

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 446

By Senator(s) Committee

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

25 SECTION 1. (1) There is hereby created a joint study
26 committee to examine the election of justice court judges. The
27 joint committee shall consist of the Chairman of the Senate
28 Elections Committee and five (5) members of the Senate Elections
29 Committee appointed by the Lieutenant Governor, and the Chairman
30 of the House Apportionment and Elections Committee and five (5)
31 members of the House Apportionment and Elections Committee
32 appointed by the Speaker of the House. The Chairman of the Senate
33 Elections Committee and the Chairman of the House Apportionment
34 and Elections Committee shall serve as co-chairmen of the joint
35 committee. The joint committee shall examine all aspects of the
36 election of justice court judges and shall, in addition to any
37 other aspects of the election the joint committee may choose to
38 examine the election of justice court judges on a nonpartisan
39 basis.

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

43 (3) The joint committee shall meet on the call of the
44 co-chairmen and shall organize by selecting from its membership a

45 vice chairman who shall also serve as secretary and shall be
46 responsible for keeping all records of the joint committee. A
47 majority of the members of the joint committee shall constitute a
48 quorum. All members shall be notified in writing of all meetings
49 and such notices shall be mailed at least five (5) days prior to
50 the date on which a meeting is to be held.

51 (4) Members of the committee shall be paid from the
52 contingent expense funds of their respective houses in the same
53 amounts as provided for committee meetings when the Legislature is
54 not in session.

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

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

60 (7) Upon presentation of its report the joint committee
61 shall be dissolved.

62 **SECTION 2.** Section 9-5-7, Mississippi Code of 1972, is
63 amended as follows:

64 9-5-7. There shall be three (3) chancellors for the First
65 Chancery Court District. For purposes of appointment and election
66 the three (3) chancellorships shall be separate and distinct and
67 denominated for purposes of appointment and election only as
68 "Place One," "Place Two" and "Place Three."

69 **SECTION 3.** Section 9-5-13, Mississippi Code of 1972, is
70 amended as follows:

71 9-5-13. (1) There shall be three (3) chancellors for the
72 Third Chancery Court District.

73 (2) The chancellor of Subdistrict 3-1 shall be elected from
74 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall
75 be elected from Grenada County, Montgomery County, Panola County,
76 Tate County and Yalobusha County. For purposes of appointment and
77 election the two (2) chancellorships in Subdistrict 3-2 shall be
78 separate and distinct and denominated for purposes of appointment
79 and election only as "Place One" and "Place Two."

80 **SECTION 4.** Section 9-5-22, Mississippi Code of 1972, is
81 amended as follows:

82 9-5-22. There shall be two (2) chancellors for the Sixth
83 Chancery Court District. For purposes of appointment and election
84 the two (2) chancellorships shall be separate and distinct and
85 denominated for purposes of appointment and election only as
86 "Place One" and "Place Two."

87 **SECTION 5.** Section 9-5-40, Mississippi Code of 1972, is
88 amended as follows:

89 9-5-40. There shall be two (2) judges for the Twelfth
90 Chancery Court District. For purposes of appointment and election
91 the two (2) chancellorships shall be separate and distinct and
92 denominated for purposes of appointment and election only as
93 "Place One" and "Place Two."

94 **SECTION 6.** Section 9-5-54, Mississippi Code of 1972, is
95 amended as follows:

96 9-5-54. There shall be two (2) chancellors for the
97 Eighteenth Chancery Court District. For purposes of appointment
98 and election the two (2) chancellorships shall be separate and
99 distinct and denominated for purposes of appointment and election
100 only as "Place One" and "Place Two."

101 **SECTION 7.** Section 9-7-7, Mississippi Code of 1972, is
102 amended as follows:

103 9-7-7. (1) There shall be three (3) judges for the First
104 Circuit Court District.

105 (2) For the purposes of appointment and election the three
106 (3) judgeships shall be separate and distinct and denominated for
107 purposes of appointment and election only as "Place One," "Place
108 Two" and "Place Three."

109 **SECTION 8.** Section 9-7-14, Mississippi Code of 1972, is
110 amended as follows:

111 9-7-14. (1) There shall be two (2) circuit judges for the
112 Third Circuit Court District.

113 (2) For the purposes of appointment and election the two (2)
114 judgeships shall be separate and distinct and denominated for

115 purposes of appointment and election only as "Place One" and
116 "Place Two."

117 **SECTION 9.** Section 9-7-20, Mississippi Code of 1972, is
118 amended as follows:

119 9-7-20. (1) There shall be two (2) judges for the Fifth
120 Circuit Court District.

