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To: Apportionment and
Elections; Judiciary
A

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 shall be designated Position Number 1 and
31 Position Number 2, and in qualifying for office as a candidate for
32 any office of judge of the Court of Appeals each candidate shall
33 state the position number of the office to which he aspires and
34 the election ballots shall so indicate.

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

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

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

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

53 Court of Appeals for Position Number 2 shall be that office for
54 which the term ends January 1, 2003.

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

60 (b) The laws regulating the general elections shall
61 apply to and govern the elections of judges of the Court of
62 Appeals except as otherwise provided in Sections 23-15-974 through
63 23-15-985.

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

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

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

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

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