HOUSE BILL NO. 1334


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

SECTION 1. Nomination and appointment. The Governor shall fill any vacancy in an office of the Supreme Court justice or the Court of Appeals judge by appointing one (1) person nominated by the Judicial Nominating Commission. The Judicial Nominating Commission shall nominate no more than five (5) nor less than two (2) most qualified persons for each vacancy.

SECTION 2. Judicial Nominating Commission. The Judicial Nominating Commission shall consist of nine (9) members. Three (3) attorney members, each a resident of separate Supreme Court
districts, shall be selected for four-year terms by the Mississippi Bar, except as provided by Section 3. Three (3) lay members, each a resident of separate Supreme Court districts, shall be appointed for four-year terms by the Governor, except as provided in Section 3. The Lieutenant Governor shall appoint one (1) lay member who shall reside in Supreme Court District 1, the Attorney General shall appoint one (1) lay member who shall reside in Supreme Court District 2, and the Speaker of the House shall appoint one (1) lay member who shall reside in Supreme Court District 3. Appointments to the commission shall be made without regard to political affiliation. All appointing authorities shall make reasonable efforts to ensure that the commission substantially reflects the gender, ethnic and racial diversity of the state. Vacancies shall be filled for an unexpired term in like manner. No member of the nominating commission may hold any other office under the United States, the state or other governmental entity for which monetary compensation is received. No member shall be eligible for appointment to a state judicial office so long as he or she is a commission member, nor serve for more than two (2) full terms as a member of the nominating commission.

SECTION 3. Terms of initial commission members. The initial members of the Judicial Nominating Commission shall serve for terms as follows: the three (3) attorney members for one (1), two (2) and three (3) years, respectively; the three (3) lay members appointed by the Governor for one (1), two (2) and three (3) years, respectively; the other three (3) lay members shall be one (1) year for the member appointed by the Attorney General, two (2) years for the member appointed by the Lieutenant Governor, three (3) years for the member appointed by the Speaker of the House, and four (4) years for the member appointed by the Governor.

SECTION 4. Reimbursement and administrative assistance. (1) Members of the Judicial Nominating Commission shall be reimbursed
for all actual and necessary expenses incurred in the carrying out of their official duties.

(2) The Administrative Office of Courts shall make staff, equipment and materials available to assist the commission in carrying out its official duties.


The Judicial Nominating Commission shall have the power to adopt any rules and procedures which aid in its selection of the most qualified nominees for judicial office.

SECTION 6. Vacancies. Within sixty (60) days of the occurrence of a vacancy, the Judicial Nominating Commission shall meet and submit to the Governor a list of no more than five (5) nor less than two (2) persons qualified for the judicial office.

SECTION 7. Quorum. The commission cannot act unless a quorum exists. A quorum consists of a majority of the commission.

SECTION 8. Chair. The commission shall choose one (1) of its members as chair and establish the chair's term. The chair shall preside at all meetings. When the chair is absent, the commission shall choose a member to act as temporary chair.

SECTION 9. Publicity. When knowledge of a judicial vacancy occurs by written notice from the Governor or when it is known that a vacancy will occur at a definite date, the chair shall publicize the vacancy and solicit the submission of qualified individuals by press release to the media and posting in the courthouses of the district.

SECTION 10. Open meetings. (1) All organizational meetings of the Judicial Nominating Commission shall be open to the public. A notice outlining the topics to be discussed should be given to the public seventy-two (72) hours prior to the meeting. Public participation should be encouraged at each organizational meeting. An "organizational meeting" is an initial meeting to discuss the commission's procedures and requirements for the vacancy.
(2) All final deliberations of the Judicial Nominating Commission shall be secret and confidential.

(3) The confidentiality of other proceedings of the Judicial Nominating Commission shall be determined by commission rule.

SECTION 11. Submitting names of nominees to the Governor.

(1) The names of nominees shall be submitted to the Governor in alphabetical order within sixty (60) days after written notice from the Governor of a vacancy.

(2) A confidential memorandum may accompany the list of nominees and may state objective facts concerning each of the nominees listed.

(3) Upon submission of the names to the Governor, the Governor shall make the names public and public comment shall be encouraged.

(4) If the Judicial Nominating Commission does not furnish a list of nominees to the Governor within sixty (60) days of written notice of a vacancy, the Governor may appoint any qualified licensed attorney to the vacancy.

