

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 1408

1 AN ACT TO AMEND SECTION 23-15-849, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PROVISIONS FOR FILLING VACANCIES ON THE SUPREME
3 COURT AND THE COURT OF APPEALS TO ALLOW THE APPOINTEE TO SERVE THE
4 REMAINDER OF THE TERM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-849, Mississippi Code of 1972, is
7 amended as follows:

8 23-15-849. (1) Vacancies in the office of * * * circuit
9 judge or chancellor, shall be filled for the unexpired term by the
10 qualified electors at the next regular election for state officers
11 or for representatives in Congress occurring more than nine (9)
12 months after the existence of the vacancy to be filled, and the
13 term of office of the person elected to fill a vacancy shall
14 commence on the first Monday in January following his election.
15 Upon the occurring of such a vacancy, the Governor shall appoint a
16 qualified person from the district in which the vacancy exists to
17 hold the office and discharge the duties thereof until the vacancy
18 shall be filled by election as hereinabove provided.

19 (2) Elections to fill vacancies in the office of judge of
20 the Supreme Court or Court of Appeals shall be held, conducted,
21 returned and the persons elected commissioned in accordance with
22 the law governing regular elections for judges of the Supreme
23 Court or Court of Appeals insofar as they may be applicable.

24 (3) If a vacancy occurs in the office of judge of the
25 Supreme Court or Court of Appeals, the vacancy shall be filled by
26 appointment as provided by law and the person appointed shall
27 serve until the next regular election for that judgeship. Upon
28 the occurring of such vacancy, the Governor shall appoint a



29 qualified person from the district in which the vacancy exists to
30 hold the office and discharge the duties thereof.

31 **SECTION 2.** The Attorney General of the State of Mississippi
32 shall submit this act, immediately upon approval by the Governor,
33 or upon approval by the Legislature subsequent to a veto, to the
34 Attorney General of the United States or to the United States
35 District Court for the District of Columbia in accordance with the
36 provisions of the Voting Rights Act of 1965, as amended and
37 extended.

38 **SECTION 3.** This act shall take effect and be in force from
39 and after the date it is effectuated under Section 5 of the Voting
40 Rights Act of 1965, as amended and extended.