121 (2) For the purposes of appointment and election the two (2)
122 judgeships shall be separate and distinct and denominated for
123 purposes of appointment and election only as "Place One" and
124 "Place Two."

125 **SECTION 10.** Section 9-7-32, Mississippi Code of 1972, is
126 amended as follows:

127 9-7-32. (1) There shall be two (2) judges for the Tenth
128 Circuit Court District.

129 (2) For the purposes of appointment and election the two (2)
130 judgeships shall be separate and distinct and denominated for
131 purposes of appointment and election only as "Place One" and
132 "Place Two."

133 **SECTION 11.** Section 9-7-39, Mississippi Code of 1972, is
134 amended as follows:

135 9-7-39. (1) The Fourteenth Circuit Court District shall be
136 comprised of the following counties:

- 137 (a) Lincoln County;
138 (b) Pike County; and
139 (c) Walthall County.

140 (2) There shall be two (2) judges for the Fourteenth Circuit
141 Court District.

142 (3) For the purposes of appointment and election the two (2)
143 judgeships shall be separate and distinct and denominated for
144 purposes of appointment and election only as "Place One" and
145 "Place Two."

146 (4) For the purpose of elections after the 2002 regular
147 election for judges, in addition to the two (2) judgeships created
148 in subsection (2) of this section, there shall be one (1)
149 additional judgeship. For the purpose of the election of the

150 judgeship created in this subsection, the following subdistrict is
151 created to be composed of the following precincts in the following
152 counties:

153 (a) Lincoln County: Alexander Jr. High, East Lincoln,
154 Forrestry, Fair River, Government Complex, High School, Little
155 Bahala, Big Springs, New Pearlhaven, Brignal, Rogers Circle,
156 Enterprise, Bogue Chitto, Ruth and Norfield Precincts;

157 (b) Pike County: Precincts 4, 6, 14, 20, 16, 7, 10,
158 10A, 6A, 2, 3, 11, 12, 13, 17 and 18; and

159 (c) Walthall County: West Tylertown, North Knoxo,
160 Sartinville, Darbun, Varnell, District 4 West, Enon, Dinan, Hope
161 and St. Paul Precincts.

162 **SECTION 12.** Section 9-7-42, Mississippi Code of 1972, is
163 amended as follows:

164 9-7-42. (1) There shall be two (2) judges for the Fifteenth
165 Circuit Court District.

166 (2) For the purposes of appointment and election the two (2)
167 judgeships shall be separate and distinct and denominated for
168 purposes of appointment and election only as "Place One" and
169 "Place Two."

170 **SECTION 13.** Section 9-7-43, Mississippi Code of 1972, is
171 amended as follows:

172 9-7-43. (1) The Sixteenth Circuit Court District shall be
173 comprised of the following counties:

- 174 (a) Clay County;
175 (b) Lowndes County;
176 (c) Noxubee County; and
177 (d) Oktibbeha County.

178 (2) For the purpose of elections after the 2002 regular
179 election for judges, the Sixteenth Circuit Court District shall be
180 divided into three (3) subdistricts as follows:

181 (a) Subdistrict 16-1 shall be composed of Lowndes
182 County.

183 (b) Subdistrict 16-2 shall be composed of Oktibbeha
184 County.

185 (c) Subdistrict 16-3 shall be composed of Clay County
186 and Noxubee County.

187 **SECTION 14.** Section 9-7-44, Mississippi Code of 1972, is
188 amended as follows:

189 9-7-44. (1) Through November 30, 2002, there shall be two
190 (2) judges for the Sixteenth Circuit Court District.

191 (2) From and after December 1, 2002, there shall be three
192 (3) judges for the Sixteenth Circuit Court District.

193 (3) The initial holder of the third judgeship created by
194 subsection (2) of this section shall be appointed by the Governor
195 for a term to expire at the same time as the expiration of the
196 terms of circuit judges elected at the November 2002 election.

197 **SECTION 15.** Section 9-7-45, Mississippi Code of 1972, is
198 amended as follows:

199 9-7-45. The Seventeenth Circuit Court District shall be
200 divided into three (3) subdistricts as follows:

201 (a) Subdistrict 17-1 shall consist of DeSoto
202 County; * * *

203 (b) Subdistrict 17-2 shall consist of * * * Tate County
204 and the following precincts from Panola County: East Sardis, East
205 Como, Pleasant Mount, Cold Springs, Pope, Courtland, Batesville 3,
206 Coles Point, North Springport, South Springport, Eureka, East
207 Batesville 4, West Batesville 4, Fern Hill, North Batesville A and
208 East Batesville 5; and

209 (c) Subdistrict 17-3 shall consist of Tallahatchie
210 County, Yalobusha County and the following precincts from Panola
211 County: West Sardis, West Como, Longtown, Crenshaw, Pleasant
212 Grove, South Sardis, Belmont-Hebron, Curtis, North Asa, East
213 Crowder, Tocowa and North Batesville B.