(5) If the Governor does not make an appointment from the list of nominees within thirty (30) days of receiving the list, then the Lieutenant Governor will make the appointment from the same list.


The periodic evaluation of appellate judges subject to retention shall be conducted by the Commission on Appellate Judicial Performance Evaluation. The appointment of commissioners and activities and operations of the commission shall be governed by the following provisions:

(1) Appointment of commissioners: The commission shall consist of nine (9) members appointed as follows: six (6) lay members, two (2) from each Supreme Court district, appointed by the Governor; and three (3) attorney members, one (1) from each Supreme Court district, appointed by the Supreme Court from a list.
provided by the State Bar Board of Governors. All appointing authorities shall make reasonable efforts to ensure that the commission substantially reflects the gender, ethnic and racial diversity of the jurisdiction.

(a) A commissioner shall perform his or her duties in an impartial and objective manner.

(b) A commissioner is disqualified from taking any action with respect to a judge who is a family member within the third degree of consanguinity, or a judge who was a commissioner’s business associate, attorney or client within the preceding five (5) years.

(c) A commissioner shall disclose to the full commission any relationship with a reviewed justice or judge, whether business, personal or attorney-client, or any other cause for conflict of interest, and the commission shall determine whether a commissioner shall be disqualified.

(d) A commissioner shall promptly report to the full commission any information conveyed to him or her concerning any judicial officer under review. The commissioner also shall promptly report to the full commission any attempt by any person or organization to influence him or her other than by fact or opinion.

(2) Terms. All members of the commission shall serve terms of four (4) years except that, of those first appointed, three (3) lay members and two (2) attorneys shall serve for a term of three (3) years. No lay or attorney member may serve more than two (2) terms. Vacancies on the commission shall be filled by the original appointing authority.

(3) Chair and vice chair. Commission members shall elect a chair and a vice chair every two (2) years. The chair shall preside at all meetings of the commission and shall be the designated spokesperson for the commission. In the absence of the chair, the vice chair shall preside.
Powers and duties of the commission. The powers and duties of the commission shall be as follows:

(a) To develop techniques for evaluating all justices and judges subject to retention on relevant performance criteria, which include, but are not limited to: integrity; impartiality; judicial temperament; knowledge and understanding of substantive and procedural communication skills; preparation; attentiveness and control over judicial proceedings; docket management and prompt case disposition; administrative skills; punctuality; and effectiveness working with other participants in the judicial process;

(b) To develop performance evaluation surveys of lawyers, jurors, peers, chief judges, court personnel and others who have direct and continuing contact with justices and judges;

(c) To develop uniform statewide evaluation criteria, forms and procedures;

(d) To consult with trial court commissions on evaluation criteria, techniques and sources;

(e) To subpoena witnesses and hire agents;

(f) To request public comment on the performance of appellate justices and judges;

(g) To produce and distribute to the public no later than sixty (60) days before the election pertinent information concerning each appellate justice or judge subject to retention;

(h) To promulgate rules necessary to implement the provisions of this legislation.

SECTION 13. Recommendations on retention of justices and judges. (1) The State Appellate Commission shall conduct an evaluation of each justice of the Supreme Court and each judge of the Court of Appeals who is subject to retention. Evaluations shall be completed and a narrative profile prepared for communication to the justice or judge no later than thirty (30) days prior to the last day on which a justice or judge can declare
his or her intent to stand for retention. The appellate justice or judge shall have the opportunity to meet with the appropriate commission or otherwise respond to the evaluation no later than ten (10) days following receipt of such evaluation. If such a meeting is held or response is made, the commission may revise its evaluation.

(2) After the requirement in subsection (1) is met, the commission shall compile a narrative summary of the evaluation findings, and shall make a recommendation to the public regarding the justice or judge subject to retention. The recommendation shall be stated as "retain," "do not retain" or "no opinion." A no opinion recommendation shall be made only when a commission concludes that there is insufficient reliable information to make a firm recommendation and shall be accompanied by a detailed explanation.

SECTION 14. Administrative assistance. (1) The Administrative Office of Courts shall staff and provide other assistance to the Commission on Appellate Judicial Performance in carrying out its duties.

(2) Commission members shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in carrying out their official duties.

