

By: Senator(s) Dawkins

To: Elections

SENATE BILL NO. 2866

1 AN ACT TO AMEND SECTION 23-15-975, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE ELECTIONS FOR THE OFFICE OF JUSTICE COURT JUDGE UNDER
3 THE NONPARTISAN JUDICIAL ELECTION ACT; TO AMEND SECTIONS
4 23-15-977, 23-15-297 AND 23-15-359, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-975, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-975. As used in Sections 23-15-974 through 23-15-985
10 of this subarticle, the term "judicial office" includes the office
11 of justice of the Supreme Court, judge of the Court of Appeals,
12 circuit judge, chancellor, county court judge and justice court
13 judge. All such justices and judges, except justice court judges,
14 shall be full-time positions and such justices and judges shall
15 not engage in the practice of law before any court, administrative
16 agency or other judicial or quasi-judicial forum except as
17 provided by law for finalizing pending cases after election to
18 judicial office.

19 **SECTION 2.** Section 23-15-977, Mississippi Code of 1972, is
20 amended as follows:

21 23-15-977. (1) All candidates for judicial office as
22 defined in Section 23-15-975 of this subarticle shall file their
23 intent to be a candidate with the proper officials not later than
24 5:00 p.m. on the first Friday after the first Monday in May prior
25 to the general election for judicial office and shall pay to the
26 proper officials the following amounts:

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



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

31 (c) Candidates for county judge and justice court
32 judge, the sum of Fifteen Dollars (\$15.00).

33 (2) Candidates for judicial offices listed in paragraphs (a)
34 and (b) of subsection (1) of this section shall file their intent
35 to be a candidate with, and pay the proper assessment made
36 pursuant to subsection (1) of this section to, the State Board of
37 Election Commissioners.

38 (3) Candidates for judicial offices listed in paragraph (c)
39 of subsection (1) of this section shall file their intent to be a
40 candidate with, and pay the proper assessment made pursuant to
41 subsection (1) of this section to, the circuit clerk of the proper
42 county. The circuit clerk shall notify the county commissioners
43 of election of all persons who have filed their intent to be a
44 candidate filed with, and paid the proper assessment to, such
45 clerk. Such notification shall occur within two (2) business days
46 and shall contain all necessary information.

47 **SECTION 3.** Section 23-15-297, Mississippi Code of 1972, is
48 amended as follows:

49 23-15-297. All candidates upon entering the race for party
50 nominations for office shall first pay to the proper officer as
51 provided for in Section 23-15-299 for each primary election the
52 following amounts:

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

55 (b) Candidates for Lieutenant Governor, Attorney
56 General, Secretary of State, State Treasurer, Auditor of Public
57 Accounts, Commissioner of Insurance, Commissioner of Agriculture
58 and Commerce, State Highway Commissioner and State Public Service
59 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

60 (c) Candidates for district attorney, not to exceed One
61 Hundred Dollars (\$100.00).



62 (d) Candidates for State Senator, State Representative,
63 sheriff, chancery clerk, circuit clerk, tax assessor, tax
64 collector, county attorney, county superintendent of education and
65 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

66 (e) Candidates for county surveyor, county
67 coroner * * * and constable, not to exceed Ten Dollars (\$10.00).

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

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

72 **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is
73 amended as follows:

74 23-15-359. (1) The ballot shall contain the names of all
75 party nominees certified by the appropriate executive committee,
76 and independent and special election candidates who have timely
77 filed petitions containing the required signatures. A petition
78 requesting that an independent or special election candidate's
79 name be placed on the ballot for any office shall be filed as
80 provided for in subsection (3) or (4) of this section, as
81 appropriate, and shall be signed by not less than the following
82 number of qualified electors:

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

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

88 (c) For an office elected by the qualified electors of
89 a congressional district, not less than two hundred (200)
90 qualified electors.

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



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

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

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

102 (2) Unless the petition required above shall be filed as
103 provided for in subsection (3) or (4) of this section, as
104 appropriate, the name of the person requested to be a candidate,
105 unless nominated by a political party, shall not be placed upon
106 the ballot. The ballot shall contain the names of each candidate
107 for each office, and such names shall be listed under the name of
108 the political party such candidate represents as provided by law
109 and as certified to the circuit clerk by the State Executive
110 Committee of such political party. In the event such candidate
111 qualifies as an independent as herein provided, he shall be listed
112 on the ballot as an independent candidate.

