

By: Representatives Frierson, Moak, Dedeaux, To: Judiciary A;
Formby, King, Nettles, Saucier, Simmons, Appropriations
Vince, Warren, Watson

HOUSE BILL NO. 769

1 AN ACT TO AMEND SECTION 9-7-42, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL JUDGE FOR THE FIFTEENTH CIRCUIT COURT
3 DISTRICT; TO AMEND SECTIONS 23-15-977, 23-15-982 AND 23-15-983,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 9-7-42, Mississippi Code of 1972, is
7 amended as follows:

8 9-7-42. (1) There shall be two (2) judges for the Fifteenth
9 Circuit Court District; however, from and after January 1, 2000,
10 there shall be three (3) judges for the Fifteenth Circuit Court
11 District.

12 (2) For the purposes of appointment and election, from and
13 after January 1, 2000, the three (3) judgeships shall be separate
14 and distinct and denominated for purposes of appointment and
15 election only as "Place One," "Place Two" and "Place Three."

16 (3) The initial term for the third judgeship, being "Place
17 Three" created under this section, shall begin on January 1, 2000,
18 and shall end at the same time as for circuit judges generally.
19 The initial holder of "Place Three" shall not be appointed but
20 shall be elected, and any candidate for the office shall file his
21 intent to be a candidate not later than ten (10) days before the
22 1999 general election. The qualification and election of the
23 third judgeship shall otherwise be as provided by Sections
24 23-15-974 through 23-15-985.

25 SECTION 2. Section 23-15-977, Mississippi Code of 1972, is
26 amended as follows:

27 23-15-977. (1) Except as may be otherwise provided by law,

28 all candidates for judicial office as defined in Section 23-15-975
29 of this subarticle shall file their intent to be a candidate with
30 the proper officials not later than the first Friday after the
31 first Monday in May prior to the general election for judicial
32 office and shall pay to the proper officials the following
33 amounts:

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

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

38 (c) Candidates for county judge and family court judge,
39 the sum of Fifteen Dollars (\$15.00).

40 (2) Candidates for judicial offices listed in paragraphs (a)
41 and (b) of subsection (1) of this section shall file their intent
42 to be a candidate with, and pay the proper assessment made
43 pursuant to subsection (1) of this section to, the State Board of
44 Election Commissioners.

45 (3) Candidates for judicial offices listed in paragraph (c)
46 of subsection (1) of this section shall file their intent to be a
47 candidate with, and pay the proper assessment made pursuant to
48 subsection (1) of this section to, the circuit clerk of the proper
49 county. The circuit clerk shall notify the county commissioners
50 of election of all persons who have filed their intent to be a
51 candidate filed with, and paid the proper assessment to, such
52 clerk. Such notification shall occur within two (2) business days
53 and shall contain all necessary information.

54 SECTION 3. Section 23-15-982, Mississippi Code of 1972, is
55 amended as follows:

56 23-15-982. (1) Majority of vote equals any excess of the
57 total vote for all candidates divided by the number of judgeships
58 to be filled divided by two (2).

59 If some or all candidates in a multijudge election do not
60 receive a majority of the vote, then candidates equal in number to

61 twice the number of remaining positions to be filled and having
62 the highest votes shall run in a runoff election. In such event,
63 if there is not a sufficient number of remaining candidates equal
64 to twice the number of remaining positions to be filled, then all
65 remaining candidates shall run in the runoff election.

66 (2) Any tie votes which require resolution to determine who
67 shall enter a runoff election shall be determined by the
68 commissioners of election in the manner prescribed by Sections
69 23-15-601 and 23-15-605.

70 Candidates equal to the remaining number of positions to be
71 filled who have the highest votes in the runoff election are
72 elected.

73 Any tie votes which must be determined in order to decide who
74 is elected as a result of a runoff election shall be determined by
75 the State Election Commission in the manner prescribed by Sections
76 23-15-601 and 23-15-605.

77 (3) The provisions of this section shall apply only to
78 districts and subdistricts which are multijudge districts except
79 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
80 Districts and the Second, Eighth, Fifteenth and Nineteenth Circuit
81 Court Districts.

82 SECTION 4. Section 23-15-983, Mississippi Code of 1972, is
83 amended as follows:

84 23-15-983. At the general election, the candidates equal to
85 the number of positions to be filled and having the highest votes
86 shall be elected.

87 Any tie votes in the general election which must be resolved
88 in order to determine who is elected shall be resolved in the
89 manner prescribed by Sections 23-15-601 and 23-15-605.

90 The provisions of this section shall apply only to districts
91 and subdistricts which are multijudge districts except for the
92 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
93 and the Second, Eighth, Fifteenth and Nineteenth Circuit Court

94 Districts.

95 SECTION 5. The Attorney General of the State of Mississippi
96 is directed to submit this act, immediately upon approval by the
97 Governor, or upon approval by the Legislature subsequent to a
98 veto, to the Attorney General of the United States or to the
99 United States District Court for the District of Columbia in
100 accordance with the provisions of the Voting Rights Act of 1965,
101 as amended and extended.

102 SECTION 6. This act shall take effect and be in force from
103 and after the date it is effectuated under Section 5 of the Voting
104 Rights Act of 1965, as amended and extended.