

By: Senator(s) Nunnelee, Little, Browning,
Gordon, Bryan

To: Judiciary; Elections

SENATE BILL NO. 2598

1 AN ACT TO AMEND SECTIONS 9-5-7 AND 9-7-7, MISSISSIPPI CODE OF
2 1972, TO REVISE ELECTION OF THE CIRCUIT AND CHANCERY JUDGES OF THE
3 FIRST DISTRICT; TO CREATE ENUMERATED POSTS; TO AMEND SECTIONS
4 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
5 AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF
6 THE STATE OF MISSISSIPPI:

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8 SECTION 1. Section 9-5-7, Mississippi Code of 1972, is
9 amended as follows:

10 9-5-7. (1) There shall be three (3) chancellors for the
11 First Chancery Court District.

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

16 SECTION 2. Section 9-7-7, Mississippi Code of 1972, is
17 amended as follows:

18 9-7-7. (1) There shall be three (3) judges for the First
19 Circuit Court District; however, from and after January 1, 2000,
20 there shall be four (4) judges for the First Circuit Court
21 District.

22 (2) For the purposes of appointment and election, from and
23 after January 1, 2000, the four (4) judgeships shall be separate
24 and distinct and denominated for purposes of appointment and
25 election only as "Place One," "Place Two," "Place Three," and
26 "Place Four."

27 (3) The initial term for the fourth judgeship, being "Place
28 Four," created under this section shall begin on January 1, 2000,

29 and shall end at the same time as for circuit judgeships
30 generally.

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

33 23-15-982. (1) Majority of vote equals any excess of the
34 total vote for all candidates divided by the number of judgeships
35 to be filled divided by two (2).

36 If some or all candidates in a multijudge election do not
37 receive a majority of the vote, then candidates equal in number to
38 twice the number of remaining positions to be filled and having
39 the highest votes shall run in a runoff election. In such event,
40 if there is not a sufficient number of remaining candidates equal
41 to twice the number of remaining positions to be filled, then all
42 remaining candidates shall run in the runoff election.

43 (2) Any tie votes which require resolution to determine who
44 shall enter a runoff election shall be determined by the
45 commissioners of election in the manner prescribed by Sections
46 23-15-601 and 23-15-605.

47 Candidates equal to the remaining number of positions to be
48 filled who have the highest votes in the runoff election are
49 elected.

50 Any tie votes which must be determined in order to decide who
51 is elected as a result of a runoff election shall be determined by
52 the State Election Commission in the manner prescribed by Sections
53 23-15-601 and 23-15-605.

54 (3) The provisions of this section shall apply only to
55 districts and subdistricts which are multijudge districts except
56 for the First, Eighth, Tenth, Sixteenth and Twentieth Chancery
57 Court Districts and the First, Second, Eighth and Nineteenth
58 Circuit Court Districts.

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

61 23-15-983. At the general election, the candidates equal to
62 the number of positions to be filled and having the highest votes
63 shall be elected.

64 Any tie votes in the general election which must be resolved
65 in order to determine who is elected shall be resolved in the

66 manner prescribed by Sections 23-15-601 and 23-15-605.

67 The provisions of this section shall apply only to districts
68 and subdistricts which are multijudge districts except for the
69 First, Eighth, Tenth, Sixteenth and Twentieth Chancery Court
70 Districts and the First, Second, Eighth and Nineteenth Circuit
71 Court Districts.

72 SECTION 5. The Attorney General of the State of Mississippi
73 is hereby directed to submit this act, immediately upon approval
74 by the Governor, or upon approval by the Legislature subsequent to
75 a veto, to the Attorney General of the United States or to the
76 United States District Court for the District of Columbia in
77 accordance with the provisions of the Voting Rights Act of 1965,
78 as amended and extended.

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