113 (3) Petitions for offices described in paragraphs (a), (b),
114 (c) and (d) of subsection (1) of this section, and petitions for
115 offices described in paragraph (e) of subsection (1) of this
116 section for districts composed of more than one (1) county or
117 parts of more than one (1) county, shall be filed with the State
118 Board of Election Commissioners by no later than 5:00 p.m. on the
119 same date by which candidates for nominations in the political
120 party primary elections are required to pay the fee provided for
121 in Section 23-15-297, Mississippi Code of 1972.

122 (4) Petitions for offices described in paragraphs (f) and
123 (g) of subsection (1) of this section, and petitions for offices
124 described in paragraph (e) of subsection (1) of this section for
125 districts composed of one (1) county or less, shall be filed with
126 the proper circuit clerk by no later than 5:00 p.m. on the same



127 date by which candidates for nominations in the political party
128 elections are required to pay the fee provided for in Section
129 23-15-297; provided, however, that no petition may be filed before
130 January 1 of the year in which the election for the office is
131 held. The circuit clerk shall notify the county commissioners of
132 election of all persons who have filed petitions with such clerk.
133 Such notification shall occur within two (2) business days and
134 shall contain all necessary information.

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

142 (6) The provisions of this section shall not apply to
143 municipal elections or to the election of the offices of justice
144 of the Supreme Court, judge of the Court of Appeals, circuit
145 judge, chancellor, county court judge and justice court judge.

146 (7) Nothing in this section shall prohibit special elections
147 to fill vacancies in either house of the Legislature from being
148 held as provided in Section 23-15-851. In all elections conducted
149 under the provisions of Section 23-15-851, the commissioner shall
150 have printed on the ballot the name of any candidate who, not
151 having been nominated by a political party, shall have been
152 requested to be a candidate for any office by a petition filed
153 with said commissioner by 5:00 p.m. not less than ten (10) working
154 days prior to the election, and signed by not less than fifty (50)
155 qualified electors.

156 (8) The appropriate election commission shall determine
157 whether each candidate is a qualified elector of the state, state
158 district, county or county district they seek to serve, and
159 whether each candidate meets all other qualifications to hold the



160 office he is seeking or presents absolute proof that he will,
161 subject to no contingencies, meet all qualifications on or before
162 the date of the general or special election at which he could be
163 elected to office. The election commission also shall determine
164 whether any candidate has been convicted of any felony in a court
165 of this state, or has been convicted on or after December 8, 1992,
166 of any offense in another state which is a felony under the laws
167 of this state, or has been convicted of any felony in a federal
168 court on or after December 8, 1992. Excepted from the above are
169 convictions of manslaughter and violations of the United States
170 Internal Revenue Code or any violations of the tax laws of this
171 state, unless the offense also involved misuse or abuse of his
172 office or money coming into his hands by virtue of his office. If
173 the appropriate election commission finds that a candidate either
174 (a) is not a qualified elector, (b) does not meet all
175 qualifications to hold the office he seeks and fails to provide
176 absolute proof, subject to no contingencies, that he will meet the
177 qualifications on or before the date of the general or special
178 election at which he could be elected, or (c) has been convicted
179 of a felony as described in this subsection, and not pardoned,
180 then the name of such candidate shall not be placed upon the
181 ballot.

182 (9) If after the deadline to qualify as a candidate for an
183 office or after the time for holding any party primary for an
184 office, there shall be only one (1) person who has duly qualified
185 to be a candidate for the office in the general election, the name
186 of such person shall be placed on the ballot; provided, however,
187 that if there shall be not more than one (1) person duly qualified
188 to be a candidate for each office on the general election ballot,
189 the election for all offices on the ballot shall be dispensed with
190 and the appropriate election commission shall declare each
191 candidate elected without opposition if the candidate meets all
192 the qualifications to hold the office as determined pursuant to a



193 review by the commission in accordance with the provisions of
194 subsection (8) of this section and if the candidate has filed all
195 required campaign finance disclosure reports as required by
196 Section 23-15-807.

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

199 **SECTION 5.** The Attorney General of the State of Mississippi
200 shall submit this act, immediately upon approval by the Governor,
201 or upon approval by the Legislature subsequent to a veto, to the
202 Attorney General of the United States or to the United States
203 District Court for the District of Columbia in accordance with the
204 provisions of the Voting Rights Act of 1965, as amended and
205 extended.

206 **SECTION 6.** This act shall take effect and be in force from
207 and after the date it is effectuated under Section 5 of the Voting
208 Rights Act of 1965, as amended and extended.

