

By: Nunnelee

To: Judiciary; Elections

SENATE BILL NO. 2140

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.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

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

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

17 9-7-7. (1) There shall be three (3) judges for the First
18 Circuit Court District; however, from and after January 1, 2001,
19 there shall be four (4) judges for the First Circuit Court
20 District.

21 (2) For the purposes of appointment and election, from and
22 after January 1, 2001, the four (4) judgeships shall be separate
23 and distinct and denominated for purposes of appointment and
24 election only as "Place One," "Place Two," "Place Three," and
25 "Place Four."

26 (3) The initial term for the fourth judgeship, being "Place
27 Four," created under this section shall begin on January 1, 2001,

28 and shall end at the same time as for circuit judgeships
29 generally. Candidates for the initial term of the fourth
30 judgeship shall qualify not less than thirty (30) days prior to
31 the general election in November 2000.

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

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

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

44 (2) Any tie votes which require resolution to determine who
45 shall enter a runoff election shall be determined by the
46 commissioners of election in the manner prescribed by Sections
47 23-15-601 and 23-15-605.

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

51 Any tie votes which must be determined in order to decide who
52 is elected as a result of a runoff election shall be determined by
53 the State Election Commission in the manner prescribed by Sections
54 23-15-601 and 23-15-605.

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

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

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

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

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

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

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