

By: Senator(s) Ross, Burton, Dearing

To: Elections

SENATE BILL NO. 2567

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT JUSTICE COURT JUDGES SHALL BE ELECTED AT THE
 3 GENERAL STATE ELECTION IN A NONPARTISAN MANNER WITH A RUNOFF TWO
 4 WEEKS LATER IF NECESSARY; TO AMEND SECTION 23-15-297, MISSISSIPPI
 5 CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES FROM THE
 6 LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN ELECTION
 7 FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE
 8 OF 1972, TO PROVIDE THAT THIS SECTION, WHICH REQUIRES THE NAMES OF
 9 ALL CANDIDATES NOMINATED FOR OFFICE TO BE PRINTED ON THE BALLOT,
 10 SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO AMEND SECTION
 11 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT
 12 JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE DURING COURT
 13 TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE
 14 OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER THE NONPARTISAN
 15 JUDICIAL ELECTION ACT; TO AMEND SECTION 23-15-197, MISSISSIPPI
 16 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
 17 RELATED PURPOSES.

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

19 **SECTION 1.** Section 23-15-193, Mississippi Code of 1972, is
 20 amended as follows:

21 23-15-193. (1) At the election in 1995, and every four (4)
 22 years thereafter, there shall be elected a Governor, Lieutenant
 23 Governor, Secretary of State, Auditor of Public Accounts, State
 24 Treasurer, Attorney General, three (3) public service
 25 commissioners, three (3) Mississippi Transportation Commissioners,
 26 Commissioner of Insurance, Commissioner of Agriculture and
 27 Commerce, Senators and members of the House of Representatives in
 28 the Legislature, district attorneys for the several districts,
 29 clerks of the circuit and chancery courts of the several counties,
 30 as well as sheriffs, coroners, assessors, surveyors and members of
 31 the boards of supervisors * * * and constables, and all other
 32 officers to be elected by the people at the general state
 33 election. All * * * officers shall hold their offices for a term
 34 of four (4) years, and until their successors are elected and

35 qualified. The state officers shall be elected in the manner
36 prescribed in Section 140 of the Constitution.

37 (2) Justice court judges shall be elected at the time for
38 the election of the officers provided in subsection (1) of this
39 section. The election of justice court judges shall be
40 nonpartisan. If no candidate receives a majority of the votes
41 cast for the office in the general election, the names of the two
42 (2) candidates receiving the highest number of votes for the
43 office shall be placed on the ballot for a second election to be
44 held three (3) weeks later in accordance with appropriate
45 procedures followed in other elections involving runoff
46 candidates.

47 **SECTION 2.** Section 23-15-197, Mississippi Code of 1972, is
48 amended as follows:

49 23-15-197. (1) Times for holding primary and general
50 elections for congressional offices shall be as prescribed in
51 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

52 (2) Times for holding elections for the office of judge of
53 the Supreme Court shall be as prescribed in Section 23-15-991 and
54 Sections 23-15-974 through 23-15-985.

55 (3) Times for holding elections for the office of circuit
56 court judge, the office of chancery court judge and the office of
57 justice court judge shall be as prescribed in Sections 23-15-974
58 through 23-15-985 and Section 23-15-1015.

59 (4) Times for holding elections for the office of county
60 election commissioners shall be as prescribed in Section
61 23-15-213.

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

64 23-15-297. Any candidate * * * entering the race for party
65 nominations for office shall first pay to the proper officer as
66 provided for in Section 23-15-299 for each primary election the
67 following amounts:

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

70 (b) Candidates for Lieutenant Governor, Attorney
71 General, Secretary of State, State Treasurer, Auditor of Public
72 Accounts, Commissioner of Insurance, Commissioner of Agriculture
73 and Commerce, State Highway Commissioner and State Public Service
74 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

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

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

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

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

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

89 23-15-359. (1) The ballot shall contain the names of all
90 party nominees certified by the appropriate executive committee,
91 and independent and special election candidates who have timely
92 filed petitions containing the required signatures. A petition
93 requesting that an independent or special election candidate's
94 name be placed on the ballot for any office shall be filed as
95 provided for in subsection (3) or (4) of this section, as
96 appropriate, and shall be signed by not less than the following
97 number of qualified electors:

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

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

103 (c) For an office elected by the qualified electors of
104 a congressional district, not less than two hundred (200)
105 qualified electors.

