

By: Turner

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2801

1 AN ACT TO AMEND SECTION 9-4-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE TERM OF OFFICE OF JUDGES OF THE COURT OF APPEALS
3 SHALL BE TEN YEARS; TO DIVIDE THE STATE INTO DISTRICTS FOR THE
4 ELECTION OF JUDGES OF THE COURT OF APPEALS; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 9-4-5, Mississippi Code of 1972, is
8 amended as follows:[CSQ1]

9 9-4-5. (1) The term of office of judges of the Court of
10 Appeals shall be eight (8) years; provided, however, that the term
11 of office for judges of the Court of Appeals who are elected to
12 take office after the first Monday of January 2001 shall be ten
13 (10) years. An election shall be held on the first Tuesday after
14 the first Monday in November 1994, to elect the ten (10) judges of
15 the Court of Appeals, two (2) from each Congressional District;
16 provided, however, judges of the Court of Appeals who are elected
17 to take office after the first Monday of January 2001 shall be
18 elected from the Court of Appeals Districts described in
19 subsection (5) of this section. The judges of the Court of
20 Appeals shall begin service on the first Monday of January 1995.

21 (2) (a) In order to provide that the offices of not more
22 than a majority of the judges of said court shall become vacant at
23 any one (1) time, the terms of office of six (6) of the judges
24 first to be elected shall expire in less than eight (8) years.
25 For the purpose of all elections of members of the court, each of
26 the ten (10) judges of the Court of Appeals shall be considered a
27 separate office. The two (2) offices in each of the five

28 (5) * * * districts shall be designated Position Number 1 and
29 Position Number 2, and in qualifying for office as a candidate for
30 any office of judge of the Court of Appeals each candidate shall
31 state the position number of the office to which he aspires and
32 the election ballots shall so indicate.

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

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

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

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

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

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

62 (c) In the year prior to the expiration of the term of
63 an incumbent, * * * an election shall be held in the manner
64 provided in this section in the * * * District from which the

65 incumbent Court of Appeals judge was elected at which there shall
66 be elected a successor to the incumbent, whose term of office
67 shall thereafter begin on the first Monday of January of the year
68 in which the term of the incumbent he succeeds expires.

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

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

78 (5) The State of Mississippi is hereby divided into five (5)
79 Court of Appeals Districts as follows:

80 FIRST DISTRICT. The First Court of Appeals District shall be
81 composed of the following counties and portions of counties:
82 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
83 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
84 Tippah, Tishomingo, Union, Webster, Yalobusha; in Panola County
85 the precincts of East Sardis, South Curtis, Tocowa, Pope,
86 Courtland, Cole's Point, North Springport, South Springport,
87 Eureka, Williamson, East Batesville 4, West Batesville 4, Fern
88 Hill, North Batesville A, East Batesville 5 and West Batesville 5;
89 and in Tallahatchie County the precincts of Teasdale, Enid,
90 Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat
91 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

92 SECOND DISTRICT. The Second Court of Appeals District shall
93 be composed of the following counties and portions of counties:
94 Bolivar, Carroll, Claiborne, Coahoma, Grenada, Holmes, Humphreys,
95 Issaquena, Jefferson, Leflore, Montgomery, Quitman, Sharkey,
96 Sunflower, Tunica, Warren, Washington, Yazoo; in Attala County the
97 precincts of Northeast, Hesterville, Possomneck, North Central,

98 McAdams, Newport, Sallis and Southwest; in Hinds County Precincts
99 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the
100 precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia,
101 Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin,
102 Utica 1 and Utica 2; in Leake County the precincts of Conway, West
103 Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the
104 precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3,
105 Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith
106 School, Magnolia Heights, Flora, Virililia, Canton Precinct 5,
107 Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton
108 Precinct 4; that portion of Panola County not included in the
109 First District; and that portion of Tallahatchie County not
110 included in the First District.

111 THIRD DISTRICT. The Third Court of Appeals District shall be
112 composed of the following counties and portions of counties:
113 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
114 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith, Wayne, Winston;
115 that portion of Attala County not included in the Second District;
116 that portion of Leake County not included in the Second District;
117 that portion of Madison County not included in the Second
118 District.

119 FOURTH DISTRICT. The Fourth Court of Appeals District shall
120 be composed of the following counties and portions of counties:
121 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis, Jones,
122 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, Wilkinson; and
123 that portion of Hinds County not included in the Second District.

124 FIFTH DISTRICT. The Fifth Court of Appeals District shall be
125 composed of the following counties: Forrest, George, Greene,
126 Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and Stone.

127 (6) The boundaries of the Court of Appeals Districts
128 described in subsection (1) of this section shall be the
129 boundaries of the counties and precincts listed in subsection (1)
130 as such boundaries existed on October 1, 1990.

131 SECTION 2. This act shall take effect and be in force from
132 and after July 1, 2000.