

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 446: Justice court judges; bring under the Nonpartisan Judicial Election Act.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18 **SECTION 1.** Section 9-5-7, Mississippi Code of 1972, is
19 amended as follows:

20 **[Until July 1, 2006, this section shall read as follows:]**

21 9-5-7. There shall be three (3) chancellors for the First
22 Chancery Court District. For purposes of appointment and election
23 the three (3) chancellorships shall be separate and distinct and
24 denominated for purposes of appointment and election only as
25 "Place One," "Place Two" and "Place Three."

26 **[From and after July 1, 2006, this section shall read as**
27 **follows:]**

28 9-5-7. There shall be three (3) chancellors for the First
29 Chancery Court District.

30 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
31 amended as follows:

32 **[Until July 1, 2006, this section shall read as follows:]**

33 9-5-13. (1) There shall be three (3) chancellors for the
34 Third Chancery Court District.

35 (2) The chancellor of Subdistrict 3-1 shall be elected from
36 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall
37 be elected from Grenada County, Montgomery County, Panola County,
38 Tate County and Yalobusha County. For purposes of appointment and
39 election the two (2) chancellorships in Subdistrict 3-2 shall be

40 separate and distinct and denominated for purposes of appointment
41 and election only as "Place One" and "Place Two."

42 **[From and after July 1, 2006, this section shall read as**
43 **follows:]**

44 9-5-13. (1) There shall be three (3) chancellors for the
45 Third Chancery Court District.

46 (2) The chancellor of Subdistrict 3-1 shall be elected from
47 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall
48 be elected from Grenada County, Montgomery County, Panola County,
49 Tate County and Yalobusha County.

50 **SECTION 3.** Section 9-5-54, Mississippi Code of 1972, is
51 amended as follows:

52 **[Until July 1, 2006, this section shall read as follows:]**

53 9-5-54. There shall be two (2) chancellors for the
54 Eighteenth Chancery Court District. For purposes of appointment
55 and election the two (2) chancellorships shall be separate and
56 distinct and denominated for purposes of appointment and election
57 only as "Place One" and "Place Two."

58 **[From and after July 1, 2006, this section shall read as**
59 **follows:]**

60 9-5-54. There shall be two (2) chancellors for the
61 Eighteenth Chancery Court District.

62 **SECTION 4.** Section 9-7-7, Mississippi Code of 1972, is
63 amended as follows:

64 **[Until July 1, 2006, this section shall read as follows:]**

65 9-7-7. (1) There shall be three (3) judges for the First
66 Circuit Court District.

67 (2) For the purposes of appointment and election the three
68 (3) judgeships shall be separate and distinct and denominated for
69 purposes of appointment and election only as "Place One," "Place
70 Two" and "Place Three."

71 **[From and after July 1, 2006, this section shall read as**
72 **follows:]**

73 9-7-7. There shall be three (3) judges for the First Circuit
74 Court District.

75 **SECTION 5.** Section 9-7-39, Mississippi Code of 1972, is

76 amended as follows:

77 **[Until July 1, 2006, this section shall read as follows:]**

78 9-7-39. (1) The Fourteenth Circuit Court District shall be
79 comprised of the following counties:

- 80 (a) Lincoln County;
- 81 (b) Pike County; and
- 82 (c) Walthall County.

83 (2) There shall be two (2) judges for the Fourteenth Circuit
84 Court District.

85 (3) For the purposes of appointment and election the two (2)
86 judgeships shall be separate and distinct and denominated for
87 purposes of appointment and election only as "Place One" and
88 "Place Two."

89 **[From and after July 1, 2006, this section shall read as**
90 **follows:]**

91 9-7-39. (1) The Fourteenth Circuit Court District shall be
92 comprised of the following counties:

- 93 (a) Lincoln County;
- 94 (b) Pike County; and
- 95 (c) Walthall County.

96 (2) There shall be two (2) judges for the Fourteenth Circuit
97 Court District.

98 **SECTION 6.** Section 9-7-45, Mississippi Code of 1972, is
99 amended as follows:

100 9-7-45. The Seventeenth Circuit Court District shall be
101 comprised of the following counties:

- 102 (a) Panola County;
- 103 (b) * * * Tallahatchie County;
- 104 (c) Tate County; and
- 105 (d) Yalobusha County.

106 **SECTION 7.** Section 9-7-46, Mississippi Code of 1972, is
107 amended as follows:

108 9-7-46. * * * There shall be two (2) circuit judges for the
109 Seventeenth Circuit Court District.

110 * * *

111 **SECTION 8.** Section 9-7-55, Mississippi Code of 1972, is

112 amended as follows:

113 9-7-55. (1) The Twenty-first Circuit Court District shall
114 be comprised of the following counties:

- 115 (a) Holmes County;
- 116 (b) Humphreys County; and
- 117 (c) Yazoo County.