SECTION 15. Privilege and immunity. All documents and information obtained by or submitted to the commission and all results of judicial evaluations are absolutely privileged and no lawsuit predicated thereon may be brought. Statements made to the commission are absolutely privileged; provided, however, that this absolute privilege does not apply to statements made in any other forum. Members of the committee and staff shall be immune from suit and liability for any conduct in the course of their duties.

SECTION 16. Section 23-15-973, Mississippi Code of 1972, is amended as follows:
238 23-15-973. It shall be the duty of the judges of the circuit
239 court to give a reasonable time and opportunity to the candidates
240 for the office of * * * circuit judge and chancellor to address
241 the people during court terms. In order to give further and every
242 possible emphasis to the fact that the said judicial offices are
243 not political but are to be held without favor and with absolute
244 impartiality as to all persons, and because of the jurisdiction
245 conferred upon the courts by this chapter, the judges thereof
246 should be as far removed as possible from any political
247 affiliations or obligations. It shall be unlawful for any
248 candidate for any of the offices mentioned in this section to
249 align himself with any candidate or candidates for any other
250 office or with any political faction or any political party at any
251 time during any primary or general election campaign. Likewise it
252 shall be unlawful for any candidate for any other office nominated
253 or to be nominated at any primary election, wherein any candidate
254 for any of the judicial offices in this section mentioned, is or
255 are to be nominated, to align himself with any one or more of the
256 candidates for said offices or to take any part whatever in any
257 nomination for any one or more of said judicial offices, except to
258 cast his individual vote. Any candidate for any office, whether
259 nominated with or without opposition, at any primary wherein a
260 candidate for any one of the judicial offices herein mentioned is
261 to be nominated who shall deliberately, knowingly and willfully
262 violate the provisions of this section shall forfeit his
263 nomination, or if elected at the following general election by
264 virtue of said nomination, his election shall be void.

**SECTION 17.** Section 23-15-991, Mississippi Code of 1972, is
266 amended as follows:

267 23-15-991. The term of office of judges of the Supreme Court
268 shall be as provided in Section 144A, Mississippi Constitution of
269 1890. Concurrently with the regular election for representatives
270 in Congress, held next preceding the expiration of the term of an
incumbent, and likewise each eighth year thereafter, an election shall be held in the Supreme Court district from which such incumbent was selected or appointed to submit the name to the voters eligible to vote within his district as to whether he shall be retained in office. If a majority of those voting on the question vote to retain the incumbent, he shall begin a new term of office at the expiration of his current term. If a majority of those voting on the question vote against retaining him in office, the vacancy shall be filled as provided by Section 144A, Mississippi Constitution of 1890.

SECTION 18. Section 23-15-993, Mississippi Code of 1972, is amended as follows:

23-15-993. For the purpose of all elections, each of the nine (9) judgeships of the Supreme Court shall be considered a separate office. The three (3) offices in each of the three (3) Supreme Court districts shall be designated Position Number 1, Position Number 2 and Position Number 3, and each incumbent shall state the position number of the office he wishes to retain and the ballot shall so indicate. In Supreme Court District Number 1: Position Number 1 shall be that office for which the term ends in January 1966; Position Number 2 shall be that office for which the term ends in January 1965; and Position Number 3 shall be that office for which the term ends in January 1969. In District Number 2: Position Number 1 shall be that office for which the term ends in January 1972; Position Number 2 shall be that office for which the term ends in January 1969; and Position Number 3 shall be that office for which the term ends in January 1973. In District Number 3: Position Number 1 shall be that office for which the term ends in January 1969; Position Number 2 shall be that office for which the term ends in January 1969; and Position Number 3 shall be that office for which the term ends in January 1965.
SECTION 19. Section 23-15-995, Mississippi Code of 1972, is amended as follows:

23-15-995. Except as may be otherwise provided, the general laws for the election of state officers shall apply to and govern the retention of judges of the Supreme Court.

SECTION 20. Section 23-15-369, Mississippi Code of 1972, is amended as follows:

Until House Bill No. _____, 2002 Regular Session, is effectuated under Section 5 of the Voting Rights Act of 1965, this section will read as follows:

23-15-369. (1) (a) Whenever a constitutional amendment is submitted to the vote of the people, the substance of such amendment shall be printed in clear and unambiguous language on the ballot after the list of candidates, if any, followed by the word "YES" and also by the word "NO," and shall be styled in such a manner that a "YES" vote will indicate approval of the proposal and a "NO" vote will indicate rejection.

