

By: Simpson

To: Judiciary A;
Appropriations

HOUSE BILL NO. 973

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, 2001,
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, 2001, 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) For the purposes of the 2000 election only, any
17 candidates for the third position of Circuit Judge of the
18 Fifteenth Circuit Court District, or "Place Three" created under
19 subsection (1) of this section, shall file their intent to be a
20 candidate not later than sixty (60) days prior to the general
21 election. The qualification and election of the three (3)
22 judgeships shall otherwise be as provided by Sections 23-15-974
23 through 23-15-985.

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

26 23-15-977. (1) Except as may be otherwise provided by law,
27 all candidates for judicial office as defined in Section 23-15-975

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

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

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

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

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

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

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

55 23-15-982. (1) Majority of vote equals any excess of the
56 total vote for all candidates divided by the number of judgeships
57 to be filled divided by two (2).

58 If some or all candidates in a multijudge election do not
59 receive a majority of the vote, then candidates equal in number to
60 twice the number of remaining positions to be filled and having
61 the highest votes shall run in a runoff election. In such event,
62 if there is not a sufficient number of remaining candidates equal
63 to twice the number of remaining positions to be filled, then all
64 remaining candidates shall run in the runoff election.

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

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

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

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

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

83 23-15-983. At the general election, the candidates equal to
84 the number of positions to be filled and having the highest votes
85 shall be elected.

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

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

94 SECTION 5. The Attorney General of the State of Mississippi
95 is directed to submit this act, immediately upon approval by the
96 Governor, or upon approval by the Legislature subsequent to a
97 veto, to the Attorney General of the United States or to the

98 United States District Court for the District of Columbia in
99 accordance with the provisions of the Voting Rights Act of 1965,
100 as amended and extended.

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