

By: Representative Denny

To: Apportionment and  
Elections; Judiciary A

## HOUSE BILL NO. 422

1 AN ACT TO REPEAL SECTIONS 23-15-974 THROUGH 23-15-985,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE NONPARTISAN  
3 JUDICIAL ELECTION ACT; TO REENACT AND AMEND SECTIONS 23-15-845,  
4 23-15-847, 23-15-971, 23-15-997, MISSISSIPPI CODE OF 1972, WHICH  
5 PROVIDE FOR THE ELECTION OF JUDGES IN PARTY PRIMARIES; TO REENACT  
6 SECTIONS 23-15-1013, 9-9-7, MISSISSIPPI CODE OF 1972, WHICH  
7 PROVIDE FOR THE ELECTION OF CIRCUIT AND CHANCERY COURT JUDGES IN  
8 PARTY PRIMARIES, AND WHICH WERE REPEALED IN 1994; TO AMEND  
9 SECTIONS 9-4-5, 9-4-15, 9-5-29, 9-5-36, 9-5-50, 9-5-58, 9-7-11,  
10 9-7-27, 9-7-46, 9-7-51, 23-15-197, 23-15-297, 23-15-359,  
11 23-15-367, 23-15-801, 23-15-807, 23-15-973, 23-15-993, 23-15-995,  
12 23-15-1015, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
13 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Sections 23-15-974, 23-15-975, 23-15-976,  
16 23-15-977, 23-15-977.1, 23-15-978, 23-15-979, 23-15-980,  
17 23-15-981, 23-15-982, 23-15-983, 23-15-984, 23-15-985, which  
18 provide for the Nonpartisan Judicial Election Act, are repealed.

19 **SECTION 2.** Section 23-15-845, Mississippi Code of 1972, is  
20 reenacted and amended as follows:

21 23-15-845. Primary elections for the nomination of  
22 candidates to fill vacancies in the office of justice of the  
23 Supreme Court or judge of the Court of Appeals shall be held upon  
24 the same dates and concurrently with the primary elections for the  
25 nomination of candidates for the office or offices to be filled in  
26 the election at which such vacancies in the office of justice of  
27 the Supreme Court or judge of the Court of Appeals are to be  
28 filled.

29 **SECTION 3.** Section 23-15-847, Mississippi Code of 1972, is  
30 reenacted and amended as follows:

31 23-15-847. At the primary election in the year in which an  
32 election shall be held pursuant to Section 23-15-849 to fill



33 vacancies in the office of justice of the Supreme Court, judge of  
34 the Court of Appeals, circuit judge or chancellor, vacancy  
35 nominations shall be made for the offices in the manner as  
36 nominations are made for the full term.

37 **SECTION 4.** Section 23-15-971, Mississippi Code of 1972, is  
38 reenacted and amended as follows:

39 23-15-971. Party primary elections for the nomination of  
40 candidates for the office of circuit judge, \* \* \* of  
41 chancellor, \* \* \* of justice of the Supreme Court and of judge of  
42 the Court of Appeals shall be under the supervision and control of  
43 the State Executive Committee of the respective political parties,  
44 which committees shall discharge in connection with the elections  
45 all of the duties imposed upon them in connection with elections  
46 for the nomination of candidates for other state officers.

47 **SECTION 5.** Section 23-15-997, Mississippi Code of 1972, is  
48 reenacted and amended as follows:

49 23-15-997. Nominations of candidates for the office of  
50 justice of the Supreme Court and judge of the Court of Appeals by  
51 any political party shall be made by districts, and the primary  
52 elections for that purpose shall be held concurrently with the  
53 primary elections for the nomination of Representative in  
54 Congress, except as may be \* \* \* otherwise provided. The general  
55 primary election laws shall apply to and govern the nomination of  
56 candidates for the office of judge of the Supreme Court \* \* \* as  
57 they may be applicable.

58 **SECTION 6.** Section 23-15-1013, Mississippi Code of 1972, is  
59 reenacted as follows:

60 23-15-1013. Nominations of candidates for the office of  
61 circuit court judge and for the office of chancery court judge  
62 shall be made in every county in their respective districts by  
63 primary election to be held concurrently with the primary election  
64 to be held for the nomination of Representatives in Congress in  
65 2006 and every four (4) years thereafter. Primary elections for



66 the nominations of candidates for the offices of judge of the  
67 circuit and chancery courts shall be held under the general  
68 primary election laws of the state.

69 **SECTION 7.** Section 9-9-7, Mississippi Code of 1972, is  
70 reenacted as follows:

71 9-9-7. Except where the judge is elected for less than the  
72 full four-year term, he may be nominated in the regular judicial  
73 primary elections at the same time when nominations for circuit  
74 judges and chancellors are made.

