

By: Senator(s) Ross, Carlton

To: Judiciary

SENATE BILL NO. 2831

1 AN ACT TO AMEND SECTION 9-1-103, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE GOVERNOR'S APPOINTMENT OF A JUDGE TO FILL A
3 VACANCY IN THE DEFINED JUDICIAL OFFICES SHALL BE FOR THE REMAINDER
4 OF THE UNEXPIRED TERM VACATED; TO REPEAL SECTION 23-15-849,
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE FILLING OF
6 VACANCIES IN THE OFFICE OF JUDGE OF THE SUPREME COURT OR COURT OF
7 APPEALS OR CIRCUIT JUDGE OR CHANCELLOR BY SPECIAL ELECTION IF THE
8 NEXT REGULAR ELECTION OCCURS MORE THAN NINE MONTHS AFTER THE
9 EXISTENCE OF THE VACANCY TO BE FILLED; TO AMEND SECTION 9-9-5,
10 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-1-103, Mississippi Code of 1972, is
13 amended as follows:

14 9-1-103. Whenever a vacancy shall occur in any judicial
15 office, other than the office of judge of the county court, by
16 reason of death of an incumbent, resignation or retirement of an
17 incumbent, removal of an incumbent from office, or, unless
18 specific provision to fill the new judicial office has been made
19 in law, creation of a new judicial office in which there has not
20 heretofore been an incumbent, the Governor shall have the
21 authority to appoint a qualified person to fill such vacancy to
22 serve for the unexpired term * * *. When a vacancy shall occur
23 for any of the reasons enumerated in this section, the clerk of
24 the court shall notify the Governor of such vacancy immediately.

25 **SECTION 2.** Section 23-15-849, Mississippi Code of 1972,
26 which provides for the filling of vacancies in the office of Judge
27 of the Supreme Court or Court of Appeals or circuit judge or
28 chancellor by special election if the next regular election occurs
29 more than nine months after the existence of the vacancy to be
30 filled, and which applies to the filling of vacancies in the



31 office of judge of the county court by application of Section
32 9-9-5, Mississippi Code of 1972, is repealed.

33 **SECTION 3.** Section 9-9-5, Mississippi Code of 1972, is
34 amended as follows:

35 9-9-5. (1) The county judge shall possess all of the
36 qualifications of a circuit judge as prescribed by the Mississippi
37 Constitution. In the event of the establishment of a county court
38 by agreement between two (2) or more counties as provided in
39 Section 9-9-3, the judge of said court may be a qualified elector
40 of any one (1) of said counties, and shall have such other
41 qualifications as provided for by law. The county judge shall be
42 elected by the qualified electors of his county at the time and in
43 the manner as circuit judges are elected and he shall hold office
44 for the same term. Vacancies in the office of county judge shall
45 be filled as provided by law.

46 (2) Provided, however, that in any county having a total
47 population in excess of eleven thousand (11,000) according to the
48 1970 federal decennial census and a total assessed valuation of
49 real and personal property of not less than Sixteen Million
50 Dollars (\$16,000,000.00) and not more than Seventeen Million
51 Dollars (\$17,000,000.00) and in which Mississippi Highway 4 and
52 United States Highway 61 intersect, in which there is a vacancy in
53 the post of county judge resulting from the failure of a candidate
54 to qualify for that post, the board of supervisors of such county
55 may, upon certification of such vacancy to the board, appoint a
56 county judge to serve out the term so vacated who shall be a
57 licensed attorney from such county or an adjoining county. The
58 compensation of such attorney shall be the same he would have
59 otherwise received if elected.

60 (3) In the event that any county wherein is located a state
61 hospital and wherein U.S. Highway 80 and Mississippi Highway 43
62 intersect shall establish a county court, the county judge of such
63 county shall be elected at the general election to be held on



64 Tuesday after the first Monday of November 1982, after qualifying
65 therefor as provided by law. Provided, however, that the board of
66 supervisors of such county may appoint a county judge who shall be
67 a licensed attorney from such county until the office of county
68 judge shall be filled pursuant to said election.

69 **SECTION 4.** The Attorney General of the State of Mississippi
70 shall submit this act, immediately upon approval by the Governor,
71 or upon approval by the Legislature subsequent to a veto, to the
72 Attorney General of the United States or to the United States
73 District Court for the District of Columbia in accordance with the
74 provisions of the Voting Rights Act of 1965, as amended and
75 extended.

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

