MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2002

By: Representative Holland  
To: Judiciary A; Appropriations

HOUSE BILL NO. 730

AN ACT TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST CHANCERY COURT DISTRICT; TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

9-5-7. There shall be three (3) chancellors for the First Chancery Court District. For the purposes of appointment and election the three (3) chancellorships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One," "Place Two" and "Place Three."

SECTION 2. Section 23-15-982, Mississippi Code of 1972, is amended as follows:

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

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

(2) Any tie votes which require resolution to determine who shall enter a runoff election shall be determined by the commissioners of election in the manner prescribed by Sections 23-15-601 and 23-15-605.
Candidates equal to the remaining number of positions to be filled who have the highest votes in the runoff election are elected.

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

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

SECTION 3. Section 23-15-983, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 4. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.
SECTION 5. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.