75 **SECTION 8.** Section 9-4-5, Mississippi Code of 1972, is  
76 amended as follows:

77 9-4-5. (1) The term of office of judges of the Court of  
78 Appeals shall be eight (8) years. An election shall be held on  
79 the first Tuesday after the first Monday in November 1994, to  
80 elect the ten (10) judges of the Court of Appeals, two (2) from  
81 each congressional district; provided, however, judges of the  
82 Court of Appeals who are elected to take office after the first  
83 Monday of January 2002, shall be elected from the Court of Appeals  
84 Districts described in subsection (5) of this section. The judges  
85 of the Court of Appeals shall begin service on the first Monday of  
86 January 1995.

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



99                   (i) In Congressional District Number 1, the judge  
100 of the Court of Appeals for Position Number 1 shall be that office  
101 for which the term ends January 1, 1999, and the judge of the  
102 Court of Appeals for Position Number 2 shall be that office for  
103 which the term ends January 1, 2003.

104                   (ii) In Congressional District Number 2, the judge  
105 of the Court of Appeals for Position Number 1 shall be that office  
106 for which the term ends on January 1, 2003, and the judge of the  
107 Court of Appeals for Position Number 2 shall be that office for  
108 which the term ends January 1, 2001.

109                   (iii) In Congressional District Number 3, the  
110 judge of the Court of Appeals for Position Number 1 shall be that  
111 office for which the term ends on January 1, 2001, and the judge  
112 of the Court of Appeals for Position Number 2 shall be that office  
113 for which the term ends January 1, 1999.

114                   (iv) In Congressional District Number 4, the judge  
115 of the Court of Appeals for Position Number 1 shall be that office  
116 for which the term ends on January 1, 1999, and the judge of the  
117 Court of Appeals for Position Number 2 shall be that office for  
118 which the term ends January 1, 2003.

119                   (v) In Congressional District Number 5, the judge  
120 of the Court of Appeals for Position Number 1 shall be that office  
121 for which the term ends on January 1, 2003, and the judge of the  
122 Court of Appeals for Position Number 2 shall be that office for  
123 which the term ends January 1, 2001.

124                   (b) The laws regulating the primary and general  
125 elections shall apply to and govern the elections of judges of the  
126 Court of Appeals \* \* \*.

127                   (c) In the year prior to the expiration of the term of  
128 an incumbent, and likewise each eighth year thereafter, an  
129 election shall be held in the manner provided in this section in  
130 the district from which the incumbent Court of Appeals judge was  
131 elected at which there shall be elected a successor to the



132 incumbent, whose term of office shall thereafter begin on the  
133 first Monday of January of the year in which the term of the  
134 incumbent he succeeds expires.

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

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

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

146 **FIRST DISTRICT.** The First Court of Appeals District shall be  
147 composed of the following counties and portions of counties:  
148 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
149 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
150 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
151 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
152 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
153 Nations and Poplar Creek; in Panola County the precincts of East  
154 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North  
155 Springport, South Springport, Eureka, Williamson, East Batesville  
156 4, West Batesville 4, Fern Hill, North Batesville A, East  
157 Batesville 5 and West Batesville 5; and in Tallahatchie County the  
158 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,  
159 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,  
160 Murphreesboro and Rosebloom.

161 **SECOND DISTRICT.** The Second Court of Appeals District shall  
162 be composed of the following counties and portions of counties:  
163 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
164 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



165 Tunica, Warren, Washington and Yazoo; in Attala County the  
166 precincts of Northeast, Hesterville, Possomneck, North Central,  
167 McAdams, Newport, Sallis and Southwest; that portion of Grenada  
168 County not included in the First Court of Appeals District; in  
169 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
170 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
171 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
172 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
173 precincts of Conway, West Carthage, Wiggins, Thomastown and  
174 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
175 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
176 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,  
177 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
178 Canton Precinct 1 and Canton Precinct 4; that portion of  
179 Montgomery County not included in the First Court of Appeals  
180 District; that portion of Panola County not included in the First  
181 Court of Appeals District; and that portion of Tallahatchie County  
182 not included in the First Court of Appeals District.

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

196       **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
197 be composed of the following counties and portions of counties:



198 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
199 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
200 that portion of Hinds County not included in the Second Court of  
201 Appeals District; and that portion of Jones county not included in  
202 the Third Court of Appeals District.

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

208 (b) The boundaries of the Court of Appeals Districts  
209 described in paragraph (a) of this subsection shall be the  
210 boundaries of the counties and precincts listed in paragraph (a)  
211 of this subsection as such boundaries existed on October 1, 1990.

