that office for
109 which the term ends January 1, 2003.

110 (v) In Congressional District Number 5, the judge
111 of the Court of Appeals for Position Number 1 shall be that office
112 for which the term ends on January 1, 2003, and the judge of the
113 Court of Appeals for Position Number 2 shall be that office for
114 which the term ends January 1, 2001.

115 (b) The laws regulating the general elections shall
116 apply to and govern the elections of judges of the Court of
117 Appeals * * *.

118 (c) In the year prior to the expiration of the term of
119 an incumbent, and likewise each eighth year thereafter, an
120 election shall be held in the manner provided in this section in
121 the district from which the incumbent Court of Appeals judge was
122 elected at which there shall be elected a successor to the
123 incumbent, whose term of office shall thereafter begin on the
124 first Monday of January of the year in which the term of the
125 incumbent he succeeds expires.

126 (3) No person shall be eligible for the office of judge of
127 the Court of Appeals who has not attained the age of thirty (30)
128 years at the time of his election and who has not been a
129 practicing attorney and citizen of the state for five (5) years
130 immediately preceding such election.

131 (4) Any vacancy on the Court of Appeals shall be filled by
132 appointment of the Governor for that portion of the unexpired term
133 prior to the election to fill the remainder of said term according
134 to provisions of Section 23-15-849, Mississippi Code of 1972.



135 (5) (a) The State of Mississippi is hereby divided into
136 five (5) Court of Appeals Districts as follows:

137 **FIRST DISTRICT.** The First Court of Appeals District shall be
138 composed of the following counties and portions of counties:
139 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
140 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
141 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
142 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
143 in Montgomery County the precincts of North Winona, Lodi, Stewart,
144 Nations and Poplar Creek; in Panola County the precincts of East
145 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
146 Springport, South Springport, Eureka, Williamson, East Batesville
147 4, West Batesville 4, Fern Hill, North Batesville A, East
148 Batesville 5 and West Batesville 5; and in Tallahatchie County the
149 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
150 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
151 Murphreesboro and Rosebloom.

152 **SECOND DISTRICT.** The Second Court of Appeals District shall
153 be composed of the following counties and portions of counties:
154 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
155 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
156 Tunica, Warren, Washington and Yazoo; in Attala County the
157 precincts of Northeast, Hesterville, Possomneck, North Central,
158 McAdams, Newport, Sallis and Southwest; that portion of Grenada
159 County not included in the First Court of Appeals District; in
160 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
161 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
162 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
163 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
164 precincts of Conway, West Carthage, Wiggins, Thomastown and
165 Ofahoma; in Madison County the precincts of Farmhaven, Canton
166 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
167 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,



168 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
169 Canton Precinct 1 and Canton Precinct 4; that portion of
170 Montgomery County not included in the First Court of Appeals
171 District; that portion of Panola County not included in the First
172 Court of Appeals District; and that portion of Tallahatchie County
173 not included in the First Court of Appeals District.

174 **THIRD DISTRICT.** The Third Court of Appeals District shall be
175 composed of the following counties and portions of counties:
176 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
177 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
178 portion of Attala County not included in the Second Court of
179 Appeals District; in Jones County the precincts of Northwest High
180 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
181 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
182 Antioch and Landrum; that portion of Leake County not included in
183 the Second Court of Appeals District; that portion of Madison
184 County not included in the Second Court of Appeals District; and
185 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
186 Diamond, Chaparral, Matherville, Coit and Eucutta.

187 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
188 be composed of the following counties and portions of counties:
189 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
190 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
191 that portion of Hinds County not included in the Second Court of
192 Appeals District; and that portion of Jones county not included in
193 the Third Court of Appeals District.

194 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
195 composed of the following counties and portions of counties:
196 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
197 River, Perry and Stone; and that portion of Wayne County not
198 included in the Third Court of Appeals District.

199 (b) The boundaries of the Court of Appeals Districts
200 described in paragraph (a) of this subsection shall be the



201 boundaries of the counties and precincts listed in paragraph (a)
202 of this subsection as such boundaries existed on October 1, 1990.

203 **SECTION 8.** Section 9-4-15, Mississippi Code of 1972, is
204 amended as follows:

205 9-4-15. Primary and general elections for the office of
206 judge of the Court of Appeals shall be held at the same times as
207 primary and general elections for congressional offices.

