

By: Senator(s) Lee

To: Judiciary

SENATE BILL NO. 2223

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 therefor shall file his intent  
21 to be a candidate not later than ten (10) days prior to the 1999  
22 general election. The qualification and election of the third  
23 judgeship shall otherwise be as provided by Sections 23-15-974  
24 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.