212 **SECTION 9.** Section 9-4-15, Mississippi Code of 1972, is  
213 amended as follows:

214 9-4-15. Primary and general elections for the office of  
215 judge of the Court of Appeals shall be held at the same times as  
216 primary and general elections for congressional offices.

217 **SECTION 10.** Section 9-5-29, Mississippi Code of 1972, is  
218 amended as follows:

219 9-5-29. (1) There shall be four (4) chancellors for the  
220 Eighth Chancery Court District.

221 (2) For purposes of appointment, nomination and election,  
222 the four (4) chancellorships shall be separate and distinct and  
223 denominated for purposes of appointment and election only as  
224 "Place One," "Place Two," "Place Three" and "Place Four."

225 (3) While there shall be no limitation whatsoever upon the  
226 powers and duties of said chancellors other than as cast upon them  
227 by the Constitution and laws of this state, the court in the  
228 Eighth Chancery Court District, in the discretion of the senior  
229 chancellor, may be divided into four (4) divisions as a matter of



230 convenience by the entry of an order upon the minutes of the  
231 court.

232         **SECTION 11.** Section 9-5-36, Mississippi Code of 1972, is  
233 amended as follows:

234         9-5-36. (1) There shall be three (3) chancellors for the  
235 Tenth Chancery Court District.

236         (2) For purposes of appointment, nomination and election,  
237 the three (3) chancellorships shall be separate and distinct and  
238 denominated for purposes of appointment and election only as  
239 "Place One," "Place Two" and "Place Three," respectively. The  
240 chancellor to fill Place One shall be a resident of Forrest,  
241 Lamar, Marion, Pearl River or Perry County. The chancellor to  
242 fill Place Two shall be a resident of Lamar, Marion, Pearl River  
243 or Perry County. The chancellor to fill Place Three shall be a  
244 resident of Forrest County. Election of the three (3) offices of  
245 chancellor shall be by election to be held in every county within  
246 the Tenth Chancery Court District of Mississippi.

247         **SECTION 12.** Section 9-5-50, Mississippi Code of 1972, is  
248 amended as follows:

249         9-5-50. (1) There shall be three (3) chancellors for the  
250 Sixteenth Chancery Court District.

251         (2) For the purposes of appointment, nomination and  
252 election, the three (3) chancellorships shall be separate and  
253 distinct and denominated for purposes of appointment and election  
254 only as "Place One," "Place Two" and "Place Three."

255         **SECTION 13.** Section 9-5-58, Mississippi Code of 1972, is  
256 amended as follows:

257         9-5-58. There shall be two (2) chancellors for the Twentieth  
258 Chancery Court District. For purposes of appointment, nomination  
259 and election the two (2) chancellorships shall be separate and  
260 distinct and denominated for purposes of appointment and election  
261 only as "Place One" and "Place Two."





262           **SECTION 14.** Section 9-7-11, Mississippi Code of 1972, is  
263 amended as follows:

264           9-7-11. (1) There shall be four (4) circuit judges for the  
265 Second Circuit Court District.

266           (2) For the purposes of appointment, nomination and election  
267 the four (4) judgeships shall be separate and distinct and  
268 denominated for purposes of appointment and election only as  
269 "Place One," "Place Two," "Place Three" and "Place Four."

270           **SECTION 15.** Section 9-7-27, Mississippi Code of 1972, is  
271 amended as follows:

272           9-7-27. (1) The Eighth Circuit Court District shall be  
273 comprised of the following counties:

- 274           (a) Leake County;
- 275           (b) Neshoba County;
- 276           (c) Newton County; and
- 277           (d) Scott County.

278           (2) There shall be two (2) judges for the Eighth Circuit  
279 Court District. The initial term for the second judgeship created  
280 under this section shall begin on the effective date of Laws,  
281 1997, ch. 378, and shall end at the same time as for circuit  
282 judges generally.

283           (3) For purposes of appointment, nomination and election,  
284 the two (2) judgeships shall be separate and distinct and  
285 denominated for purposes of appointment and election only as  
286 "Place One" and "Place Two."

287           **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is  
288 amended as follows:

289           9-7-46. (1) There shall be three (3) circuit judges for the  
290 Seventeenth Circuit Court District.

291           (2) For the purpose of appointment, nomination and election,  
292 the three (3) judgeships shall be separate and distinct, and one  
293 (1) judge shall be elected from Subdistrict 17-1 and two (2)  
294 judges shall be elected from Subdistrict 17-2.



295           **SECTION 17.** Section 9-7-51, Mississippi Code of 1972, is  
296 amended as follows:

297           9-7-51. (1) There shall be three (3) circuit judges for the  
298 Nineteenth Circuit Court District. For the purposes of  
299 appointment, nomination and election, the three (3) judgeships  
300 shall be separate and distinct and denominated for purposes of  
301 appointment and election only as "Place One," "Place Two" and  
302 "Place Three."