(b) The substance of the amendment shall be an explanatory statement not exceeding seventy-five (75) words in length of the chief purpose of the measure. Such statement shall be prepared by the Legislature and included in the concurrent resolution proposing the amendment to the Constitution. The statement shall avoid, whenever possible, the use of legal terminology or jargon and shall use instead, simple, ordinary, everyday language. The Secretary of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification of the amendments. The Secretary of State shall furnish the designating number and the substance of each amendment to the circuit clerk of each county in which such amendment is to be voted on.
(c) The full text of each proposed constitutional amendment shall be published by the Secretary of State as provided for in Section 7-3-39, Mississippi Code of 1972, and shall be posted prominently in all polling places, with copies of said proposed amendment to be otherwise available at each polling place.

(2) Except as may be otherwise provided in subsection (1) of this section, whenever any public measure, question or matter that requires an affirmative or negative vote is submitted to a vote of the electors, the measure or matter shall be printed on the ballot and also the words "FOR" or "AGAINST" to be so arranged by the proper officer so that the voter can intelligently vote his preference.

[From and after such time as House Bill No.____, 2002 Regular Session, as effectuated under Section 5 of the Voting Rights Act of 1965, this section will read as follows:]

23-15-369. (1) (a) Whenever a constitutional amendment is submitted to the vote of the people, the substance of such amendment shall be printed in clear and unambiguous language on the ballot after the list of candidates, if any, followed by the word "YES" and also by the word "NO," and shall be styled in such a manner that a "YES" vote will indicate approval of the proposal and a "NO" vote will indicate rejection.

(b) The substance of the amendment shall be an explanatory statement not exceeding seventy-five (75) words in length of the chief purpose of the measure. Such statement shall be prepared by the Legislature and included in the concurrent resolution proposing the amendment to the Constitution. The statement shall avoid, whenever possible, the use of legal terminology or jargon and shall use instead, simple, ordinary, everyday language. The Secretary of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the
ballot. Designating numbers shall be assigned in the order of
filing or certification of the amendments. The Secretary of State
shall furnish the designating number and the substance of each
amendment to the circuit clerk of each county in which such
amendment is to be voted on.

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amendment shall be published by the Secretary of State as provided
for in Section 7-3-39, Mississippi Code of 1972, and shall be
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proposed amendment to be otherwise available at each polling
place.

(2) Except as may be otherwise provided in subsection (1) of
this section, whenever any public measure, question or matter that
requires an affirmative or negative vote is submitted to a vote of
the electors, the measure or matter shall be printed on the ballot
and also the words "FOR" or "AGAINST" to be so arranged by the
proper officer so that the voter can intelligently vote his
preference.

(3) Whenever any judge shall stand for retention election,
the ballot shall be printed as required by the Mississippi
Constitution of 1890 and by law.

amended as follows:

23-15-807. (a) Each candidate or political committee shall
file reports of contributions and disbursements in accordance with
the provisions of this section. All candidates or political
committees required to report may terminate its obligation to
report only upon submitting a final report that it will no longer
receive any contributions or make any disbursement and that such
candidate or committee has no outstanding debts or obligations.
The candidate, treasurer or chief executive officer shall sign
each such report.
(b) Candidates who are seeking election, or nomination for election, and political committees that make expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination for election, or election, of one or more candidates or balloted measures at such election, shall file the following reports:

(i) In any calendar year during which there is a regularly scheduled election, a pre-election report, which shall be filed no later than the seventh day before any election in which such candidate or political committee has accepted contributions or made expenditures and which shall be complete as of the tenth day before such election;

(ii) In 1987 and every fourth year thereafter, periodic reports, which shall be filed no later than the tenth day after April 30, May 31, June 30, September 30 and December 31, and which shall be complete as of the last day of each period; and

(iii) In any calendar years except 1987 and except every fourth year thereafter, a report covering the calendar year which shall be filed no later than January 31 of the following calendar year.

(c) All candidates for judicial office as defined in Section 23-15-975, or their political committees, shall file in the year in which they are to be elected, periodic reports which shall be filed no later than the tenth day after April 30, May 31, June 30, September 30 and December 31.