118 (2) There shall be two (2) judges for the Twenty-first
119 Circuit Court District. For purposes of appointment and election
120 the two (2) judgeships shall be separate and distinct and
121 denominated for purposes of appointment and election only as
122 "Place One" and "Place Two."

123 **SECTION 9.** The following shall be codified as Section
124 9-7-59, Mississippi Code of 1972:

125 9-7-59. (1) The Twenty-third Circuit Court District shall
126 be comprised of DeSoto County.

127 (2) There shall be two (2) judges for the Twenty-third
128 Circuit Court District.

129 **SECTION 10.** Section 23-15-982, Mississippi Code of 1972, is
130 amended as follows:

131 **[Until July 1, 2006, this section shall read as follows:]**

132 23-15-982. (1) Majority of vote equals any excess of the
133 total vote for all candidates divided by the number of judgeships
134 to be filled divided by two (2).

135 If some or all candidates in a multijudge election do not
136 receive a majority of the vote, then candidates equal in number to
137 twice the number of remaining positions to be filled and having
138 the highest votes shall run in a runoff election. In such event,
139 if there is not a sufficient number of remaining candidates equal
140 to twice the number of remaining positions to be filled, then all
141 remaining candidates shall run in the runoff election.

142 (2) Any tie votes which require resolution to determine who
143 shall enter a runoff election shall be determined by the
144 commissioners of election in the manner prescribed by Sections
145 23-15-601 and 23-15-605.

146 Candidates equal to the remaining number of positions to be
147 filled who have the highest votes in the runoff election are

148 elected.

149 Any tie votes which must be determined in order to decide who
150 is elected as a result of a runoff election shall be determined by
151 the State Election Commission in the manner prescribed by Sections
152 23-15-601 and 23-15-605.

153 (3) The provisions of this section shall apply only to
154 districts and subdistricts which are multijudge districts except
155 for the First, Third, Eighth, Tenth, Sixteenth, Eighteenth and
156 Twentieth Chancery Court Districts and the First, Second, Eighth,
157 Fourteenth, Nineteenth and Twenty-first Circuit Court Districts.

158 **[From and after July 1, 2006, this section shall read as**
159 **follows:]**

160 23-15-982. (1) Majority of vote equals any excess of the
161 total vote for all candidates divided by the number of judgeships
162 to be filled divided by two (2).

163 If some or all candidates in a multijudge election do not
164 receive a majority of the vote, then candidates equal in number to
165 twice the number of remaining positions to be filled and having
166 the highest votes shall run in a runoff election. In such event,
167 if there is not a sufficient number of remaining candidates equal
168 to twice the number of remaining positions to be filled, then all
169 remaining candidates shall run in the runoff election.

170 (2) Any tie votes which require resolution to determine who
171 shall enter a runoff election shall be determined by the
172 commissioners of election in the manner prescribed by Sections
173 23-15-601 and 23-15-605.

174 Candidates equal to the remaining number of positions to be
175 filled who have the highest votes in the runoff election are
176 elected.

177 Any tie votes which must be determined in order to decide who
178 is elected as a result of a runoff election shall be determined by
179 the State Election Commission in the manner prescribed by Sections
180 23-15-601 and 23-15-605.

181 (3) The provisions of this section shall apply only to
182 districts and subdistricts which are multijudge districts except
183 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court

184 Districts and the Second, Eighth, Nineteenth and Twenty-first
185 Circuit Court Districts.

186 **SECTION 11.** Section 23-15-983, Mississippi Code of 1972, is
187 amended as follows:

188 **[Until July 1, 2006, this section shall read as follows:]**

189 23-15-983. At the general election, the candidates equal to
190 the number of positions to be filled and having the highest votes
191 shall be elected.

192 Any tie votes in the general election which must be resolved
193 in order to determine who is elected shall be resolved in the
194 manner prescribed by Sections 23-15-601 and 23-15-605.

195 The provisions of this section shall apply only to districts
196 and subdistricts which are multijudge districts except for the
197 First, Third, Eighth, Tenth, Sixteenth, Eighteenth and Twentieth
198 Chancery Court Districts and the First, Second, Eighth,
199 Fourteenth, Nineteenth and Twenty-first Circuit Court Districts.

200 **[From and after July 1, 2006, this section shall read as**
201 **follows:]**

202 23-15-983. At the general election, the candidates equal to
203 the number of positions to be filled and having the highest votes
204 shall be elected.

205 Any tie votes in the general election which must be resolved
206 in order to determine who is elected shall be resolved in the
207 manner prescribed by Sections 23-15-601 and 23-15-605.

208 The provisions of this section shall apply only to districts
209 and subdistricts which are multijudge districts except for the
210 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
211 and the Second, Eighth, Nineteenth and Twenty-first Circuit Court
212 Districts.

