

By: Representative Perkins

To: Judiciary A;
Apportionment and
Elections

HOUSE BILL NO. 104

1 AN ACT TO AMEND SECTION 9-4-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ELECTION DISTRICTS FOR JUDGES OF THE COURT OF APPEALS;
3 AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 9-4-5, Mississippi Code of 1972, is
6 amended as follows:

7 9-4-5. (1) The term of office of judges of the Court of
8 Appeals shall be eight (8) years. An election shall be held on
9 the first Tuesday after the first Monday in November 1994, to
10 elect the ten (10) judges of the Court of Appeals, one (1) from
11 each Court of Appeals district as created by the Legislature. The
12 judges of the Court of Appeals shall begin service on the first
13 Monday of January 1995. A judge shall reside in the district from
14 which he is elected.

15 (2) (a) In order to provide that the offices of not more
16 than a majority of the judges of said court shall become vacant at
17 any one (1) time, the terms of office of six (6) of the judges
18 first to be elected shall expire in less than eight (8) years. For
19 the purpose of all elections of members of the court, each of the
20 ten (10) judges of the Court of Appeals shall be considered a
21 separate office. * * *

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23 (b) The laws regulating the general elections shall
24 apply to and govern the elections of judges of the Court of
25 Appeals except as otherwise provided in Sections 23-15-974 through
26 23-15-985.

27 (c) In the year prior to the expiration of the term of
28 an incumbent, and likewise each eighth year thereafter, an
29 election shall be held in the manner provided in this section in
30 the Court of Appeals district from which the incumbent Court of
31 Appeals judge was elected at which there shall be elected a
32 successor to the incumbent, whose term of office shall thereafter
33 begin on the first Monday of January of the year in which the term
34 of the incumbent he succeeds expires.

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

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

44 SECTION 2. The Attorney General of the State of Mississippi
45 shall submit this act, immediately upon approval by the Governor,
46 or upon approval by the Legislature subsequent to a veto, to the
47 Attorney General of the United States or to the United States
48 District Court for the District of Columbia in accordance with the
49 provisions of the Voting Rights Act of 1965, as amended and
50 extended.

51 SECTION 3. This act shall take effect and be in force from
52 and after the date it is effectuated under Section 5 of the Voting
53 Rights Act of 1965, as amended and extended.