(d) Contents of reports. Each report under this article shall disclose:

(i) For the reporting period and the calendar year, the total amount of all contributions and the total amount of all expenditures of the candidate or reporting committee which shall include those required to be identified pursuant to item (ii) of this paragraph as well as the total of all other contributions and
expenditures during the calendar year. Such reports shall be cumulative during the calendar year to which they relate;

(ii) The identification of:

1. Each person or political committee who makes a contribution to the reporting candidate or political committee during the reporting period, whose contribution or contributions within the calendar year have an aggregate amount or value in excess of Two Hundred Dollars ($200.00) or in the case of any candidate for election or retention to the office of judge of the Supreme Court or the Court of Appeals, each person or political committee who makes any contribution to the reporting candidate or political committee during the reporting period, together with the date and amount of any such contribution;

2. Each person or organization, candidate or political committee who receives an expenditure, payment or other transfer from the reporting candidate, political committee or its agent, employee, designee, contractor, consultant or other person or persons acting in its behalf during the reporting period when the expenditure, payment or other transfer to such person, organization, candidate or political committee within the calendar year have an aggregate value or amount in excess of Two Hundred Dollars ($200.00) together with the date and amount of such expenditure.

(iii) The total amount of cash on hand of each reporting candidate and reporting political committee;

(iv) In addition to the contents of reports specified in items (i), (ii) and (iii) of this paragraph, each political party shall disclose:

1. Each person or political committee who makes a contribution to a political party during the reporting period and whose contribution or contributions to a political party within the calendar year have an aggregate amount or value in excess of
Two Hundred Dollars ($200.00), together with the date and amount
of the contribution;

2. Each person or organization who receives an
expenditure by a political party or expenditures by a political
party during the reporting period when the expenditure or
expenditures to the person or organization within the calendar
year have an aggregate value or amount in excess of Two Hundred
Dollars ($200.00), together with the date and amount of the
expenditure.

(e) The appropriate office specified in Section 23-15-805
must be in actual receipt of the reports specified in this article
by 5:00 p.m. on the dates specified in paragraph (b) of this
section. If the date specified in paragraph (b) of this section
shall fall on a weekend or legal holiday then the report shall be
due in the appropriate office at 5:00 p.m. on the first working
day before the date specified in paragraph (b) of this section.
The reporting candidate or reporting political committee shall
ensure that the reports are delivered to the appropriate office by
the filing deadline. The Secretary of State may approve specific
means of electronic transmission of completed campaign finance
disclosure reports, which may include, but not be limited to,
transmission by electronic facsimile (FAX) devices.

(f) (i) If any contribution of more than Two Hundred
Dollars ($200.00) is received by a candidate or candidate's
political committee after the tenth day, but more than forty-eight
(48) hours before 12:01 a.m. of the day of the election, the
candidate or political committee shall notify the appropriate
office designated in Section 23-15-805, within forty-eight (48)
hours of receipt of the contribution. The notification shall
include:

1. The name of the receiving candidate;

2. The name of the receiving candidate's political
committee, if any;
3. The office sought by the candidate;
4. The identification of the contributor;
5. The date of receipt;
6. The amount of the contribution;
7. If the contribution is in-kind, a description
of the in-kind contribution; and
8. The signature of the candidate or the treasurer
or director of the candidate's political committee.

(ii) The notification shall be in writing, and may be
transmitted by overnight mail, courier service, or other reliable
means, including electronic facsimile (FAX), but the candidate or
candidate’s committee shall ensure that the notification shall in
fact be received in the appropriate office designated in Section
23-15-805 within forty-eight (48) hours of the contribution.

SECTION 22. Section 23-15-975, Mississippi Code of 1972, is
amended as follows:

23-15-975. (1) As used in Sections 23-15-974 through
23-15-985 of this subarticle, the term "judicial office" includes
the office of * * * circuit judge, chancellor, county court judge
and family court judge.

(2) All judicial offices, as well as the office of Supreme
Court judge and judge of the Court of Appeals, shall be full-time
positions and such justices and judges shall not engage in the
practice of law before any court, administrative agency or other
judicial or quasi-judicial forum except as provided by law for
finalizing pending cases after election to judicial office.