214 **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is
215 amended as follows:

216 9-7-46. (1) There shall be three (3) circuit judges for the
217 Seventeenth Circuit Court District.

218 (2) For the purpose of appointment and election, the three

219 (3) judgeships shall be separate and distinct, and one (1) judge

220 shall be elected from each subdistrict.

221 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
222 amended as follows:

223 9-7-54. (1) There shall be two (2) judges for the Twentieth
224 Circuit Court District.

225 (2) For the purposes of appointment and election the two (2)
226 judgeships shall be separate and distinct and denominated for
227 purposes of appointment and election only as "Place One" and
228 "Place Two."

229 **SECTION 18.** Section 23-15-977, Mississippi Code of 1972, is
230 amended as follows:

231 [Through December 31, 2002, this section shall read as
232 follows:]

233 23-15-977. (1) All candidates for judicial office as
234 defined in Section 23-15-975 of this subarticle shall file their
235 intent to be a candidate with the proper officials not later than
236 5:00 p.m. on the first Friday after the first Monday in June prior
237 to the general election for judicial office and shall pay to the
238 proper officials the following amounts:

239 (a) Candidates for Supreme Court judge and Court of
240 Appeals, the sum of Two Hundred Dollars (\$200.00).

241 (b) Candidates for circuit judge and chancellor, the
242 sum of One Hundred Dollars (\$100.00).

243 (c) Candidates for county judge and family court judge,
244 the sum of Fifteen Dollars (\$15.00).

245 (2) Candidates for judicial offices listed in paragraphs (a)
246 and (b) of subsection (1) of this section shall file their intent
247 to be a candidate with, and pay the proper assessment made
248 pursuant to subsection (1) of this section to, the State Board of
249 Election Commissioners.

250 (3) Candidates for judicial offices listed in paragraph (c)
251 of subsection (1) of this section shall file their intent to be a
252 candidate with, and pay the proper assessment made pursuant to
253 subsection (1) of this section to, the circuit clerk of the proper
254 county. The circuit clerk shall notify the county commissioners

255 of election of all persons who have filed their intent to be a
256 candidate filed with, and paid the proper assessment to, such
257 clerk. Such notification shall occur within two (2) business days
258 and shall contain all necessary information.

259 [From and after January 1, 2003, this section shall read as
260 follows:]

261 23-15-977. (1) All candidates for judicial office as
262 defined in Section 23-15-975 of this subarticle shall file their
263 intent to be a candidate with the proper officials not later than
264 5:00 p.m. on the first Friday after the first Monday in May prior
265 to the general election for judicial office and shall pay to the
266 proper officials the following amounts:

267 (a) Candidates for Supreme Court judge and Court of
268 Appeals, the sum of Two Hundred Dollars (\$200.00).

269 (b) Candidates for circuit judge and chancellor, the
270 sum of One Hundred Dollars (\$100.00).

271 (c) Candidates for county judge and family court judge,
272 the sum of Fifteen Dollars (\$15.00).

273 (2) Candidates for judicial offices listed in paragraphs (a)
274 and (b) of subsection (1) of this section shall file their intent
275 to be a candidate with, and pay the proper assessment made
276 pursuant to subsection (1) of this section to, the State Board of
277 Election Commissioners.

278 (3) Candidates for judicial offices listed in paragraph (c)
279 of subsection (1) of this section shall file their intent to be a
280 candidate with, and pay the proper assessment made pursuant to
281 subsection (1) of this section to, the circuit clerk of the proper
282 county. The circuit clerk shall notify the county commissioners
283 of election of all persons who have filed their intent to be a
284 candidate filed with, and paid the proper assessment to, such
285 clerk. Such notification shall occur within two (2) business days
286 and shall contain all necessary information.

