

By: Reynolds, Bailey, Compretta, Dedeaux,
Mitchell, Moak, Peranich, Smith (27th),
Watson

To: Apportionment and
Elections; Judiciary
A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 549

1 AN ACT TO AMEND SECTIONS 9-4-1 AND 9-4-5, MISSISSIPPI CODE OF
2 1972, TO CLARIFY THE 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 9-4-1, Mississippi Code of 1972, is
6 amended as follows:[HS1]

7 9-4-1. (1) There is hereby established a court to be known
8 as the "Court of Appeals of the State of Mississippi," which shall
9 be a court of record.

10 (2) The Court of Appeals shall be comprised of ten (10)
11 appellate judges, two (2) from each congressional district, as
12 such congressional districts are constituted on July 13, 1993,
13 selected in accordance with Section 9-4-5.

14 SECTION 2. Section 9-4-5, Mississippi Code of 1972, is
15 amended as follows:[HS2]

16 9-4-5. (1) The term of office of judges of the Court of
17 Appeals shall be eight (8) years. An election shall be held on
18 the first Tuesday after the first Monday in November 1994, to
19 elect the ten (10) judges of the Court of Appeals, two (2) from
20 each congressional district as such congressional districts are
21 constituted on July 13, 1993. The judges of the Court of Appeals
22 shall begin service on the first Monday of January 1995.

23 (2) (a) In order to provide that the offices of not more
24 than a majority of the judges of said court shall become vacant at
25 any one (1) time, the terms of office of six (6) of the judges
26 first to be elected shall expire in less than eight (8) years. For

27 the purpose of all elections of members of the court, each of the
28 ten (10) judges of the Court of Appeals shall be considered a
29 separate office. The two (2) offices in each of the five (5)
30 congressional districts, as such congressional districts are
31 constituted on July 13, 1993, shall be designated Position Number
32 1 and Position Number 2, and in qualifying for office as a
33 candidate for any office of judge of the Court of Appeals each
34 candidate shall state the position number of the office to which
35 he aspires and the election ballots shall so indicate.

36 (i) In Congressional District Number 1, the judge
37 of the Court of Appeals for Position Number 1 shall be that office
38 for which the term ends January 1, 1999, and the judge of the
39 Court of Appeals for Position Number 2 shall be that office for
40 which the term ends January 1, 2003.

41 (ii) In Congressional District Number 2, the judge
42 of the Court of Appeals for Position Number 1 shall be that office
43 for which the term ends on January 1, 2003, and the judge of the
44 Court of Appeals for Position Number 2 shall be that office for
45 which the term ends January 1, 2001.

46 (iii) In Congressional District Number 3, the
47 judge of the Court of Appeals for Position Number 1 shall be that
48 office for which the term ends on January 1, 2001, and the judge
49 of the Court of Appeals for Position Number 2 shall be that office
50 for which the term ends January 1, 1999.

51 (iv) In Congressional District Number 4, the judge
52 of the Court of Appeals for Position Number 1 shall be that office
53 for which the term ends on January 1, 1999, and the judge of the
54 Court of Appeals for Position Number 2 shall be that office for
55 which the term ends January 1, 2003.

56 (v) In Congressional District Number 5, the judge
57 of the Court of Appeals for Position Number 1 shall be that office
58 for which the term ends on January 1, 2003, and the judge of the
59 Court of Appeals for Position Number 2 shall be that office for
60 which the term ends January 1, 2001.

61 (b) The laws regulating the general elections shall
62 apply to and govern the elections of judges of the Court of
63 Appeals except as otherwise provided in Sections 23-15-974 through

64 23-15-985.

65 (c) In the year prior to the expiration of the term of
66 an incumbent, and likewise each eighth year thereafter, an
67 election shall be held in the manner provided in this section in
68 the congressional district from which the incumbent Court of
69 Appeals judge was elected at which there shall be elected a
70 successor to the incumbent, whose term of office shall thereafter
71 begin on the first Monday of January of the year in which the term
72 of the incumbent he succeeds expires.

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

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

82 SECTION 3. The Attorney General of the State of Mississippi
83 shall submit this act, immediately upon approval by the Governor,
84 or upon approval by the Legislature subsequent to a veto, to the
85 Attorney General of the United States or to the United States
86 District Court for the District of Columbia in accordance with the
87 provisions of the Voting Rights Act of 1965, as amended and
88 extended.

89 SECTION 4. This act shall take effect and be in force from
90 and after the date it is effectuated under Section 5 of the Voting
91 Rights Act of 1965, as amended and extended.