213 **SECTION 12.** Notwithstanding any other provision of law to
214 the contrary for the election in 2002 only, candidates for
215 chancellor in the First, Third and Eighteenth Chancery Court
216 Districts and for judge in the First and Fourteenth Circuit Court
217 Districts shall qualify by 5:00 p.m. on July 1, 2002.

218 **SECTION 13.** (1) There is hereby created a joint study
219 committee to examine the election of justice court judges. The

220 joint committee shall consist of the Chairman of the Senate
221 Elections Committee and five (5) members of the Senate Elections
222 Committee appointed by the Lieutenant Governor, and the Chairman
223 of the House Apportionment and Elections Committee and five (5)
224 members of the House Apportionment and Elections Committee
225 appointed by the Speaker of the House. The Chairman of the Senate
226 Elections Committee and the Chairman of the House Apportionment
227 and Elections Committee shall serve as cochairmen of the joint
228 committee. The joint committee shall examine all aspects of the
229 election of justice court judges and shall, in addition to any
230 other aspects of the election the joint committee may choose to
231 examine the election of justice court judges on a nonpartisan
232 basis.

233 (2) The joint committee shall make a report of its findings
234 and recommendations, including necessary legislation, to the
235 Legislature on December 1, 2002.

236 (3) The joint committee shall meet on the call of the
237 cochairmen and shall organize by selecting from its membership a
238 vice chairman who shall also serve as secretary and shall be
239 responsible for keeping all records of the joint committee. A
240 majority of the members of the joint committee shall constitute a
241 quorum. All members shall be notified in writing of all meetings
242 and such notices shall be mailed at least five (5) days prior to
243 the date on which a meeting is to be held.

244 (4) Members of the committee shall be paid from the
245 contingent expense funds of their respective houses in the same
246 amounts as provided for committee meetings when the Legislature is
247 not in session.

248 (5) All state agencies shall cooperate with the joint
249 committee in providing information and resources necessary for the
250 joint committee to make its study.

251 (6) The joint committee shall utilize the staff of the
252 Legislature and any other assistance made available to it.

253 (7) Upon presentation of its report the joint committee
254 shall be dissolved.

255 **SECTION 14.** If any section of this act is declared to be

256 unconstitutional or void, or if for any reason is declared to be
257 invalid or of no effect, the remaining sections of this act shall
258 be in no manner affected thereby but shall remain in full force
259 and effect.

260 **SECTION 15.** The Attorney General of the State of Mississippi
261 shall submit this act, immediately upon approval by the Governor,
262 or upon approval by the Legislature subsequent to a veto, to the
263 Attorney General of the United States or to the United States
264 District Court for the District of Columbia in accordance with the
265 provisions of the Voting Rights Act of 1965, as amended and
266 extended.

267 **SECTION 16.** Sections 6, 7, 8 and 9 of this act shall take
268 effect and be in force from and after January 1, 2008, if Senate
269 Concurrent Resolution No. 543, 2002 Regular Session, is ratified
270 by the electorate or from and after January 1, 2006, if Senate
271 Concurrent Resolution No. 543, 2002 Regular Session, is not
272 ratified by the electorate and provided that these sections are
273 effectuated under the Voting Rights Act of 1965, as amended and
274 extended, and the remainder of this act shall take effect and be
275 in force from and after the date it is effectuated under Section 5
276 of the Voting Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 9-5-7, 9-5-13 AND 9-5-54,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ELECTION BY POSTS OF
3 CHANCELLORS IN CERTAIN CHANCERY COURT DISTRICTS; TO AMEND SECTION
4 9-7-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST
5 CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39, MISSISSIPPI CODE
6 OF 1972, TO CREATE SUBDISTRICTS IN THE FOURTEENTH CIRCUIT COURT
7 DISTRICT; TO AMEND SECTION 9-7-55, MISSISSIPPI CODE OF 1972, TO
8 PROVIDE AN ADDITIONAL JUDGE FOR THE TWENTY-FIRST CIRCUIT COURT
9 DISTRICT; TO CREATE SECTION 9-7-59, MISSISSIPPI CODE OF 1972, TO
10 CREATE THE TWENTY-THIRD CIRCUIT COURT DISTRICT AND PROVIDE FOR TWO
11 JUDGES; TO AMEND SECTIONS 9-7-45, 9-7-46, 23-15-982 and 23-15-983,
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REVISE
13 QUALIFICATION REQUIREMENTS; TO CREATE A JOINT STUDY COMMITTEE TO
14 EXAMINE THE ELECTION OF JUSTICE COURT JUDGES ON A NONPARTISAN
15 BASIS; TO REQUIRE THE COMMITTEE TO REPORT TO THE LEGISLATURE BY
16 DECEMBER 1, 2002; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X

Thomas U. Reynolds

X

Ferr Smith

X

Edward Blackmon, Jr.

CONFEREES FOR THE SENATE

X

Hob Bryan

X

Gray Tollison

Bennie L. Turner