208 **SECTION 9.** Section 9-5-29, Mississippi Code of 1972, is
209 amended as follows:

210 9-5-29. (1) There shall be four (4) chancellors for the
211 Eighth Chancery Court District.

212 (2) For purposes of appointment, nomination and election,
213 the four (4) chancellorships shall be separate and distinct and
214 denominated for purposes of appointment, nomination and election
215 only as "Place One," "Place Two," "Place Three" and "Place Four."

216 (3) While there shall be no limitation whatsoever upon the
217 powers and duties of said chancellors other than as cast upon them
218 by the Constitution and laws of this state, the court in the
219 Eighth Chancery Court District, in the discretion of the senior
220 chancellor, may be divided into four (4) divisions as a matter of
221 convenience by the entry of an order upon the minutes of the
222 court.

223 **SECTION 10.** Section 9-5-36, Mississippi Code of 1972, is
224 amended as follows:

225 9-5-36. (1) There shall be three (3) chancellors for the
226 Tenth Chancery Court District.

227 (2) For purposes of appointment, nomination and election,
228 the three (3) chancellorships shall be separate and distinct and
229 denominated for purposes of appointment, nomination and election
230 only as "Place One," "Place Two" and "Place Three," respectively.
231 The chancellor to fill Place One shall be a resident of Forrest,
232 Lamar, Marion, Pearl River or Perry County. The chancellor to
233 fill Place Two shall be a resident of Lamar, Marion, Pearl River



234 or Perry County. The chancellor to fill Place Three shall be a
235 resident of Forrest County. Election of the three (3) offices of
236 chancellor shall be by election to be held in every county within
237 the Tenth Chancery Court District of Mississippi.

238 **SECTION 11.** Section 9-5-50, Mississippi Code of 1972, is
239 amended as follows:

240 9-5-50. (1) There shall be three (3) chancellors for the
241 Sixteenth Chancery Court District.

242 (2) For the purposes of appointment, nomination and
243 election, the three (3) chancellorships shall be separate and
244 distinct and denominated for purposes of appointment, nomination
245 and election only as "Place One," "Place Two" and "Place Three."

246 **SECTION 12.** Section 9-5-58, Mississippi Code of 1972, is
247 amended as follows:

248 9-5-58. There shall be two (2) chancellors for the Twentieth
249 Chancery Court District. For purposes of appointment, nomination
250 and election the two (2) chancellorships shall be separate and
251 distinct and denominated for purposes of appointment, nomination
252 and election only as "Place One" and "Place Two."

253 **SECTION 13.** Section 9-7-46, Mississippi Code of 1972, is
254 amended as follows:

255 9-7-46. (1) There shall be three (3) circuit judges for the
256 Seventeenth Circuit Court District.

257 (2) For the purpose of appointment, nomination and election,
258 the three (3) judgeships shall be separate and distinct, and one
259 (1) judge shall be elected from Subdistrict 17-1 and two (2)
260 judges shall be elected from Subdistrict 17-2.

261 **SECTION 14.** Section 9-7-51, Mississippi Code of 1972, is
262 amended as follows:

263 9-7-51. (1) (a) There shall be three (3) circuit judges
264 for the Nineteenth Circuit Court District. For the purposes of
265 appointment, nomination and election, the three (3) judgeships
266 shall be separate and distinct and denominated for purposes of



267 appointment, nomination and election only as "Place One," "Place
268 Two" and "Place Three."

269 (b) The senior judge of the Nineteenth Circuit Court
270 District may divide the court of any county within the district
271 into civil, criminal and appellate court divisions as a matter of
272 convenience by the entry of an order upon the minutes of the
273 court.

274 **SECTION 15.** Section 23-15-197, Mississippi Code of 1972, is
275 amended as follows:

276 23-15-197. (1) Times for holding primary and general
277 elections for congressional offices shall be as prescribed in
278 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

279 (2) Times for holding elections for the office of judge of
280 the Supreme Court shall be as prescribed in Sections 23-15-991 and
281 23-15-997.

282 (3) Times for holding elections for the office of circuit
283 court judge and the office of chancery court judge shall be as
284 prescribed in * * * Section 23-15-1015.

285 (4) Times for holding elections for the office of county
286 election commissioners shall be as prescribed in Section
287 23-15-213.

