

By: Representative Denny

To: Apportionment and  
Elections; Judiciary A

## HOUSE BILL NO. 107

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8 PARTY PRIMARIES, AND WHICH WERE REPEALED IN 1994; TO AMEND  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 AND 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 and 23-15-985,  
18 Mississippi Code of 1972, which provide for the Nonpartisan  
19 Judicial Election Act, are repealed.

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

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

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

32           23-15-847. At the primary election in the year in which an  
33 election shall be held pursuant to Section 23-15-849 to fill  
34 vacancies in the office of justice of the Supreme Court, judge of  
35 the Court of Appeals, circuit judge or chancellor, vacancy  
36 nominations shall be made for the offices in the manner as  
37 nominations are made for the full term.

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

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

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

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

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

61           23-15-1013. Nominations of candidates for the office of  
62 circuit court judge and for the office of chancery court judge  
63 shall be made in every county in their respective districts by  
64 primary election to be held concurrently with the primary election

65 to be held for the nomination of Representatives in Congress in  
66 2006 and every four (4) years thereafter. Primary elections for  
67 the nominations of candidates for the offices of judge of the  
68 circuit and chancery courts shall be held under the general  
69 primary election laws of the state.

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

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

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

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

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

98 the position number of the office to which he aspires and the  
99 election ballots shall so indicate.

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

105 (ii) In Congressional District Number 2, 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, 2003, 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, 2001.

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

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

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

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

128 (c) In the year prior to the expiration of the term of  
129 an incumbent, and likewise each eighth year thereafter, an  
130 election shall be held in the manner provided in this section in

131 the district from which the incumbent Court of Appeals judge was  
132 elected at which there shall be elected a successor to the  
133 incumbent, whose term of office shall thereafter begin on the  
134 first Monday of January of the year in which the term of the  
135 incumbent he succeeds expires.

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

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

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

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

162 **SECOND DISTRICT.** The Second Court of Appeals District shall  
163 be composed of the following counties and portions of counties:

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

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

197           **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
198 be composed of the following counties and portions of counties:  
199 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
200 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
201 that portion of Hinds County not included in the Second Court of  
202 Appeals District; and that portion of Jones county not included in  
203 the Third Court of Appeals District.

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

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

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

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

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

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

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

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

230 chancellor, may be divided into four (4) divisions as a matter of  
231 convenience by the entry of an order upon the minutes of the  
232 court.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

317           (3) Times for holding primary and general elections for the  
318 office of circuit court judge and the office of chancery court  
319 judge shall be as prescribed in Sections 23-10-1013 and \* \* \*  
320 23-15-1015.

321           (4) Times for holding elections for the office of county  
322 election commissioners shall be as prescribed in Section  
323 23-15-213.

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

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

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

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

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

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

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

345 (e) Candidates for county surveyor, county coroner,  
346 justice court judge and constable, not to exceed Ten Dollars  
347 (\$10.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

518           (ii) If such individual has given his or her consent to  
519 another person to receive contributions or make expenditures on  
520 behalf of such individual and if such person has received such  
521 contributions aggregating in excess of Two Hundred Dollars  
522 (\$200.00) during a calendar year, or has made such expenditures



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

602 or

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

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

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

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

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

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

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

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

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

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

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

650 (ii) The identification of:

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

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

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

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

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

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

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

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

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

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

717           (ii) The notification shall be in writing, and may be  
718 transmitted by overnight mail, courier service, or other reliable  
719 means, including electronic facsimile (FAX), but the candidate or  
720 candidate's committee shall ensure that the notification shall in  
721 fact be received in the appropriate office designated in Section  
722 23-15-805 within forty-eight (48) hours of the contribution.

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

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

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

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

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

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

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



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

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

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

802           **SECTION 29.** This act shall take effect and be in force from  
803 and after July 1, 2005, if it is effectuated on or before that  
804 date under Section 5 of the Voting Rights Act of 1965, as amended  
805 and extended. If it is effectuated under Section 5 of the Voting  
806 Rights Act of 1965, as amended and extended, after July 1, 2005,  
807 this act shall take effect and be in force from and after the date  
808 it is effectuated under Section 5 of the Voting Rights Act of  
809 1965, as amended and extended.