

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2801**

**By Representative(s) Committee**

5       Amend by striking all after the enacting clause and inserting  
6 in lieu thereof the following:

7

8       SECTION 1. Section 9-4-1, Mississippi Code of 1972, is  
9 amended as follows:

10       9-4-1. (1) There is hereby established a court to be known  
11 as the "Court of Appeals of the State of Mississippi," which shall  
12 be a court of record.

13       (2) The Court of Appeals shall be comprised of ten (10)  
14 appellate judges, two (2) from each congressional district, as  
15 such congressional districts are constituted on July 13, 1993,  
16 selected in accordance with Section 9-4-5.

17       SECTION 2. Section 9-4-5, Mississippi Code of 1972, is  
18 amended as follows:

19       9-4-5. (1) The term of office of judges of the Court of  
20 Appeals shall be eight (8) years. An election shall be held on  
21 the first Tuesday after the first Monday in November 1994, to  
22 elect the ten (10) judges of the Court of Appeals, two (2) from  
23 each congressional district as such congressional districts are  
24 constituted on July 13, 1993. The judges of the Court of Appeals  
25 shall begin service on the first Monday of January 1995.

26       (2) (a) In order to provide that the offices of not more  
27 than a majority of the judges of said court shall become vacant at

28any one time, the terms of office of six (6) of the judges first  
29to be elected shall expire in less than eight (8) years. For the  
30purpose of all elections of members of the court, each of the ten  
31(10) judges of the Court of Appeals shall be considered a separate  
32office. The two (2) offices in each of the five (5) congressional  
33districts, as such congressional districts are constituted on July  
3413, 1993, shall be designated Position Number 1 and Position  
35Number 2, and in qualifying for office as a candidate for any  
36office of judge of the Court of Appeals each candidate shall state  
37the position number of the office to which he aspires and the  
38election ballots shall so indicate.

39 (i) In Congressional District Number 1, the judge  
40of the Court of Appeals for Position Number 1 shall be that office  
41for which the term ends January 1, 1999, and the judge of the  
42Court of Appeals for Position Number 2 shall be that office for  
43which the term ends January 1, 2003.

44 (ii) In Congressional District Number 2, the judge  
45of the Court of Appeals for Position Number 1 shall be that office  
46for which the term ends on January 1, 2003, and the judge of the  
47Court of Appeals for Position Number 2 shall be that office for  
48which the term ends January 1, 2001.

49 (iii) In Congressional District Number 3, the  
50judge of the Court of Appeals for Position Number 1 shall be that  
51office for which the term ends on January 1, 2001, and the judge  
52of the Court of Appeals for Position Number 2 shall be that office  
53for which the term ends January 1, 1999.

54 (iv) In Congressional District Number 4, the judge  
55of the Court of Appeals for Position Number 1 shall be that office  
56for which the term ends on January 1, 1999, and the judge of the  
57Court of Appeals for Position Number 2 shall be that office for  
58which the term ends January 1, 2003.

59 (v) In Congressional District Number 5, the judge  
60of the Court of Appeals for Position Number 1 shall be that office  
61for which the term ends on January 1, 2003, and the judge of the  
62Court of Appeals for Position Number 2 shall be that office for

63which the term ends January 1, 2001.

64 (b) The laws regulating the general elections shall  
65apply to and govern the elections of judges of the Court of  
66Appeals except as otherwise provided in Sections 23-15-974 through  
6723-15-985.

68 (c) In the year prior to the expiration of the term of  
69an incumbent, and likewise each eighth year thereafter, an  
70election shall be held in the manner provided in this section in  
71the congressional district from which the incumbent Court of  
72Appeals judge was elected at which there shall be elected a  
73successor to the incumbent, whose term of office shall thereafter  
74begin on the first Monday of January of the year in which the term  
75of the incumbent he succeeds expires.

76 (3) No person shall be eligible for the office of judge of  
77the Court of Appeals who has not attained the age of thirty (30)  
78years at the time of his election and who has not been a  
79practicing attorney and citizen of the state for five (5) years  
80immediately preceding such election.

81 (4) Any vacancy on the Court of Appeals shall be filled by  
82appointment of the Governor for that portion of the unexpired term  
83prior to the election to fill the remainder of said term according  
84to provisions of Section 23-15-849, Mississippi Code of 1972.

85 SECTION 3. The Attorney General of the State of Mississippi  
86shall submit this act, immediately upon approval by the Governor,  
87or upon approval by the Legislature subsequent to a veto, to the  
88Attorney General of the United States or to the United States  
89District Court for the District of Columbia in accordance with the  
90provisions of the Voting Rights Act of 1965, as amended and  
91extended.

92 SECTION 4. This act shall take effect and be in force from  
93and after the date it is effectuated under Section 5 of the Voting  
94Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 9-4-1 AND 9-4-5, MISSISSIPPI CODE OF  
21972, TO CLARIFY THE DISTRICTS FOR JUDGES OF THE COURT OF APPEALS;  
3AND FOR RELATED PURPOSES.