288 **SECTION 16.** Section 23-15-297, Mississippi Code of 1972, is
289 amended as follows:

290 23-15-297. All candidates upon entering the race for party
291 nominations for office shall first pay to the proper officer as
292 provided for in Section 23-15-299 for each primary election the
293 following amounts:

294 (a) Candidates for Governor not to exceed Three Hundred
295 Dollars (\$300.00).

296 (b) Candidates for Lieutenant Governor, Supreme Court
297 Judge, the Court of Appeals, Attorney General, Secretary of State,
298 State Treasurer, Auditor of Public Accounts, Commissioner of
299 Insurance, Commissioner of Agriculture and Commerce, State Highway



300 Commissioner and State Public Service Commissioner, not to exceed
301 Two Hundred Dollars (\$200.00).

302 (c) Candidates for district attorney, circuit judge and
303 chancellor not to exceed One Hundred Dollars (\$100.00).

304 (d) Candidates for State Senator, State Representative,
305 sheriff, chancery clerk, circuit clerk, tax assessor, tax
306 collector, county attorney, county superintendent of education,
307 county judge, family court judge and board of supervisors, not to
308 exceed Fifteen Dollars (\$15.00).

309 (e) Candidates for county surveyor, county coroner,
310 justice court judge and constable, not to exceed Ten Dollars
311 (\$10.00).

312 (f) Candidates for United States Senator, not to exceed
313 Three Hundred Dollars (\$300.00).

314 (g) Candidates for United States Representative, not to
315 exceed Two Hundred Dollars (\$200.00).

316 **SECTION 17.** Section 23-15-359, Mississippi Code of 1972, is
317 amended as follows:

318 23-15-359. (1) The ballot shall contain the names of all
319 party nominees certified by the appropriate executive committee,
320 and independent and special election candidates who have timely
321 filed petitions containing the required signatures. A petition
322 requesting that an independent or special election candidate's
323 name be placed on the ballot for any office shall be filed as
324 provided for in subsection (3) or (4) of this section, as
325 appropriate, and shall be signed by not less than the following
326 number of qualified electors:

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

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



332 (c) For an office elected by the qualified electors of
333 a congressional district, not less than two hundred (200)
334 qualified electors.

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

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

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

343 (g) For an office elected by the qualified electors of
344 a supervisors district or justice court district, not less than
345 fifteen (15) qualified electors.

346 (2) Unless the petition required above shall be filed as
347 provided for in subsection (3) or (4) of this section, as
348 appropriate, the name of the person requested to be a candidate,
349 unless nominated by a political party, shall not be placed upon
350 the ballot. The ballot shall contain the names of each candidate
351 for each office, and such names shall be listed under the name of
352 the political party such candidate represents as provided by law
353 and as certified to the circuit clerk by the State Executive
354 Committee of such political party. In the event such candidate
355 qualifies as an independent as herein provided, he shall be listed
356 on the ballot as an independent candidate.

357 (3) Petitions for offices described in paragraphs (a), (b),
358 (c) and (d) of subsection (1) of this section, and petitions for
359 offices described in paragraph (e) of subsection (1) of this
360 section for districts composed of more than one (1) county or
361 parts of more than one (1) county, shall be filed with the State
362 Board of Election Commissioners by no later than 5:00 p.m. on the
363 same date by which candidates for nominations in the political



364 party primary elections are required to pay the fee provided for
365 in Section 23-15-297, Mississippi Code of 1972.

366 (4) Petitions for offices described in paragraphs (f) and
367 (g) of subsection (1) of this section, and petitions for offices
368 described in paragraph (e) of subsection (1) of this section for
369 districts composed of one (1) county or less, shall be filed with
370 the proper circuit clerk by no later than 5:00 p.m. on the same
371 date by which candidates for nominations in the political party
372 elections are required to pay the fee provided for in Section
373 23-15-297; provided, however, that no petition may be filed before
374 January 1 of the year in which the election for the office is
375 held. The circuit clerk shall notify the county commissioners of
376 election of all persons who have filed petitions with such clerk.
377 Such notification shall occur within two (2) business days and
378 shall contain all necessary information.

379 (5) The commissioners may also have printed upon the ballot
380 any local issue election matter that is authorized to be held on
381 the same date as the regular or general election pursuant to
382 Section 23-15-375; provided, however, that the ballot form of such
383 local issue must be filed with the commissioners of election by
384 the appropriate governing authority not less than sixty (60) days
385 previous to the date of the election.