303           (2) The senior judge of the Nineteenth Circuit Court  
304 District may divide the court of any county within the district  
305 into civil, criminal and appellate court divisions as a matter of  
306 convenience by the entry of an order upon the minutes of the  
307 court.

308           **SECTION 18.** Section 23-15-197, Mississippi Code of 1972, is  
309 amended as follows:

310           23-15-197. (1) Times for holding primary and general  
311 elections for congressional offices shall be as prescribed in  
312 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

313           (2) Times for holding primary and general elections for the  
314 office of judge of the Supreme Court shall be as prescribed in  
315 Sections 23-15-991 and 23-15-997.

316           (3) Times for holding primary and general elections for the  
317 office of circuit court judge and the office of chancery court  
318 judge shall be as prescribed in Sections 23-10-1013 and \* \* \*  
319 23-15-1015.

320           (4) Times for holding elections for the office of county  
321 election commissioners shall be as prescribed in Section  
322 23-15-213.

323           **SECTION 19.** Section 23-15-297, Mississippi Code of 1972, is  
324 amended as follows:

325           23-15-297. All candidates upon entering the race for party  
326 nominations for office shall first pay to the proper officer as



327 provided for in Section 23-15-299 for each primary election the  
328 following amounts:

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

331 (b) Candidates for Lieutenant Governor, justice of the  
332 Supreme Court, Court of Appeals Judge, Attorney General, Secretary  
333 of State, State Treasurer, Auditor of Public Accounts,  
334 Commissioner of Insurance, Commissioner of Agriculture and  
335 Commerce, State Highway Commissioner and State Public Service  
336 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

339 (d) Candidates for State Senator, State Representative,  
340 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
341 collector, county attorney, county superintendent of education,  
342 county judge and board of supervisors, not to exceed Fifteen  
343 Dollars (\$15.00).

344 (e) Candidates for county surveyor, county coroner,  
345 justice court judge and constable, not to exceed Ten Dollars  
346 (\$10.00).

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

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

351 **SECTION 20.** Section 23-15-359, Mississippi Code of 1972, is  
352 amended as follows:

353 23-15-359. (1) The ballot shall contain the names of all  
354 party nominees certified by the appropriate executive committee,  
355 and independent and special election candidates who have timely  
356 filed petitions containing the required signatures. A petition  
357 requesting that an independent or special election candidate's  
358 name be placed on the ballot for any office shall be filed as  
359 provided for in subsection (3) or (4) of this section, as



360 appropriate, and shall be signed by not less than the following  
361 number of qualified electors:

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

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

367 (c) For an office elected by the qualified electors of  
368 a congressional district, not less than two hundred (200)  
369 qualified electors.

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

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

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

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

381 (2) Unless the petition required above shall be filed as  
382 provided for in subsection (3) or (4) of this section, as  
383 appropriate, the name of the person requested to be a candidate,  
384 unless nominated by a political party, shall not be placed upon  
385 the ballot. The ballot shall contain the names of each candidate  
386 for each office, and such names shall be listed under the name of  
387 the political party such candidate represents as provided by law  
388 and as certified to the circuit clerk by the State Executive  
389 Committee of such political party. In the event such candidate  
390 qualifies as an independent as herein provided, he shall be listed  
391 on the ballot as an independent candidate.



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

401           (4) Petitions for offices described in paragraphs (f) and  
402 (g) of subsection (1) of this section, and petitions for offices  
403 described in paragraph (e) of subsection (1) of this section for  
404 districts composed of one (1) county or less, shall be filed with  
405 the proper circuit clerk by no later than 5:00 p.m. on the same  
406 date by which candidates for nominations in the political party  
407 elections are required to pay the fee provided for in Section  
408 23-15-297; provided, however, that no petition may be filed before  
409 January 1 of the year in which the election for the office is  
410 held. The circuit clerk shall notify the county commissioners of  
411 election of all persons who have filed petitions with such clerk.  
412 Such notification shall occur within two (2) business days and  
413 shall contain all necessary information.

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

421           (6) The provisions of this section shall not apply to  
422 municipal elections \* \* \*.

423           (7) Nothing in this section shall prohibit special elections  
424 to fill vacancies in either house of the Legislature from being



425 held as provided in Section 23-15-851. In all elections conducted  
426 under the provisions of Section 23-15-851, the commissioner shall  
427 have printed on the ballot the name of any candidate who, not  
428 having been nominated by a political party, shall have been  
429 requested to be a candidate for any office by a petition filed  
430 with said commissioner by 5:00 p.m. not less than ten (10) working  
431 days prior to the election, and signed by not less than fifty (50)  
432 qualified electors.