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

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

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

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

117 (2) Unless the petition required in subsection (1) shall be
118 filed as provided * * * in subsection (3) or (4) of this section,
119 as appropriate, the name of the person requested to be a
120 candidate, unless nominated by a political party, shall not be
121 placed upon the ballot. The ballot shall contain the names of
122 each candidate for each office, and such names shall be listed
123 under the name of the political party the candidate represents as
124 provided by law and as certified to the circuit clerk by the State
125 Executive Committee of the political party. In the event a
126 candidate qualifies as an independent as herein provided, he shall
127 be listed on the ballot as an independent candidate.

128 (3) Petitions for offices described in paragraphs (a), (b),
129 (c) and (d) of subsection (1) of this section, and petitions for
130 offices described in paragraph (e) of subsection (1) of this
131 section for districts composed of more than one (1) county or
132 parts of more than one (1) county, shall be filed with the State

133 Board of Election Commissioners * * * no later than 5:00 p.m. on
134 the same date by which candidates for nominations in the political
135 party primary elections are required to pay the fee provided * * *
136 in Section 23-15-297, Mississippi Code of 1972; however, no
137 petition may be filed before January 1 of the year in which the
138 election for the office is held.

139 (4) Petitions for offices described in paragraphs (f) and
140 (g) of subsection (1) of this section, and petitions for offices
141 described in paragraph (e) of subsection (1) of this section for
142 districts composed of one (1) county or less, shall be filed with
143 the proper circuit clerk * * * no later than 5:00 p.m. on the same
144 date by which candidates for nominations in the political party
145 elections are required to pay the fee provided * * * in Section
146 23-15-297; however, no petition may be filed before January 1 of
147 the year in which the election for the office is held. The
148 circuit clerk shall notify the county commissioners of election of
149 all persons who have filed petitions with the clerk. Such
150 notification shall occur within two (2) business days and shall
151 contain all necessary information.

152 (5) The commissioners may also have printed upon the ballot
153 any local issue election matter that is authorized to be held on
154 the same date as the regular or general election pursuant to
155 Section 23-15-375; however, the ballot form of a local issue must
156 be filed with the commissioners of election by the appropriate
157 governing authority not less than sixty (60) days before the date
158 of the election.

159 (6) The provisions of this section shall not apply to
160 municipal elections or to the election of the offices of justice
161 of the Supreme Court, judge of the Court of Appeals, circuit
162 judge, chancellor, county court judge and justice court judge.

163 (7) Nothing in this section shall prohibit special elections
164 to fill vacancies in either house of the Legislature from being
165 held as provided in Section 23-15-851. In all elections conducted

166 under the provisions of Section 23-15-851, the commissioner shall
167 have printed on the ballot the name of any candidate who, not
168 having been nominated by a political party, has requested to be a
169 candidate for any office by a petition filed with said
170 commissioner by 5:00 p.m. not less than ten (10) working days
171 prior to the election, and signed by not less than fifty (50)
172 qualified electors.

173 (8) The appropriate election commission shall determine
174 whether each candidate is a qualified elector of the state, state
175 district, county or county district he seeks to serve, and whether
176 each candidate meets all other qualifications to hold the office
177 he is seeking or presents absolute proof that he will, subject to
178 no contingencies, meet all qualifications on or before the date of
179 the general or special election at which he could be elected to
180 office. The election commission also shall determine whether any
181 candidate is eligible for office under Section 44, Mississippi
182 Constitution of 1890. If the appropriate election commission
183 finds that a candidate either (a) is not a qualified elector, (b)
184 does not meet all qualifications to hold the office he seeks and
185 fails to provide absolute proof, subject to no contingencies, that
186 he will meet the qualifications on or before the date of the
187 general or special election at which he could be elected, or (c)
188 has been convicted of a felony as described in this subsection,
189 and not pardoned, then the name of that candidate shall not be
190 placed upon the ballot.

191 (9) If, after the deadline to qualify as a candidate for an
192 office or after the time for holding any party primary for an
193 office, there shall be only one (1) person who has duly qualified
194 to be a candidate for the office in the general election, the name
195 of that person shall be placed on the ballot; provided, however,
196 that if there shall be not more than one (1) person duly qualified
197 to be a candidate for each office on the general election ballot,
198 the election for all offices on the ballot shall be dispensed with

199 and the appropriate election commission shall declare each
200 candidate elected without opposition if the candidate meets all
201 the qualifications to hold the office as determined pursuant to a
202 review by the commission in accordance with the provisions of
203 subsection (8) of this section and if the candidate has filed all
204 required campaign finance disclosure reports as required by
205 Section 23-15-807.