386 (6) The provisions of this section shall not apply to
387 municipal elections * * *.

388 (7) Nothing in this section shall prohibit special elections
389 to fill vacancies in either house of the Legislature from being
390 held as provided in Section 23-15-851. In all elections conducted
391 under the provisions of Section 23-15-851, the commissioner shall
392 have printed on the ballot the name of any candidate who, not
393 having been nominated by a political party, shall have been
394 requested to be a candidate for any office by a petition filed
395 with said commissioner by 5:00 p.m. not less than ten (10) working



396 days prior to the election, and signed by not less than fifty (50)
397 qualified electors.

398 (8) The appropriate election commission shall determine
399 whether each candidate is a qualified elector of the state, state
400 district, county or county district they seek to serve, and
401 whether each candidate meets all other qualifications to hold the
402 office he is seeking or presents absolute proof that he will,
403 subject to no contingencies, meet all qualifications on or before
404 the date of the general or special election at which he could be
405 elected to office. The election commission also shall determine
406 whether any candidate has been convicted of any felony in a court
407 of this state, or has been convicted on or after December 8, 1992,
408 of any offense in another state which is a felony under the laws
409 of this state, or has been convicted of any felony in a federal
410 court on or after December 8, 1992. Excepted from the above are
411 convictions of manslaughter and violations of the United States
412 Internal Revenue Code or any violations of the tax laws of this
413 state, unless the offense also involved misuse or abuse of his
414 office or money coming into his hands by virtue of his office. If
415 the appropriate election commission finds that a candidate either
416 (a) is not a qualified elector, (b) does not meet all
417 qualifications to hold the office he seeks and fails to provide
418 absolute proof, subject to no contingencies, that he will meet the
419 qualifications on or before the date of the general or special
420 election at which he could be elected, or (c) has been convicted
421 of a felony as described in this subsection, and not pardoned,
422 then the name of such candidate shall not be placed upon the
423 ballot.

424 (9) If after the deadline to qualify as a candidate for an
425 office or after the time for holding any party primary for an
426 office, there shall be only one (1) person who has duly qualified
427 to be a candidate for the office in the general election, the name
428 of such person shall be placed on the ballot; provided, however,



429 that if there shall be not more than one (1) person duly qualified
430 to be a candidate for each office on the general election ballot,
431 the election for all offices on the ballot shall be dispensed with
432 and the appropriate election commission shall declare each
433 candidate elected without opposition if the candidate meets all
434 the qualifications to hold the office as determined pursuant to a
435 review by the commission in accordance with the provisions of
436 subsection (8) of this section and if the candidate has filed all
437 required campaign finance disclosure reports as required by
438 Section 23-15-807.

439 (10) The petition required by this section may not be filed
440 by using the Internet.

441 **SECTION 18.** Section 23-15-367, Mississippi Code of 1972, is
442 amended as follows:

443 23-15-367. (1) Except as otherwise provided by * * *
444 subsection (2) of this section, the arrangement of the names of
445 the candidates, and the order in which the titles of the various
446 offices shall be printed, and the size, print and quality of paper
447 of the official ballot is left to the discretion of the officer
448 charged with printing the official ballot; but the arrangement
449 need not be uniform.

450 (2) The titles for the various offices shall be listed in
451 the following order:

- 452 (a) Candidates for national office;
- 453 (b) Candidates for statewide office;
- 454 (c) Candidates for state district office;
- 455 (d) Candidates for legislative office;
- 456 (e) Candidates for countywide office;
- 457 (f) Candidates for county district office.

458 The order in which the titles for the various offices are
459 listed within each of the categories listed in this subsection is
460 left to the discretion of the officer charged with printing the
461 official ballot.



462 (3) It is the duty of the Secretary of State, with the
463 approval of the Governor, to furnish the designated commissioner
464 of each county a sample of the official ballot, not less than
465 fifty-five (55) days prior to the election, the general form of
466 which shall be followed as nearly as practicable.