433 (8) The appropriate election commission shall determine  
434 whether each candidate is a qualified elector of the state, state  
435 district, county or county district they seek to serve, and  
436 whether each candidate meets all other qualifications to hold the  
437 office he is seeking or presents absolute proof that he will,  
438 subject to no contingencies, meet all qualifications on or before  
439 the date of the general or special election at which he could be  
440 elected to office. The election commission also shall determine  
441 whether any candidate has been convicted of any felony in a court  
442 of this state, or has been convicted on or after December 8, 1992,  
443 of any offense in another state which is a felony under the laws  
444 of this state, or has been convicted of any felony in a federal  
445 court on or after December 8, 1992. Excepted from the above are  
446 convictions of manslaughter and violations of the United States  
447 Internal Revenue Code or any violations of the tax laws of this  
448 state, unless the offense also involved misuse or abuse of his  
449 office or money coming into his hands by virtue of his office. If  
450 the appropriate election commission finds that a candidate either  
451 (a) is not a qualified elector, (b) does not meet all  
452 qualifications to hold the office he seeks and fails to provide  
453 absolute proof, subject to no contingencies, that he will meet the  
454 qualifications on or before the date of the general or special  
455 election at which he could be elected, or (c) has been convicted  
456 of a felony as described in this subsection, and not pardoned,



457 then the name of such candidate shall not be placed upon the  
458 ballot.

459 (9) If after the deadline to qualify as a candidate for an  
460 office or after the time for holding any party primary for an  
461 office, there shall be only one (1) person who has duly qualified  
462 to be a candidate for the office in the general election, the name  
463 of such person shall be placed on the ballot; provided, however,  
464 that if there shall be not more than one (1) person duly qualified  
465 to be a candidate for each office on the general election ballot,  
466 the election for all offices on the ballot shall be dispensed with  
467 and the appropriate election commission shall declare each  
468 candidate elected without opposition if the candidate meets all  
469 the qualifications to hold the office as determined pursuant to a  
470 review by the commission in accordance with the provisions of  
471 subsection (8) of this section and if the candidate has filed all  
472 required campaign finance disclosure reports as required by  
473 Section 23-15-807.

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

476 **SECTION 21.** Section 23-15-367, Mississippi Code of 1972, is  
477 amended as follows:

478 23-15-367. (1) Except as otherwise provided by \* \* \*  
479 subsection (2) of this section, the arrangement of the names of  
480 the candidates, and the order in which the titles of the various  
481 offices shall be printed, and the size, print and quality of paper  
482 of the official ballot is left to the discretion of the officer  
483 charged with printing the official ballot; but the arrangement  
484 need not be uniform.

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

- 487 (a) Candidates for national office;
- 488 (b) Candidates for statewide office;
- 489 (c) Candidates for state district office;



- 490 (d) Candidates for legislative office;  
491 (e) Candidates for countywide office;  
492 (f) Candidates for county district office.

493 The order in which the titles for the various offices are  
494 listed within each of the categories listed in this subsection is  
495 left to the discretion of the officer charged with printing the  
496 official ballot.

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

502 **SECTION 22.** Section 23-15-801, Mississippi Code of 1972, is  
503 amended as follows:

504 23-15-801. (a) "Election" shall mean a general, special,  
505 primary or runoff election.

506 (b) "Candidate" shall mean an individual who seeks  
507 nomination for election, or election, to any elective office other  
508 than a federal elective office and for purposes of this article,  
509 an individual shall be deemed to seek nomination for election, or  
510 election:

511 (i) If such individual has received contributions  
512 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
513 expenditures aggregating in excess of Two Hundred Dollars  
514 (\$200.00) or for a candidate for the Legislature or any statewide  
515 or state district office, by the qualifying deadlines specified in  
516 Section 23-15-299 \* \* \*, whichever occurs first; or

517 (ii) If such individual has given his or her consent to  
518 another person to receive contributions or make expenditures on  
519 behalf of such individual and if such person has received such  
520 contributions aggregating in excess of Two Hundred Dollars  
521 (\$200.00) during a calendar year, or has made such expenditures





522 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
523 calendar year.

524 (c) "Political committee" shall mean any committee, party,  
525 club, association, political action committee, campaign committee  
526 or other groups of persons or affiliated organizations which  
527 receives contributions aggregating in excess of Two Hundred  
528 Dollars (\$200.00) during a calendar year or which makes  
529 expenditures aggregating in excess of Two Hundred Dollars  
530 (\$200.00) during a calendar year for the purpose of influencing or  
531 attempting to influence the action of voters for or against the  
532 nomination for election, or election, of one or more candidates,  
533 or balloted measures and shall, in addition, include each  
534 political party registered with the Secretary of State.