SECTION 23. Section 23-15-977, Mississippi Code of 1972, is
amended as follows:

23-15-977. (1) All candidates for judicial office as
defined in Section 23-15-975 of this subarticle shall file their
intent to be a candidate with the proper officials not later than
5:00 p.m. on the first Friday after the first Monday in May prior
to the general election for judicial office and shall pay to the
proper officials the following amounts:

(a) Candidates for circuit judge and chancellor, the
sum of One Hundred Dollars ($100.00).
(b) Candidates for county judge and family court judge,
the sum of Fifteen Dollars ($15.00).

(2) Candidates for judicial offices listed in paragraph
(a) * * * of subsection (1) of this section shall file their
intent to be a candidate with, and pay the proper assessment made
pursuant to subsection (1) of this section to, the State Board of
Election Commissioners.

(3) Candidates for judicial offices listed in paragraph (b)
of subsection (1) of this section shall file their intent to be a
candidate with, and pay the proper assessment made pursuant to
subsection (1) of this section to, the circuit clerk of the proper
county. The circuit clerk shall notify the county commissioners
of election of all persons who have filed their intent to be a
candidate filed with, and paid the proper assessment to, such
clerk. Such notification shall occur within two (2) business days
and shall contain all necessary information.

SECTION 24. Section 9-4-5, Mississippi Code of 1972, is
amended as follows:

9-4-5. (1) The term of office of judges of the Court of
Appeals shall be eight (8) years. An election shall be held on
the first Tuesday after the first Monday in November 1994, to
elect the ten (10) judges of the Court of Appeals, two (2) from
each congressional district; provided, however, judges of the
Court of Appeals who are elected to take office after the first
Monday of January 2002, shall be elected from the Court of Appeals
Districts described in subsection (5) of this section. The judges
of the Court of Appeals shall begin service on the first Monday of
(2) (a) In order to provide that the offices of not more than a majority of the judges of said court shall become vacant at any one (1) time, the terms of office of six (6) of the judges first to be elected shall expire in less than eight (8) years. For the purpose of all elections of members of the court, each of the ten (10) judges of the Court of Appeals shall be considered a separate office. The two (2) offices in each of the five (5) districts shall be designated Position Number 1 and Position Number 2, and in qualifying for office as a candidate for any office of judge of the Court of Appeals each candidate shall state the position number of the office to which he aspires and the election ballots shall so indicate.

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

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

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

(iv) In Congressional District Number 4, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 1999, and the judge of the Court of Appeals for Position Number 2 shall be that office for which the term ends January 1, 2003.
(v) In Congressional District Number 5, the judge
of the Court of Appeals for Position Number 1 shall be that office
for which the term ends on January 1, 2003, and the judge of the
Court of Appeals for Position Number 2 shall be that office for
which the term ends January 1, 2001.

(b) From and after January 1, 2004, vacancies in the
office of judge of the Court of Appeals shall be filled as
follows: The Governor shall fill such vacancy by appointing one
(1) from a list of persons who shall be nominated and whose names
shall be submitted to the Governor by the Judicial Nominating
Commission.

(c) Any Court of Appeals judge holding office, or
elected thereto, at the time which this section becomes applicable
to his office, shall, unless removed for cause, remain in office
for the term to which he was elected. Not less than ninety (90)
days prior to the holding of the general election next preceding
the expiration of his term of office, an appeals court judge may
file in the Office of the Secretary of State a declaration of
candidacy for election to succeed himself. If a declaration is
not so filed by the judge, the vacancy resulting from the
expiration of his term of office shall be filled by appointment as
provided in this section. If such declaration is filed, his name
shall be submitted at said general election to the voters eligible
to vote within his district. The ballot shall read substantially
as follows:

"Shall Judge (Here the name of the judge shall be inserted)
of the (Here the title of the court and district shall be
inserted) be retained in office? Yes No ."

If a majority of those voting on the question vote against
retaining him in office, upon the expiration of his term of
office, a vacancy shall exist which shall be filled by appointment
as provided in this section; otherwise, the judge shall, unless
removed for cause, remain in office for the term of such office,
and at the expiration of each shall be eligible for retention in office by election in the manner herein prescribed.

(d) If a vacancy occurs during a term of office of an appeals court judge, the term of office of the successor judge appointed shall be for the remainder of the unexpired term of the prior incumbent. The Legislature shall provide as near as can be conveniently done that the offices of not more than a majority of the judges of the Court of Appeals shall become vacant at any one time.

