HOUSE BILL NO. 1503

AN ACT TO AMEND SECTION 23-15-849, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR FILLING VACANCIES ON THE SUPREME COURT AND THE COURT OF APPEALS; AND FOR RELATED PURPOSES.

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

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

23-15-849. (1) 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 twenty-four (24) 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.

(2) 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.

(3) If a vacancy occurs in the office of judge of the Supreme Court or Court of Appeals and more than one-half (1/2) of the term of the judge has expired, the vacancy shall be filled by appointment as provided by law and the person appointed shall serve until the next regular election for that judgeship. If a
vacancy occurs in the office of judge of the Supreme Court or Court of Appeals and more than one-half (1/2) of the term of the judge remains, the vacancy shall be filled for the unexpired term by the qualified electors at the next election for circuit judges and chancellors occurring after the existence of the vacancy to be filled but at least two (2) years before the term expires, 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 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.

SECTION 2. 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 3. 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.