535 (d) "Affiliated organization" shall mean any organization  
536 which is not a political committee, but which directly or  
537 indirectly establishes, administers or financially supports a  
538 political committee.

539 (e) (i) "Contribution" shall include any gift,  
540 subscription, loan, advance or deposit of money or anything of  
541 value made by any person or political committee for the purpose of  
542 influencing any election for elective office or balloted measure;

543 (ii) "Contribution" shall not include the value of  
544 services provided without compensation by any individual who  
545 volunteers on behalf of a candidate or political committee; or the  
546 cost of any food or beverage for use in any candidate's campaign  
547 or for use by or on behalf of any political committee of a  
548 political party;

549 (iii) "Contribution to a political party" includes any  
550 gift, subscription, loan, advance or deposit of money or anything  
551 of value made by any person, political committee, or other  
552 organization to a political party and to any committee,  
553 subcommittee, campaign committee, political committee and other



554 groups of persons and affiliated organizations of the political  
555 party;

556 (iv) "Contribution to a political party" shall not  
557 include the value of services provided without compensation by any  
558 individual who volunteers on behalf of a political party or a  
559 candidate of a political party.

560 (f) (i) "Expenditure" shall include any purchase, payment,  
561 distribution, loan, advance, deposit, gift of money or anything of  
562 value, made by any person or political committee for the purpose  
563 of influencing any balloted measure or election for elective  
564 office; and a written contract, promise, or agreement to make an  
565 expenditure;

566 (ii) "Expenditure" shall not include any news story,  
567 commentary or editorial distributed through the facilities of any  
568 broadcasting station, newspaper, magazine, or other periodical  
569 publication, unless such facilities are owned or controlled by any  
570 political party, political committee, or candidate; or nonpartisan  
571 activity designed to encourage individuals to vote or to register  
572 to vote;

573 (iii) "Expenditure by a political party" includes 1.  
574 any purchase, payment, distribution, loan, advance, deposit, gift  
575 of money or anything of value, made by any political party and by  
576 any contractor, subcontractor, agent, and consultant to the  
577 political party; and 2. a written contract, promise, or agreement  
578 to make such an expenditure.

579 (g) The term "identification" shall mean:

580 (i) In the case of any individual, the name, the  
581 mailing address, and the occupation of such individual, as well as  
582 the name of his or her employer; and

583 (ii) In the case of any other person, the full name and  
584 address of such person.

585 (h) The term "political party" shall mean an association,  
586 committee or organization which nominates a candidate for election



587 to any elective office whose name appears on the election ballot  
588 as the candidate of such association, committee or organization.

589 (i) The term "person" shall mean any individual, family,  
590 firm, corporation, partnership, association or other legal entity.

591 (j) The term "independent expenditure" shall mean an  
592 expenditure by a person expressly advocating the election or  
593 defeat of a clearly identified candidate which is made without  
594 cooperation or consultation with any candidate or any authorized  
595 committee or agent of such candidate, and which is not made in  
596 concert with or at the request or suggestion of any candidate or  
597 any authorized committee or agent of such candidate.

598 (k) The term "clearly identified" shall mean that:

599 (i) The name of the candidate involved appears; or

600 (ii) A photograph or drawing of the candidate appears;

601 or

602 (iii) The identity of the candidate is apparent by  
603 unambiguous reference.

604 **SECTION 23.** Section 23-15-807, Mississippi Code of 1972, is  
605 amended as follows:

606 23-15-807. (a) Each candidate or political committee shall  
607 file reports of contributions and disbursements in accordance with  
608 the provisions of this section. All candidates or political  
609 committees required to report may terminate its obligation to  
610 report only upon submitting a final report that it will no longer  
611 receive any contributions or make any disbursement and that such  
612 candidate or committee has no outstanding debts or obligations.  
613 The candidate, treasurer or chief executive officer shall sign  
614 each such report.

615 (b) Candidates who are seeking election, or nomination for  
616 election, and political committees that make expenditures for the  
617 purpose of influencing or attempting to influence the action of  
618 voters for or against the nomination for election, or election, of



619 one or more candidates or balloted measures at such election,  
620 shall file the following reports:

621 (i) In any calendar year during which there is a  
622 regularly scheduled election, a preelection report, which shall be  
623 filed no later than the seventh day before any election in which  
624 such candidate or political committee has accepted contributions  
625 or made expenditures and which shall be complete as of the tenth  
626 day before such election;

627 (ii) In 1987 and every fourth year thereafter, periodic  
628 reports, which shall be filed no later than the tenth day after  
629 April 30, May 31, June 30, September 30 and December 31, and which  
630 shall be complete as of the last day of each period; and

631 (iii) In any calendar years except 1987 and except  
632 every fourth year thereafter, a report covering the calendar year  
633 which shall be filed no later than January 31 of the following  
634 calendar year.