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

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

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

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

**FIRST DISTRICT.** The First Court of Appeals District shall be composed of the following counties and portions of counties:

Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County the precincts of North Winona, Lodi, Stewart, Nations and Poplar Creek; in Panola County the precincts of East Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
Springport, South Springport, Eureka, Williamson, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and West Batesville 5; and in Tallahatchie County the precincts of Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

SECOND DISTRICT. The Second Court of Appeals District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington and Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Court of Appeals District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 43, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora, Virlilia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Court of Appeals District; that portion of Panola County not included in the First Court of Appeals District; and that portion of Tallahatchie County not included in the First Court of Appeals District.

THIRD DISTRICT. The Third Court of Appeals District shall be composed of the following counties and portions of counties: Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that portion of Attala County not included in the Second Court of Appeals District.
Appeals District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School, Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Court of Appeals District; that portion of Madison County not included in the Second Court of Appeals District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

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

FIFTH DISTRICT. The Fifth Court of Appeals District shall be composed of the following counties and portions of counties:
Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry and Stone; and that portion of Wayne County not included in the Third Court of Appeals District.

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

SECTION 25. Section 9-4-15, Mississippi Code of 1972, is amended as follows:

9-4-15. Retention elections for the office of judge of the Court of Appeals shall be held at the same times as general elections for congressional offices.

SECTION 26. Section 23-15-197, Mississippi Code of 1972, is amended as follows:

(2) Times for holding retention elections for the office of judge of the Supreme Court or of the Court of Appeals shall be as prescribed in Section 23-15-991 and Sections 23-15-974 through 23-15-985.


(4) Times for holding elections for the office of county election commissioners shall be as prescribed in Section 23-15-213.

SECTION 27. Section 23-15-607, Mississippi Code of 1972, is amended as follows:

23-15-607. The commissioners of election shall, within ten days after a retention election for judges of the Supreme Court or Court of Appeals, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given in their county for and against each retention candidate for the office of judge of the Supreme Court or Court of Appeals, and the Secretary of State shall immediately notify each member of the State Board of Election Commissioners in writing to assemble at his office on a day to be fixed by him, to be within ten (10) days after the receipt by him of such statement, and when assembled pursuant to such notice the State Board of Election Commissioners shall sum up the whole number of votes given for and against each candidate for judge of the Supreme Court or Court of Appeals, ascertain the person or persons to be retained; and thereupon all persons chosen to such office at the election shall be commissioned by the Governor; but if it appears that any candidate for judge of the Supreme Court or Court of Appeals have an
equal number of votes, for retention and against retention, the
election shall be forthwith decided * * * by lots, fairly and
publicly drawn under the direction of the State Board of Election
Commissioners. Any Supreme Court position sought by any incumbent
designate who loses the retention election by drawing of lots shall be
filled as prescribed in Section 144A of the Mississippi
Constitution and any Court of Appeals position sought by any
incumbent appeals court judge who loses the retention election by
drawing of lots shall be filled as prescribed in Section 9-4-5.

SECTION 28. Section 23-15-849, Mississippi Code of 1972, is
amended as follows:

23-15-849. (1) Vacancies in the office of justice of the
Supreme Court shall be filled as provided in Section 144A of the
Mississippi Constitution.

(2) Vacancies in the office of the Court of Appeals
shall be filled as provided in Section 9-4-5.

(3) Vacancies in the office of * * * circuit judge or
chancellor, shall be filled for the unexpired term by the
qualified electors at the next regular election for state officers
or for representatives in Congress occurring more than nine (9)
months after the existence of the vacancy to be filled, and the
term of office of the person elected to fill a vacancy shall
commence on the first Monday in January following his election.

Upon the occurring of such a vacancy, the Governor shall appoint a
qualified person from the district in which the vacancy exists to
hold the office and discharge the duties thereof until the vacancy
shall be filled by election as hereinabove provided.

(4) Elections to fill vacancies in the office of judge of
the Supreme Court or Court of Appeals shall be held, conducted,
returned and the persons elected commissioned in accordance with
the law governing regular elections for judges of the Supreme
Court or Court of Appeals insofar as they may be applicable.
SECTION 29. 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 30. 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.