

By: Representative Reynolds

To: Judiciary A

HOUSE BILL NO. 1503

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; AND FOR RELATED PURPOSES.

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

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

7 23-15-849. (1) Vacancies in the office of * * * circuit
8 judge or chancellor, shall be filled for the unexpired term by the
9 qualified electors at the next regular election for state officers
10 or for representatives in Congress occurring more than twenty-four
11 (24) months after the existence of the vacancy to be filled, and
12 the term of office of the person elected to fill a vacancy shall
13 commence on the first Monday in January following his election.
14 Upon the occurring of such a vacancy, the Governor shall appoint a
15 qualified person from the district in which the vacancy exists to
16 hold the office and discharge the duties thereof until the vacancy
17 shall be filled by election as hereinabove provided.

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

23 (3) If a vacancy occurs in the office of judge of the
24 Supreme Court or Court of Appeals and more than one-half (1/2) of
25 the term of the judge has expired, 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. If a



28 vacancy occurs in the office of judge of the Supreme Court or
29 Court of Appeals and more than one-half (1/2) of the term of the
30 judge remains, the vacancy shall be filled for the unexpired term
31 by the qualified electors at the next election for circuit judges
32 and chancellors occurring after the existence of the vacancy to be
33 filled but at least two (2) years before the term expires, and the
34 term of office of the person elected to fill a vacancy shall
35 commence on the first Monday in January following his election.
36 Upon the occurring of such vacancy, the Governor shall appoint a
37 qualified person from the district in which the vacancy exists to
38 hold the office and discharge the duties thereof until the vacancy
39 shall be filled by election as hereinabove provided.

40 **SECTION 2.** The Attorney General of the State of Mississippi
41 shall submit this act, immediately upon approval by the Governor,
42 or upon approval by the Legislature subsequent to a veto, to the
43 Attorney General of the United States or to the United States
44 District Court for the District of Columbia in accordance with the
45 provisions of the Voting Rights Act of 1965, as amended and
46 extended.

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