635 (c) All candidates for judicial office \* \* \*, or their  
636 political committees, shall file in the year in which they are to  
637 be elected, periodic reports which shall be filed no later than  
638 the tenth day after April 30, May 31, June 30, September 30 and  
639 December 31.

640 (d) Contents of reports. Each report under this article  
641 shall disclose:

642 (i) For the reporting period and the calendar year, the  
643 total amount of all contributions and the total amount of all  
644 expenditures of the candidate or reporting committee which shall  
645 include those required to be identified pursuant to item (ii) of  
646 this paragraph as well as the total of all other contributions and  
647 expenditures during the calendar year. Such reports shall be  
648 cumulative during the calendar year to which they relate;

649 (ii) The identification of:

650 1. Each person or political committee who makes a  
651 contribution to the reporting candidate or political committee



652 during the reporting period, whose contribution or contributions  
653 within the calendar year have an aggregate amount or value in  
654 excess of Two Hundred Dollars (\$200.00) together with the date and  
655 amount of any such contribution;

656           2. Each person or organization, candidate or  
657 political committee who receives an expenditure, payment or other  
658 transfer from the reporting candidate, political committee or its  
659 agent, employee, designee, contractor, consultant or other person  
660 or persons acting in its behalf during the reporting period when  
661 the expenditure, payment or other transfer to such person,  
662 organization, candidate or political committee within the calendar  
663 year have an aggregate value or amount in excess of Two Hundred  
664 Dollars (\$200.00) together with the date and amount of such  
665 expenditure;

666           (iii) The total amount of cash on hand of each  
667 reporting candidate and reporting political committee;

668           (iv) In addition to the contents of reports specified  
669 in items (i), (ii) and (iii) of this paragraph, each political  
670 party shall disclose:

671           1. Each person or political committee who makes a  
672 contribution to a political party during the reporting period and  
673 whose contribution or contributions to a political party within  
674 the calendar year have an aggregate amount or value in excess of  
675 Two Hundred Dollars (\$200.00), together with the date and amount  
676 of the contribution;

677           2. Each person or organization who receives an  
678 expenditure by a political party or expenditures by a political  
679 party during the reporting period when the expenditure or  
680 expenditures to the person or organization within the calendar  
681 year have an aggregate value or amount in excess of Two Hundred  
682 Dollars (\$200.00), together with the date and amount of the  
683 expenditure.



684 (e) The appropriate office specified in Section 23-15-805  
685 must be in actual receipt of the reports specified in this article  
686 by 5:00 p.m. on the dates specified in paragraph (b) of this  
687 section. If the date specified in paragraph (b) of this section  
688 shall fall on a weekend or legal holiday then the report shall be  
689 due in the appropriate office at 5:00 p.m. on the first working  
690 day before the date specified in paragraph (b) of this section.  
691 The reporting candidate or reporting political committee shall  
692 ensure that the reports are delivered to the appropriate office by  
693 the filing deadline. The Secretary of State may approve specific  
694 means of electronic transmission of completed campaign finance  
695 disclosure reports, which may include, but not be limited to,  
696 transmission by electronic facsimile (FAX) devices.

697 (f) (i) If any contribution of more than Two Hundred  
698 Dollars (\$200.00) is received by a candidate or candidate's  
699 political committee after the tenth day, but more than forty-eight  
700 (48) hours before 12:01 a.m. of the day of the election, the  
701 candidate or political committee shall notify the appropriate  
702 office designated in Section 23-15-805, within forty-eight (48)  
703 hours of receipt of the contribution. The notification shall  
704 include:

- 705 1. The name of the receiving candidate;
- 706 2. The name of the receiving candidate's political  
707 committee, if any;
- 708 3. The office sought by the candidate;
- 709 4. The identification of the contributor;
- 710 5. The date of receipt;
- 711 6. The amount of the contribution;
- 712 7. If the contribution is in-kind, a description  
713 of the in-kind contribution; and
- 714 8. The signature of the candidate or the treasurer  
715 or director of the candidate's political committee;



716 (ii) The notification shall be in writing, and may be  
717 transmitted by overnight mail, courier service, or other reliable  
718 means, including electronic facsimile (FAX), but the candidate or  
719 candidate's committee shall ensure that the notification shall in  
720 fact be received in the appropriate office designated in Section  
721 23-15-805 within forty-eight (48) hours of the contribution.

