

By: Turner

To: Elections

## SENATE BILL NO. 2801

1 AN ACT TO AMEND SECTION 9-4-5, MISSISSIPPI CODE OF 1972, TO  
2 FREEZE THE UNITED STATES CONGRESSIONAL DISTRICTS FOR PURPOSES OF  
3 ELECTION AND APPOINTMENT OF JUDGES OF THE COURT OF APPEALS; AND  
4 FOR RELATED PURPOSES.

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

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

8 9-4-5. (1) The term of office of judges of the Court of  
9 Appeals shall be eight (8) years. An election shall be held on  
10 the first Tuesday after the first Monday in November 1994, to  
11 elect the ten (10) judges of the Court of Appeals, two (2) from  
12 each United States congressional district, as the same existed on  
13 January 1, 1994. The judges of the Court of Appeals shall begin  
14 service on the first Monday of January 1995.

15 (2) (a) In order to provide that the offices of not more  
16 than a majority of the judges of said court shall become vacant at  
17 any one (1) time, the terms of office of six (6) of the judges  
18 first to be elected shall expire in less than eight (8) years.  
19 For the purpose of all elections of members of the court, each of  
20 the ten (10) judges of the Court of Appeals shall be considered a  
21 separate office. The two (2) offices in each of the five (5)  
22 congressional districts shall be designated Position Number 1 and  
23 Position Number 2, and in qualifying for office as a candidate for  
24 any office of judge of the Court of Appeals each candidate shall  
25 state the position number of the office to which he aspires and  
26 the election ballots shall so indicate.

27 (i) In Congressional District Number 1, the judge

28 of the Court of Appeals for Position Number 1 shall be that office  
29 for which the term ends January 1, 1999, and the judge of the  
30 Court of Appeals for Position Number 2 shall be that office for  
31 which the term ends January 1, 2003.

32 (ii) In Congressional District Number 2, the judge  
33 of the Court of Appeals for Position Number 1 shall be that office  
34 for which the term ends on January 1, 2003, and the judge of the  
35 Court of Appeals for Position Number 2 shall be that office for  
36 which the term ends January 1, 2001.

37 (iii) In Congressional District Number 3, the  
38 judge of the Court of Appeals for Position Number 1 shall be that  
39 office for which the term ends on January 1, 2001, and the judge  
40 of the Court of Appeals for Position Number 2 shall be that office  
41 for which the term ends January 1, 1999.

42 (iv) In Congressional District Number 4, the judge  
43 of the Court of Appeals for Position Number 1 shall be that office  
44 for which the term ends on January 1, 1999, and the judge of the  
45 Court of Appeals for Position Number 2 shall be that office for  
46 which the term ends January 1, 2003.

47 (v) In Congressional District Number 5, the judge  
48 of the Court of Appeals for Position Number 1 shall be that office  
49 for which the term ends on January 1, 2003, and the judge of the  
50 Court of Appeals for Position Number 2 shall be that office for  
51 which the term ends January 1, 2001.

52 (b) The laws regulating the general elections shall  
53 apply to and govern the elections of judges of the Court of  
54 Appeals except as otherwise provided in Sections 23-15-974 through  
55 23-15-985.

56 (c) In the year prior to the expiration of the term of  
57 an incumbent, and likewise each eighth year thereafter, an  
58 election shall be held in the manner provided in this section in  
59 the congressional district from which the incumbent Court of  
60 Appeals judge was elected at which there shall be elected a

61 successor to the incumbent, whose term of office shall thereafter  
62 begin on the first Monday of January of the year in which the term  
63 of the incumbent he succeeds expires.

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

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

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