

By: Representative Snowden

To: Apportionment and
Elections; Judiciary A

HOUSE BILL NO. 845

1 AN ACT TO AMEND SECTIONS 23-15-297, 23-15-305, 23-15-975,
2 23-15-976, 23-15-977 AND 23-15-995, MISSISSIPPI CODE OF 1972, TO
3 REMOVE JUDGES OF THE SUPREME COURT FROM THE NONPARTISAN JUDICIAL
4 ELECTION ACT; TO PLACE THE FILING FEE FOR CANDIDATES FOR THE
5 OFFICE OF JUDGES OF THE SUPREME COURT AND COURT OF APPEALS IN THE
6 LAW GOVERNING PARTY NOMINATIONS; TO PROVIDE THAT THE CANDIDATE FOR
7 JUDGE OF THE SUPREME COURT OR COURT OF APPEALS RECEIVING THE MOST
8 VOTES SHALL BE THE PARTY NOMINEE; TO REMOVE THE PROHIBITION
9 AGAINST PARTIES CAMPAIGNING, ENDORSING OR CONTRIBUTING TO JUDICIAL
10 CANDIDATES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-297, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-297. All candidates upon entering the race for party
15 nominations for office shall first pay to the proper officer as
16 provided for in Section 23-15-299 for each primary election the
17 following amounts:

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

20 (b) Candidates for Lieutenant Governor, Attorney
21 General, Secretary of State, State Treasurer, Auditor of Public
22 Accounts, Commissioner of Insurance, Commissioner of Agriculture
23 and Commerce, State Highway Commissioner and State Public Service
24 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

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

31 (e) Candidates for county surveyor, county coroner,
32 justice court judge and constable, not to exceed Ten Dollars
33 (\$10.00).

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

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

38 (h) Candidates for Supreme Court judge and judge of the
39 Court of Appeals, not to exceed Two Hundred Dollars (\$200.00).

40 **SECTION 2.** Section 23-15-305, Mississippi Code of 1972, is
41 amended as follows:

42 23-15-305. (1) Except as otherwise provided in subsection
43 (5) of this section, the candidate who received the majority
44 number of votes cast for the office which he seeks shall thereby
45 become the nominee of his party for such office and no person
46 shall be declared to be the nominee of his party unless and until
47 he has received a majority of the votes cast for such office,
48 except as hereinafter provided. If no candidate received such
49 majority of the votes cast in the first primary, then the two (2)
50 candidates who receive the highest number of votes cast for such
51 office shall have their names submitted as such candidates to the
52 second primary and the candidate who leads in such second primary
53 shall be nominated for the office.

54 (2) If the candidate who received the second highest number
55 of votes cast for such office for any reason declines to enter the
56 second primary, then in that event the candidate who received the
57 third highest shall have his name submitted to the second primary,
58 together with the candidate who received the highest number of
59 votes cast for such office.

60 (3) If the candidate who received the third highest number
61 of votes cast for such office for any reason declines to enter the
62 second primary, then in that event the candidate who received the
63 fourth highest shall have his name submitted to the second

64 primary, together with the candidate who received the highest
65 number of votes cast for such office.

66 (4) If no candidate will enter the second primary with the
67 candidate who received the highest number of votes cast, then the
68 candidate who received the highest number of votes cast in the
69 first primary shall be declared the nominee of his party for such
70 office.

71 (5) In primary elections for judges of the Supreme Court and
72 Court of Appeals, the candidate who received the most number of
73 votes cast for the office which he seeks shall become the nominee
74 of the party for such office and no person shall be declared to be
75 the nominee of his party unless and until he has received the most
76 votes cast for such office.

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

79 23-15-975. As used in Sections 23-15-974 through 23-15-985
80 of this subarticle, the term "judicial office" includes the office
81 of * * * circuit judge, chancellor, county court judge and family
82 court judge. All such justices and judges shall be full-time
83 positions and such justices and judges shall not engage in the
84 practice of law before any court, administrative agency or other
85 judicial or quasi-judicial forum except as provided by law for
86 finalizing pending cases after election to judicial office.

87 **SECTION 4.** Section 23-15-976, Mississippi Code of 1972, is
88 amended as follows:

89 23-15-976. A judicial office is a nonpartisan office and a
90 candidate for election thereto is prohibited from campaigning or
91 qualifying for such an office based on party affiliation. * * *

92 **SECTION 5.** Section 23-15-977, Mississippi Code of 1972, is
93 amended as follows:

94 23-15-977. (1) All candidates for judicial office as
95 defined in Section 23-15-975 of this subarticle shall file their
96 intent to be a candidate with the proper officials not later than

97 5:00 p.m. on the first Friday after the first Monday in May prior
98 to the general election for judicial office and shall pay to the
99 proper officials the following amounts:

100 * * *

101 (a) Candidates for circuit judge and chancellor, the
102 sum of One Hundred Dollars (\$100.00).

103 (b) Candidates for county judge and family court judge,
104 the sum of Fifteen Dollars (\$15.00).

105 (2) Candidates for judicial offices listed in paragraphs
106 (a) * * * of subsection (1) of this section shall file their
107 intent to be a candidate with, and pay the proper assessment made
108 pursuant to subsection (1) of this section to, the State Board of
109 Election Commissioners.

110 (3) Candidates for judicial offices listed in paragraph (b)
111 of subsection (1) of this section shall file their intent to be a
112 candidate with, and pay the proper assessment made pursuant to
113 subsection (1) of this section to, the circuit clerk of the proper
114 county. The circuit clerk shall notify the county commissioners
115 of election of all persons who have filed their intent to be a
116 candidate with, and paid the proper assessment to, such clerk.
117 Such notification shall occur within two (2) business days and
118 shall contain all necessary information.

119 **SECTION 6.** Section 23-15-995, Mississippi Code of 1972, is
120 amended as follows:

121 23-15-995. * * * The general laws for the election of state
122 officers shall apply to and govern the election of judges of the
123 Supreme Court.

124 **SECTION 7.** The Attorney General of the State of Mississippi
125 shall submit this act, immediately upon approval by the Governor,
126 or upon approval by the Legislature subsequent to a veto, to the
127 Attorney General of the United States or to the United States
128 District Court for the District of Columbia in accordance with the

129 provisions of the Voting Rights Act of 1965, as amended and
130 extended.

131 **SECTION 8.** This act shall take effect and be in force from
132 and after the date it is effectuated under Section 5 of the Voting
133 Rights Act of 1965, as amended and extended.