722 **SECTION 24.** Section 23-15-973, Mississippi Code of 1972, is  
723 amended as follows:

724 23-15-973. It shall be the duty of the judges of the circuit  
725 court to give a reasonable time and opportunity to the candidates  
726 for the office of judge of the Supreme Court, judges of the Court  
727 of Appeals, circuit judge and chancellor to address the people  
728 during court terms. In order to give further and every possible  
729 emphasis to the fact that the said judicial offices are not  
730 political but are to be held without favor and with absolute  
731 impartiality as to all persons, and because of the jurisdiction  
732 conferred upon the courts by this chapter, the judges thereof  
733 should be as far removed as possible from any political  
734 affiliations or obligations within their party. It shall be  
735 unlawful for any candidate for any of the offices mentioned in  
736 this section to align himself with any candidate or candidates for  
737 any other office or with any political faction within his party at  
738 any time during any primary or general election campaign.  
739 Likewise it shall be unlawful for any candidate for any other  
740 office nominated or to be nominated at any primary election,  
741 wherein any candidate for any of the judicial offices in this  
742 section mentioned, is or are to be nominated, to align himself  
743 with any one or more of the candidates for said offices or to take  
744 any part whatever in any nomination for any one or more of said  
745 judicial offices, except to cast his individual vote. Any  
746 candidate for any office, whether nominated with or without  
747 opposition, at any primary wherein a candidate for any one of the  
748 judicial offices herein mentioned is to be nominated who shall



749 deliberately, knowingly and willfully violate the provisions of  
750 this section shall forfeit his nomination, or if elected at the  
751 following general election by virtue of said nomination, his  
752 election shall be void.

753         **SECTION 25.** Section 23-15-993, Mississippi Code of 1972, is  
754 amended as follows:

755         23-15-993. For the purpose of all elections, including  
756 primary elections, each of the nine (9) judgeships of the Supreme  
757 Court shall be considered a separate office. The three (3)  
758 offices in each of the three (3) Supreme Court districts shall be  
759 designated Position Number 1, Position Number 2 and Position  
760 Number 3, and in qualifying for office as a candidate for any  
761 office of judge of the Supreme Court each candidate shall state  
762 the position number of the office to which he aspires and both the  
763 primary and regular election ballots shall so indicate. In  
764 Supreme Court District Number 1: Position Number 1 shall be that  
765 office for which the term ends in January 1966; Position Number 2  
766 shall be that office for which the term ends in January 1965; and  
767 Position Number 3 shall be that office for which the term ends in  
768 January 1969. In District Number 2: Position Number 1 shall be  
769 that office for which the term ends in January 1972; Position  
770 Number 2 shall be that office for which the term ends in January  
771 1969; and Position Number 3 shall be for that office for which the  
772 term ends in January 1973. In District Number 3: Position Number  
773 1 shall be that office for which the term ends in January 1969;  
774 Position Number 2 shall be that office for which the term ends in  
775 January 1969; and Position Number 3 shall be that office for which  
776 the term ends in January 1965.

777         **SECTION 26.** Section 23-15-995, Mississippi Code of 1972, is  
778 amended as follows:

779         23-15-995. Except as may be otherwise provided \* \* \*, the  
780 general laws for the election of state officers shall apply to and  
781 govern the election of judges of the Supreme Court.





782           **SECTION 27.** Section 23-15-1015, Mississippi Code of 1972, is  
783 amended as follows:

784           23-15-1015. On Tuesday after the first Monday in November  
785 1986, and every four (4) years thereafter and concurrently with  
786 the election for representatives in Congress, there shall be held  
787 an election in every county for judges of the several circuit and  
788 chancery court districts; provided, however, that the terms of  
789 judges of the several circuit and chancery court districts shall  
790 be six (6) years beginning with the term commencing January 2003.  
791 The laws regulating the general elections shall, in all respects,  
792 apply to and govern elections of judges of the circuit and  
793 chancery courts.

794           **SECTION 28.** The Attorney General of the State of Mississippi  
795 shall submit this act, immediately upon approval by the Governor,  
796 or upon approval by the Legislature subsequent to a veto, to the  
797 Attorney General of the United States or to the United States  
798 District Court for the District of Columbia in accordance with the  
799 provisions of the Voting Rights Act of 1965, as amended and  
800 extended.

801           **SECTION 29.** This act shall take effect and be in force from  
802 and after July 1, 2004, if it is effectuated on or before that  
803 date under Section 5 of the Voting Rights Act of 1965, as amended  
804 and extended. If it is effectuated under Section 5 of the Voting  
805 Rights Act of 1965, as amended and extended, after July 1, 2004,  
806 this act shall take effect and be in force from and after the date  
807 it is effectuated under Section 5 of the Voting Rights Act of  
808 1965, as amended and extended.