467 **SECTION 19.** Section 23-15-973, Mississippi Code of 1972, is
468 amended as follows:

469 23-15-973. It shall be the duty of the judges of the circuit
470 court to give a reasonable time and opportunity to the candidates
471 for the office of judge of the Supreme Court, judges of the Court
472 of Appeals, circuit judge and chancellor to address the people
473 during court terms. In order to give further and every possible
474 emphasis to the fact that the said judicial offices are not
475 political but are to be held without favor and with absolute
476 impartiality as to all persons, and because of the jurisdiction
477 conferred upon the courts by this chapter, the judges thereof
478 should be as far removed as possible from any political
479 affiliations or obligations within their party. It shall be
480 unlawful for any candidate for any of the offices mentioned in
481 this section to align himself with any candidate or candidates for
482 any other office or with any political faction within his party at
483 any time during any primary * * * election campaign. Likewise it
484 shall be unlawful for any candidate for any other office nominated
485 or to be nominated at any primary election, wherein any candidate
486 for any of the judicial offices in this section mentioned, is or
487 are to be nominated, to align himself with any one or more of the
488 candidates for said offices or to take any part whatever in any
489 nomination for any one or more of said judicial offices, except to
490 cast his individual vote. Any candidate for any office, whether
491 nominated with or without opposition, at any primary wherein a
492 candidate for any one of the judicial offices herein mentioned is
493 to be nominated who shall deliberately, knowingly and willfully
494 violate the provisions of this section shall forfeit his



495 nomination, or if elected at the following general election by
496 virtue of said nomination, his election shall be void.

497 **SECTION 20.** Section 23-15-993, Mississippi Code of 1972, is
498 amended as follows:

499 23-15-993. For the purpose of all elections, including
500 primary elections, each of the nine (9) judgeships of the Supreme
501 Court shall be considered a separate office. The three (3)
502 offices in each of the three (3) Supreme Court districts shall be
503 designated Position Number 1, Position Number 2 and Position
504 Number 3, and in qualifying for office as a candidate for any
505 office of judge of the Supreme Court each candidate shall state
506 the position number of the office to which he aspires and both the
507 primary and regular election ballots shall so indicate. In
508 Supreme Court District Number 1: Position Number 1 shall be that
509 office for which the term ends in January 1966; Position Number 2
510 shall be that office for which the term ends in January 1965; and
511 Position Number 3 shall be that office for which the term ends in
512 January 1969. In District Number 2: Position Number 1 shall be
513 that office for which the term ends in January 1972; Position
514 Number 2 shall be that office for which the term ends in January
515 1969; and Position Number 3 shall be for that office for which the
516 term ends in January 1973. In District Number 3: Position Number
517 1 shall be that office for which the term ends in January 1969;
518 Position Number 2 shall be that office for which the term ends in
519 January 1969; and Position Number 3 shall be that office for which
520 the term ends in January 1965.

521 **SECTION 21.** Section 23-15-995, Mississippi Code of 1972, is
522 amended as follows:

523 23-15-995. Except as may be otherwise provided * * *, the
524 general laws for the election of state officers shall apply to and
525 govern the election of judges of the Supreme Court.

526 **SECTION 22.** Section 23-15-1015, Mississippi Code of 1972, is
527 amended as follows:



528 23-15-1015. On Tuesday after the first Monday in November
529 1986, and every four (4) years thereafter and concurrently with
530 the election for representatives in Congress, there shall be held
531 an election in every county for judges of the several circuit and
532 chancery court districts; provided, however, that the terms of
533 judges of the several circuit and chancery court districts shall
534 be six (6) years beginning with the term commencing January 2003.
535 The laws regulating the general elections shall * * * apply to and
536 govern elections of judges of the circuit and chancery courts.

537 **SECTION 23.** Sections 23-15-974, 23-15-975, 23-15-976,
538 23-15-977, 23-15-978, 23-15-979, 23-15-980, 23-15-981, 23-15-982,
539 23-15-983, 23-15-984 and 23-15-985, Mississippi Code of 1972,
540 which constitute the Nonpartisan Judicial Election Act, are
541 repealed.

542 **SECTION 24.** The Attorney General of the State of Mississippi
543 shall submit this act, immediately upon approval by the Governor,
544 or upon approval by the Legislature subsequent to a veto, to the
545 Attorney General of the United States or to the United States
546 District Court for the District of Columbia in accordance with the
547 provisions of the Voting Rights Act of 1965, as amended and
548 extended.

549 **SECTION 25.** This act shall take effect and be in force from
550 and after the date it is effectuated under Section 5 of the Voting
551 Rights Act of 1965, as amended and extended.

