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Secretary of State

NON-PARTISAN JUDICIAL ELECTIONS GUIDE

This document is a quick fact sheet detailing important dates and requirements when filing as a candidate for a nonpartisan judicial office in Mississippi. Please refer to the Mississippi Constitution of 1890, the Mississippi Code Annotated, and Canon 5 of the Judicial Code of Conduct for more detailed information concerning a judicial candidate in Mississippi.

Important Dates

- Qualifying deadline: 5:00 p.m. on **May 7, 2010** (*Miss. Code Ann. 23-15-977*).
- General Election: **November 2, 2010** (*Miss. Const. 1890, §102; Miss. Code Ann. §23-15-991*).
- Runoff election (if necessary): **November 23, 2010** (*Miss. Code Ann. §23-15-981*).

Qualifications

- Supreme Court
 - Qualifications: A qualified elector of the Supreme Court District in which election is sought, at least 30 years of age, a practicing attorney, and a citizen of the state for five years immediately preceding the election. (*Miss. Const. of 1890, §150*)
- Court of Appeals
 - Qualifications: A qualified elector, at least 30 years of age, a practicing attorney, and a citizen of the State for five years immediately preceding the election. (*Miss. Const. of 1890, §150*)
- Trial Courts
 - Chancery Courts
 - Qualifications: A qualified elector, at least 26 years of age, a practicing attorney, and a citizen of the state for five years. (*Miss. Const of 1890, §154*)
 - Circuit Courts
 - Qualifications: A qualified elector, at least 26 years of age, a practicing attorney, and a citizen of the state for five years. (*Miss. Const of 1890, §154*)
 - County Courts
 - Qualifications: A qualified elector at least 26 years of age, a practicing attorney for five years, and a citizen of the state for five years preceding the election. (*Miss. Const of 1890, §154*)

Qualifying Procedures

- The deadline to qualify as a judicial candidate in the 2010 nonpartisan judicial election is 5:00 p.m. on May 7, 2010. (*Miss. Code Ann. 23-15-977*)
- Potential judicial candidates must:
 - 1. Complete a Qualifying Statement of Intent for a Judicial Candidate;
 - 2. Sign the pledge under oath and under penalty of perjury as prescribed in Miss. Code Ann. §23-15-977.1; and
 - 3. Pay the appropriate qualifying fee (*Miss. Code Ann. 23-15-977*)
 - Supreme Court: \$200.
 - Court of Appeals: \$200.
 - Chancery and Circuit Courts: \$100
 - County Courts: \$15
 - See *Miss. Code Ann. §§ 23-15-977 & 977.1*
- Candidates for Supreme Court judge, Court of Appeals, circuit judge and chancellor shall file their intent to be a candidate, affidavit and filing fee with the State Board of Election Commissioners. (*Miss. Code Ann. §23-15-977*)
 - The qualifying forms are to be submitted to the Secretary of State and the check for the qualifying fee shall be made payable to the State Board of Election Commissioners.
- Candidates for county judge shall file their intent to be a candidate, affidavit and filing fee with the circuit clerk of the proper county. (*Miss. Code Ann. §23-15-977*)
 - The check for the qualifying fee shall be made payable to the circuit clerk of the proper county.
- Forms for a Qualifying Statement of Intent for a Judicial Candidate and Affidavit of Judicial Candidate are available on the Secretary of State's website (www.sos.ms.gov).

Campaign Finance

- A judicial office is a nonpartisan office and a candidate for election thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. (*Miss. Code Ann. 23-15-976*)
- Political parties and any committee or political committee affiliated with a political party shall not engage in fund-raising on behalf of a candidate or officeholder of a nonpartisan judicial office. (*Miss. Code Ann. 23-15-976*)
- A political party or any committee or political committee affiliated with a political party may not publicly endorse any candidate for nonpartisan judicial office. (*Miss. Code Ann. 23-15-976*)
- No candidate or candidate's political committee for nonpartisan judicial office shall accept a contribution from a political party or any committee or political committee affiliated with a political party. (*Miss. Code Ann. 23-15-976*)
- Limitations on contributions (*Miss. Code Ann. 23-15-1021*):
 - Judge of a county, circuit or chancery court - \$2,500
 - Court of Appeals or Justice of the Supreme Court - \$5,000
- A judicial candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. However, a judicial candidate may establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. (*Canon 5C(2)*)

- Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for the candidacy. (*Canon 5C(2)*)
- Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. (*Canon 5C(2)*)
- A candidate's committees shall not solicit or accept contributions and public support for the candidate's campaign earlier than 60 days before the qualifying deadline or later than 120 days after the last election in which the candidate participates during the election year. (*Canon 5C(2)*)
- A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others. (*Canon 5C(2)*)

Creating a Campaign Committee

- Each political committee shall file a Statement of Organization no later than ten (10) days after receipt of contributions aggregating in excess of Two Hundred Dollars (\$200.00), or no later than ten (10) days after having made expenditures aggregating in excess of Two Hundred Dollars (\$200.00). (*Miss. Code Ann. 23-15-803*)
- Upon creating a political committee, the committee must file the appropriate campaign finance reports until termination of said committee. (*Miss. Code Ann. 23-15-805*)
- Forms for creating a political committee (Statement of Organization) are available on the Secretary of State's website (www.sos.ms.gov).

Campaign Finance Filing

- Fundraising by political parties, committees or political committees associated with a party cannot take place on behalf of judicial candidates.
- Each candidate or political committee shall file reports of contributions and disbursements in accordance with the provisions of Miss. Code Ann. 23-15-807.
- In the 2010 election, nonpartisan judicial candidates and judicial candidate committees must file campaign finance reports on the following deadlines (*Miss. Code Ann. §23-15-807(b)(1) and (c)*):
 - May 10, 2010 – Periodic report (January 1, 2010 – April 30, 2010)
 - June 10, 2010 – Periodic report (May 1, 2010 – May 31, 2010)
 - July 10, 2010 – Periodic report (June 1, 2010 – June 30, 2010)
 - October 10, 2010 – Periodic Report (July 1, 2010 – September 30, 2010)
 - October 26, 2010 – Pre-Election Report (October 1, 2010 – October 23, 2010)
 - November 16, 2010 – Pre-Runoff Report (October 24, 2010–November 13, 2010)
 - January 10, 2011 – Periodic Report (October 24, 2010 – December 31, 2010)
 - All candidates or political committees required to report may terminate its obligation to report only upon submitting a final report that it will no longer receive any contributions, make any disbursements and that such candidate or committee has no outstanding debts or obligations. The candidate, treasurer or chief executive officer shall sign each such report.
- The same form may be used when filing periodic reports, pre-election reports, pre-runoff reports, and termination reports. The forms are available on the Secretary of State's website (www.sos.ms.gov).
- Loans (*Miss. Code Ann. 23-15-1023*)

- Judicial candidates shall disclose the identity of any individual or entity from which the candidate or the candidate's committee receives a loan or other extension of credit for use in his campaign and any cosigners for a loan or extension of credit.
- The candidate or the candidate's committee shall disclose how the loan or the other extension of credit was used, and how and when the loan or other extension of credit is to be repaid and the method of repayment.
- The candidate or the candidate's committee shall disclose all loan documents related to such loans or extensions of credit.
- Forms for reporting loans or extension of credit are available on the Secretary of State's website (www.sos.ms.gov).

Distribution of Campaign Materials (*Miss. Code Ann. § 23-15-1025*)

- If any material is distributed by a judicial candidate or his campaign committee or any other person or entity, or at the request of the candidate, his campaign committee or any other person or entity distributing the material shall state that it is distributed by the candidate or that it is being distributed with the candidate's approval.
- All campaign material shall conspicuously identify who has prepared the material and who is distributing the material. The identifying language shall state whether or not the material has been submitted to and approved by the candidate. If the candidate has not approved the material, the material shall so state. The identity of organizations or committees shall state the names of all officers of the organizations or committees.

Other Important Issues and Dates

- Please see Canon 5 of the Code of Judicial Conduct for important issues and dates for judicial candidates.
- Contact the Mississippi Commission on Judicial Performance at (601) 359-1273 with questions concerning the Code of Judicial Conduct.