

By: Senator(s) Ross, Carlton

To: Judiciary

SENATE BILL NO. 2289
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-849, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT APPOINTEES FOR CERTAIN VACANT JUDICIAL POSITIONS
3 SHALL SERVE FOR THE REMAINDER OF THE TERM; AND FOR RELATED
4 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 * * * provided in this subsection.

19 (2) (a) If half or more than half of the term remains,
20 vacancies in the office of judge of the Supreme Court or Court of
21 Appeals shall be filled for the unexpired term by the qualified
22 electors at the next regular election for state officers or for
23 representatives in Congress occurring more than nine (9) months
24 after the existence of the vacancy to be filled, and the term of
25 office of the person elected to fill a vacancy shall commence on
26 the first Monday in January following his election. If less than
27 half of the term remains, vacancies in the office of judge of the
28 Supreme Court or Court of Appeals shall be filled for the



29 remaining unexpired term solely by appointment as provided in this
30 subsection.

31 (b) Upon occurrence of a vacancy, the Governor shall
32 appoint a qualified person from the district in which the vacancy
33 exists to hold the office and discharge the duties thereof as
34 follows:

35 (i) If less than half of the term remains, the
36 appointee shall serve until expiration of the term;

37 (ii) If half or more than half of the term
38 remains, the appointee shall serve until the vacancy shall be
39 filled by election as provided in subsection (1) of this section
40 for judges of the circuit and chancery courts. Elections to fill
41 vacancies in the office of judge of the Supreme Court or Court of
42 Appeals shall be held, conducted, returned and the persons elected
43 commissioned in accordance with the law governing regular
44 elections for judges of the Supreme Court or Court of Appeals
45 insofar as they may be applicable.

46 (c) This subsection (2) shall apply to all
47 gubernatorial appointees to the Supreme Court or Court of Appeals
48 who have not stood for special election as of the date Senate Bill
49 2289, 2002 Regular Session, goes into effect as if Senate Bill No.
50 2289, 2002 Regular Session, were in full force and effect on the
51 day of each of their appointments.

52 **SECTION 2.** The Attorney General of the State of Mississippi
53 shall submit this act, immediately upon approval by the Governor,
54 or upon approval by the Legislature subsequent to a veto, to the
55 Attorney General of the United States or to the United States
56 District Court for the District of Columbia in accordance with the
57 provisions of the Voting Rights Act of 1965, as amended and
58 extended.

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