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

208 **SECTION 5.** Section 23-15-973, Mississippi Code of 1972, is
209 amended as follows:

210 23-15-973. It shall be the duty of the judges of the circuit
211 court to give a reasonable time and opportunity to the candidates
212 for the office of judge of the Supreme Court, judges of the Court
213 of Appeals, circuit judge, chancellor and justice court judge to
214 address the people during court terms. In order to give further
215 and every possible emphasis to the fact that the * * * judicial
216 offices are not political but are to be held without favor and
217 with absolute impartiality as to all persons, and because of the
218 jurisdiction conferred upon the courts by this chapter, the judges
219 thereof should be as far removed as possible from any political
220 affiliations or obligations. It shall be unlawful for any
221 candidate for any of the offices mentioned in this section to
222 align himself with any candidate or candidates for any other
223 office or with any political faction or any political party at any
224 time during any primary or general election campaign. Likewise it
225 shall be unlawful for any candidate for any other office nominated
226 or to be nominated at any primary election, wherein any candidate
227 for any of the judicial offices in this section mentioned, is or
228 are to be nominated, to align himself with any one or more of the
229 candidates for the offices or to take any part whatever in any
230 nomination for any one or more of the judicial offices, except to
231 cast his individual vote. Any candidate for any office, whether

232 nominated with or without opposition, at any primary wherein a
233 candidate for any one of the judicial offices * * * mentioned in
234 this section is to be nominated who shall deliberately, knowingly
235 and willfully violate the provisions of this section shall forfeit
236 his nomination, or if elected at the following general election by
237 virtue of said nomination, his election shall be void.

238 **SECTION 6.** Section 23-15-975, Mississippi Code of 1972, is
239 amended as follows:

240 23-15-975. As used in Sections 23-15-974 through 23-15-985
241 of this subarticle, the term "judicial office" includes the office
242 of justice of the Supreme Court, judge of the Court of Appeals,
243 circuit judge, chancellor, county court judge * * * and justice
244 court judge. All * * * justices and judges, except justice court
245 judges, shall be full-time positions and the justices and judges,
246 except justice court judges, shall not engage in the practice of
247 law before any court, administrative agency or other judicial or
248 quasi-judicial forum except as provided by law for finalizing
249 pending cases after election to judicial office.

250 **SECTION 7.** Section 23-15-977, Mississippi Code of 1972, is
251 amended as follows:

252 23-15-977. (1) All candidates for judicial office as
253 defined in Section 23-15-975 of this subarticle shall file the
254 intent to be a candidate with the proper officials not later than
255 5:00 p.m. on the first Friday after the first Monday in May prior
256 to the general election for judicial office and shall pay to the
257 proper officials the following amounts:

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

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

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

264 (2) Candidates for judicial offices listed in paragraphs (a)
265 and (b) of subsection (1) of this section shall file the intent to
266 be a candidate with, and pay the proper assessment made pursuant
267 to subsection (1) of this section to, the State Board of Election
268 Commissioners.

269 (3) Candidates for judicial offices listed in paragraph (c)
270 of subsection (1) of this section shall file the intent to be a
271 candidate with, and pay the proper assessment made pursuant to
272 subsection (1) of this section to, the circuit clerk of the proper
273 county. The circuit clerk shall notify the county commissioners
274 of election of all persons who have filed their intent to be a
275 candidate with, and paid the proper assessment to, such clerk.
276 Such notification shall occur within two (2) business days and
277 shall contain all necessary information.

278 **SECTION 8.** The Attorney General of the State of Mississippi
279 shall submit this act, immediately upon approval by the Governor,
280 or upon approval by the Legislature subsequent to a veto, to the
281 Attorney General of the United States or to the United States
282 District Court for the District of Columbia in accordance with the
283 provisions of the Voting Rights Act of 1965, as amended and
284 extended.

285 **SECTION 9.** This act shall take effect and be in force from
286 and after the date it is effectuated under Section 5 of the Voting
287 Rights Act of 1965, as amended and extended, or January 1, 2008,
288 whichever date is later.