287 **SECTION 19.** Section 9-1-103, Mississippi Code of 1972, is
288 amended as follows:

289 9-1-103. Unless otherwise provided by law, whenever a

290 vacancy shall occur in any judicial office by reason of death of
291 an incumbent, resignation or retirement of an incumbent, removal
292 of an incumbent from office, or creation of a new judicial office
293 in which there has not heretofore been an incumbent, the Governor
294 shall have the authority to appoint a qualified person to fill
295 such vacancy to serve for the unexpired term or until such vacancy
296 is filled by election as provided in Section 23-15-849,
297 Mississippi Code of 1972. When a vacancy shall occur for any of
298 the reasons enumerated in this section, the clerk of the court
299 shall notify the Governor of such vacancy immediately.

300 **SECTION 20.** Section 23-15-849, Mississippi Code of 1972, is
301 amended as follows:

302 23-15-849. (1) Unless otherwise provided by law, vacancies
303 in the office of judge of the Supreme Court or Court of Appeals or
304 circuit judge, or chancellor, shall be filled for the unexpired
305 term by the qualified electors at the next regular election for
306 state officers or for representatives in Congress occurring more
307 than nine (9) months after the existence of the vacancy to be
308 filled, and the term of office of the person elected to fill a
309 vacancy shall commence on the first Monday in January following
310 his election. Except as may be otherwise provided by law, upon
311 the occurring of such a vacancy, the Governor shall appoint a
312 qualified person from the district in which the vacancy exists to
313 hold the office and discharge the duties thereof until the vacancy
314 shall be filled by election as * * * provided in this subsection.

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

320 **SECTION 21.** Sections 23-15-982 and 23-15-983, Mississippi
321 Code of 1972, which provide for the calculation of the vote in
322 multijudge districts in which candidates run "in the herd," are
323 repealed.

324 **SECTION 22.** If any section of this act is declared to be

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

329 **SECTION 23.** The Attorney General of the State of Mississippi
330 shall submit this act, immediately upon approval by the Governor,
331 or upon approval by the Legislature subsequent to a veto, to the
332 Attorney General of the United States or to the United States
333 District Court for the District of Columbia in accordance with the
334 provisions of the Voting Rights Act of 1965, as amended and
335 extended.

336 **SECTION 24.** This act shall take effect and be in force from
337 and after the date it is effectuated under Section 5 of the Voting
338 Rights Act of 1965, as amended and extended, whichever date is
339 later.

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

1 AN ACT TO CREATE A JOINT COMMITTEE TO STUDY THE ELECTION OF
2 JUSTICE COURT JUDGES; TO PROVIDE FOR THE MEMBERSHIP OF SUCH
3 COMMITTEE; TO REQUIRE THE COMMITTEE TO REPORT ITS RECOMMENDATIONS
4 TO THE LEGISLATURE BY DECEMBER 1, 2002; TO AMEND SECTIONS 9-5-7,
5 9-5-13, 9-5-22, 9-5-40 AND 9-5-54, MISSISSIPPI CODE OF 1972, TO
6 PROVIDE FOR ELECTION BY POSTS OF CHANCELLORS IN CERTAIN CHANCERY
7 COURT DISTRICTS; TO AMEND SECTIONS 9-7-7, 9-7-14, 9-7-20, 9-7-32,
8 9-7-39, 9-7-42, 9-7-43, 9-7-44, 9-7-45, 9-7-46 AND 9-7-54,
9 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST,
10 THIRD, FIFTH, TENTH, FOURTEENTH, FIFTEENTH AND TWENTIETH CIRCUIT
11 COURT DISTRICTS; TO PROVIDE A SUBDISTRICT IN THE FOURTEENTH
12 CIRCUIT COURT DISTRICT FOR ELECTIONS OCCURRING AFTER THE 2002
13 REGULAR ELECTION FOR JUDGES; TO PROVIDE FOR SUBDISTRICTS IN THE
14 SIXTEENTH CIRCUIT COURT DISTRICT FOR ELECTIONS OCCURRING AFTER THE
15 2002 REGULAR ELECTION FOR JUDGES; TO PROVIDE FOR SUBDISTRICTS IN
16 THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
17 23-15-977, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CANDIDATES
18 FOR JUDICIAL ELECTION AT THE 2002 REGULAR ELECTION FOR JUDGES
19 SHALL QUALIFY BY NOT LATER THAN THE FIRST MONDAY IN JUNE; TO AMEND
20 SECTION 9-1-103 AND 23-15-849, IN CONFORMITY THERETO; TO REPEAL
21 SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, WHICH
22 PROVIDE FOR THE CALCULATION OF THE VOTE IN MULTIJUDGE DISTRICTS IN
23 WHICH CANDIDATES RUN "IN THE HERD"; AND FOR RELATED PURPOSES.