

PROPOSED INITIATIVE MEASURE FOR AMENDMENT TO THE MISSISSIPPI CONSTITUTION BY INITIATIVE AS PROVIDED IN SECTION 273 OF THE MISSISSIPPI CONSTITUTION OF 1890 WHICH WOULD AMEND SECTIONS 138, 171, AND 174 OF THE MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THERE WILL BE NO PARTY PRIMARY FOR THE ELECTION OF COUNTY OFFICES, JUSTICE COURT JUDGES AND DISTRICT ATTORNEYS BUT INSTEAD WILL BE AN OPEN PRIMARY FOR ALL CANDIDATES AND A RUNOFF IF NECESSARY WITH THE PROPOSED INITIATIVE MEASURE BEING AS FOLLOWS:

I.

Amend Section 138, Mississippi Constitution of 1890, to read as follows:

“Section 138. (1) The sheriff, coroner, assessor, surveyor, clerks of courts, and members of the board of supervisors of the several counties, and all other officers exercising local jurisdiction therein, shall be selected in the following manner: All candidates for those offices shall file their intent to be a candidate with, and pay the proper assessment to, the circuit clerk of the proper county to qualify for office, at least ninety (90) days before the general election for the office.

(2) All qualified candidates shall be certified by the election commission of the county at least sixty (60) days before the general election for the office. The names of the qualified candidates for each office shall be listed alphabetically on the ballot, without regard to the candidates' party affiliation or lack thereof.

(3) The candidate receiving more than fifty percent (50%) of the valid votes cast for the office at the general election shall be elected to the office. If no candidate receives more than fifty percent (50%) of the valid votes cast for the office, then the two (2) candidates receiving the most valid votes cast for the office shall be placed on the ballot for a runoff election to be held three (3) weeks after the general election, and the candidate receiving the most valid votes at the runoff election shall be elected to the office. The Legislature by general law shall determine the



manner of resolving a tie in the number of votes cast for the office.

(4) A candidate may have a political party designation, independent designation, or no designation along with his or her name on the ballot.”

II.

Amend Section 171, Mississippi Constitution of 1890, to read as follows:

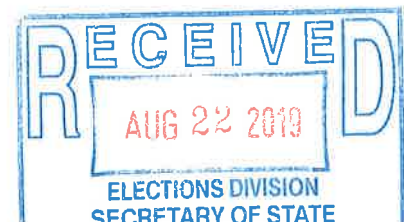
“Section 171. (1) A competent number of justice court judges and constables shall be chosen in each county in a nonpartisan election in the manner provided in this section, but not less than two (2) such judges in any county, who shall hold their office for the term of four (4) years.

(2) Each justice court judge shall have resided two (2) years in the county next preceding his selection and shall be a high school graduate or have a general equivalency diploma unless he shall have served as a justice of the peace or been elected to the office of justice of the peace prior to January 1, 1976. All persons elected to the office of justice of the peace in November, 1975, shall take office in January, 1976 as justice court judges.

(3) Candidates for those offices shall file their intent to be a candidate with, and pay the proper assessment to, the circuit clerk of the proper county to qualify for office, at least ninety (90) days before the general election for the office.

(4) All qualified candidates shall be certified by the election commission of the county at least sixty (60) days before the general election for the office. The names of qualified candidates for each office shall be listed alphabetically on the ballot.

(5) The candidate receiving more than fifty percent (50%) of the valid votes cast for the office at the general election shall be elected to the office. If no candidate receives more than fifty percent (50%) of the valid votes cast for the office, then the two (2) candidates receiving the



most valid votes for the office shall be placed on the ballot for a runoff election to be held three (3) weeks after the general election, and the candidate receiving the most valid votes at the runoff election shall be elected to the office. The Legislature by general law shall determine the manner of resolving a tie in the number of votes cast for the office.

(6) The names of all candidates shall be listed in alphabetical order on the ballot, and no reference to political party affiliation or independent designation shall appear on any ballot with respect to a candidate for justice court judge or constable.

(7) The maximum civil jurisdiction of the justice court shall extend to causes in which the principal amount in controversy is Five Hundred Dollars (\$500.00) or such higher amount as may be prescribed by law. The justice court shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the Legislature may confer on the justice court exclusive jurisdiction in such petty misdemeanors as the Legislature shall see proper.

(8) In all causes tried in justice court, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice court judge shall preside at the trial of any cause where he may be interested, or the parties of either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice court judge and of the parties.

(9) All reference in the Mississippi Code to justice of the peace shall mean justice court judge.”

### III.

Amend Section 174, Mississippi Constitution of 1890, to read as follows:

“Section 174. (1) A district attorney for each circuit court district shall be selected in a



nonpartisan election in the manner provided in this section, whose term of office shall be four (4) years, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary.

(2) Candidates for that office shall file their intent to be a candidate with, and pay the proper assessment to, the Secretary of State to qualify for office, at least ninety (90) days before the general election for the office.

(3) All qualified candidates shall be certified by the State Board of Election Commissioners at least sixty (60) days before the general election for the office. The names of qualified candidates for each office shall be listed alphabetically on the ballot.

(4) The candidate receiving more than fifty percent (50%) of the valid votes cast for the office at the general election shall be elected to the office. If no candidate receives more than fifty percent (50%) of the valid votes cast for the office, then the two (2) candidates receiving the most valid votes cast for the office shall be placed on the ballot for a runoff election to be held three (3) weeks after the general election, and the candidate receiving the most valid votes at the runoff election shall be elected to the office. The Legislature by general law shall determine the manner of resolving a tie in the number of votes cast for the office.

(5) The names of all candidates shall be listed in alphabetical order on the ballot, and no reference to political party affiliation or independent designation shall appear on any ballot with respect to a candidate for district attorney.”

There shall be no revenue required to implement the initiative measure prepared. The initiative does not require a reduction in any source of government revenue, or a reallocation of funding from currently funded programs.



Respectfully submitted, this the 22<sup>nd</sup> day of August, 2019.

*Joseph L. Warren*

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REGISTERED ELECTOR FOR AND RESIDENT  
OF THE FOLLOWING COUNTY:

COVINGTON COUNTY, STATE OF MISSISSIPPI

