

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 697

By Senator(s) Committee

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

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

7 9-4-1. (1) There is hereby established a court to be known
8 as the "Court of Appeals of the State of Mississippi," which shall
9 be a court of record.

10 (2) The Court of Appeals shall be comprised of ten (10)
11 appellate judges, two (2) from each Court of Appeals District,
12 selected in accordance with Section 9-4-5.

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

15 9-4-5. (1) The term of office of judges of the Court of
16 Appeals shall be eight (8) years. An election shall be held on
17 the first Tuesday after the first Monday in November 1994, to
18 elect the ten (10) judges of the Court of Appeals, two (2) from
19 each congressional district; provided, however, judges of the
20 Court of Appeals who are elected to take office after the first
21 Monday of January 2002, shall be elected from the Court of Appeals

22 Districts described in subsection (5) of this section. The judges
23 of the Court of Appeals shall begin service on the first Monday of
24 January 1995.

25 (2) (a) In order to provide that the offices of not more
26 than a majority of the judges of said court shall become vacant at
27 any one (1) time, the terms of office of six (6) of the judges
28 first to be elected shall expire in less than eight (8) years. For
29 the purpose of all elections of members of the court, each of the
30 ten (10) judges of the Court of Appeals shall be considered a
31 separate office. The two (2) offices in each of the five
32 (5) * * * districts shall be designated Position Number 1 and
33 Position Number 2, and in qualifying for office as a candidate for
34 any office of judge of the Court of Appeals each candidate shall
35 state the position number of the office to which he aspires and
36 the election ballots shall so indicate.

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

42 (ii) In Congressional District Number 2, 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, 2003, 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, 2001.

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

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

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

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

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

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

79 (4) Any vacancy on the Court of Appeals shall be filled by
80 appointment of the Governor for that portion of the unexpired term
81 prior to the election to fill the remainder of said term according

82 to provisions of Section 23-15-849, Mississippi Code of 1972.

83 (5) (a) The State of Mississippi is hereby divided into
84 five (5) Court of Appeals Districts as follows:

85 FIRST DISTRICT. The First District shall be composed of the
86 following counties and portions of counties: Alcorn, Benton,
87 Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee,
88 Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo,
89 Union, Webster and Yalobusha; in Grenada County the precincts of
90 Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County
91 the precincts of North Winona, Lodi, Stewart, Nations and Poplar
92 Creek; in Panola County the precincts of East Sardis, South
93 Curtis, Tocowa, Pope, Courtland, Cole's Point, North Springport,
94 South Springport, Eureka, Williamson, East Batesville 4, West
95 Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and
96 West Batesville 5; and in Tallahatchie County the precincts of
97 Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2,
98 Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and
99 Rosebloom.

100 SECOND DISTRICT. The Second District shall be composed of
101 the following counties and portions of counties: Bolivar,
102 Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena,
103 Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren,
104 Washington and Yazoo; in Attala County the precincts of Northeast,
105 Hesterville, Possomneck, North Central, McAdams, Newport, Sallis
106 and Southwest; that portion of Grenada County not included in the
107 First District; in Hinds County Precincts 11, 12, 13, 22, 23, 27,
108 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton,
109 Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine
110 Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in
111 Leake County the precincts of Conway, West Carthage, Wiggins,

112 Thomastown and Ofahoma; in Madison County the precincts of
113 Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street,
114 Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia
115 Heights, Flora, Virlilia, Canton Precinct 5, Cameron, Couparle,
116 Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that
117 portion of Montgomery County not included in the First District;
118 that portion of Panola County not included in the First District;
119 and that portion of Tallahatchie County not included in the First
120 District.

121 THIRD DISTRICT. The Third District shall be composed of the
122 following counties and portions of counties: Clarke, Clay,
123 Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee,
124 Oktibbeha, Rankin, Scott, Smith, Wayne and Winston; that portion
125 of Attala County not included in the Second District; in Jones
126 County the precincts of Northwest High School, Shady Grove,
127 Sharon, Erata, Glade, Myrick School, Northeast High School,
128 Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum;
129 that portion of Leake County not included in the Second District;
130 that portion of Madison County not included in the Second
131 District.

132 FOURTH DISTRICT. The Fourth District shall be composed of
133 the following counties and portions of counties: Adams, Amite,
134 Copiah, Covington, Franklin, Jefferson Davis, Lawrence, Lincoln,
135 Marion, Pike, Simpson, Walthall and Wilkinson; that portion of
136 Hinds County not included in the Second District; and that portion
137 of Jones county not included in the Third District.

138 FIFTH DISTRICT. The Fifth District shall be composed of the
139 following counties and portions of counties: Forrest, George,
140 Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and
141 Stone.

142 (b) The boundaries of the Court of Appeals Districts
143 described in paragraph (a) of this subsection shall be the
144 boundaries of the counties and precincts listed in paragraph (a)
145 of this subsection as such boundaries existed on October 1, 1990.

146 SECTION 3. The Attorney General of the State of Mississippi
147 shall submit this act, immediately upon approval by the Governor,
148 or upon approval by the Legislature subsequent to a veto, to the
149 Attorney General of the United States or to the United States
150 District Court for the District of Columbia in accordance with the
151 provisions of the Voting Rights Act of 1965, as amended and
152 extended.

153 SECTION 4. This act shall take effect and be in force from
154 and after the date it is effectuated under Section 5 of the Voting
155 Rights 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
2 1972, TO DIVIDE THE STATE INTO DISTRICTS FOR ELECTION OF THE
3 JUDGES OF THE COURT OF APPEALS; AND FOR RELATED PURPOSES.