

By: Representative Watson

To: Judiciary A;
Apportionment and Elections

HOUSE BILL NO. 788

1 AN ACT TO AMEND SECTION 9-4-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY WHEN THE TERMS OF JUDGES OF THE COURT OF APPEALS BEGIN AND
3 END; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-4-5, Mississippi Code of 1972, is
6 amended as follows:

7 9-4-5. (1) The term of office of judges of the Court of
8 Appeals shall be eight (8) years. An election shall be held on
9 the first Tuesday after the first Monday in November 1994, to
10 elect the ten (10) judges of the Court of Appeals, two (2) from
11 each congressional district; provided, however, judges of the
12 Court of Appeals who are elected to take office after the first
13 Monday of January 2002, shall be elected from the Court of Appeals
14 Districts described in subsection (5) of this section. The judges
15 of the Court of Appeals shall begin service on the first Monday of
16 January 1995.

17 (2) (a) In order to provide that the offices of not more
18 than a majority of the judges of said court shall become vacant at
19 any one (1) time, the terms of office of six (6) of the judges
20 first to be elected shall expire in less than eight (8) years.
21 For the purpose of all elections of members of the court, each of
22 the ten (10) judges of the Court of Appeals shall be considered a
23 separate office. The two (2) offices in each of the five (5)
24 districts shall be designated Position Number 1 and Position
25 Number 2, and in qualifying for office as a candidate for any
26 office of judge of the Court of Appeals each candidate shall state



27 the position number of the office to which he aspires and the
28 election ballots shall so indicate.

29 (i) In Congressional District Number 1, the judge
30 of the Court of Appeals for Position Number 1 shall be that office
31 for which the term ends on the first Monday in January * * * 1999,
32 and the judge of the Court of Appeals for Position Number 2 shall
33 be that office for which the term ends on the first Monday in
34 January * * * 2003.

35 (ii) In Congressional District Number 2, the judge
36 of the Court of Appeals for Position Number 1 shall be that office
37 for which the term ends on the first Monday in January * * * 2003,
38 and the judge of the Court of Appeals for Position Number 2 shall
39 be that office for which the term ends on the first Monday in
40 January * * * 2001.

41 (iii) In Congressional District Number 3, the
42 judge of the Court of Appeals for Position Number 1 shall be that
43 office for which the term ends on the first Monday in
44 January * * * 2001, and the judge of the Court of Appeals for
45 Position Number 2 shall be that office for which the term ends on
46 the first Monday in January * * * 1999.

47 (iv) In Congressional District Number 4, the judge
48 of the Court of Appeals for Position Number 1 shall be that office
49 for which the term ends on the first Monday in January * * * 1999,
50 and the judge of the Court of Appeals for Position Number 2 shall
51 be that office for which the term ends on the first Monday in
52 January * * * 2003.

53 (v) In Congressional District Number 5, the judge
54 of the Court of Appeals for Position Number 1 shall be that office
55 for which the term ends on the first Monday in January * * * 2003,
56 and the judge of the Court of Appeals for Position Number 2 shall
57 be that office for which the term ends on the first Monday in
58 January * * * 2001.



59 (b) The laws regulating the general elections shall
60 apply to and govern the elections of judges of the Court of
61 Appeals except as otherwise provided in Sections 23-15-974 through
62 23-15-985.

63 (c) In the year prior to the expiration of the term of
64 an incumbent, and likewise each eighth year thereafter, an
65 election shall be held in the manner provided in this section in
66 the district from which the incumbent Court of Appeals judge was
67 elected at which there shall be elected a successor to the
68 incumbent, whose term of office shall thereafter begin on the
69 first Monday of January of the year in which the term of the
70 incumbent he succeeds expires.

71 (3) No person shall be eligible for the office of judge of
72 the Court of Appeals who has not attained the age of thirty (30)
73 years at the time of his election and who has not been a
74 practicing attorney and citizen of the state for five (5) years
75 immediately preceding such election.

76 (4) Any vacancy on the Court of Appeals shall be filled by
77 appointment of the Governor for that portion of the unexpired term
78 prior to the election to fill the remainder of said term according
79 to provisions of Section 23-15-849, Mississippi Code of 1972.

80 (5) (a) The State of Mississippi is hereby divided into
81 five (5) Court of Appeals Districts as follows:

82 **FIRST DISTRICT.** The First Court of Appeals District shall be
83 composed of the following counties and portions of counties:
84 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
85 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
86 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
87 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
88 in Montgomery County the precincts of North Winona, Lodi, Stewart,
89 Nations and Poplar Creek; in Panola County the precincts of East
90 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
91 Springport, South Springport, Eureka, Williamson, East Batesville



92 4, West Batesville 4, Fern Hill, North Batesville A, East
93 Batesville 5 and West Batesville 5; and in Tallahatchie County the
94 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
95 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
96 Murphreesboro and Rosebloom.

97 **SECOND DISTRICT.** The Second Court of Appeals District shall
98 be composed of the following counties and portions of counties:
99 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
100 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
101 Tunica, Warren, Washington and Yazoo; in Attala County the
102 precincts of Northeast, Hesterville, Possomneck, North Central,
103 McAdams, Newport, Sallis and Southwest; that portion of Grenada
104 County not included in the First Court of Appeals District; in
105 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
106 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
107 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
108 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
109 precincts of Conway, West Carthage, Wiggins, Thomastown and
110 Ofahoma; in Madison County the precincts of Farmhaven, Canton
111 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
112 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
113 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
114 Canton Precinct 1 and Canton Precinct 4; that portion of
115 Montgomery County not included in the First Court of Appeals
116 District; that portion of Panola County not included in the First
117 Court of Appeals District; and that portion of Tallahatchie County
118 not included in the First Court of Appeals District.

119 **THIRD DISTRICT.** The Third Court of Appeals District shall be
120 composed of the following counties and portions of counties:
121 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
122 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
123 portion of Attala County not included in the Second Court of
124 Appeals District; in Jones County the precincts of Northwest High



125 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
126 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
127 Antioch and Landrum; that portion of Leake County not included in
128 the Second Court of Appeals District; that portion of Madison
129 County not included in the Second Court of Appeals District; and
130 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
131 Diamond, Chaparral, Matherville, Coit and Eucutta.

132 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
133 be composed of the following counties and portions of counties:
134 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
135 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
136 that portion of Hinds County not included in the Second Court of
137 Appeals District; and that portion of Jones county not included in
138 the Third Court of Appeals District.

139 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
140 composed of the following counties and portions of counties:
141 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
142 River, Perry and Stone; and that portion of Wayne County not
143 included in the Third Court of Appeals District.

144 (b) The boundaries of the Court of Appeals Districts
145 described in paragraph (a) of this subsection shall be the
146 boundaries of the counties and precincts listed in paragraph (a)
147 of this subsection as such boundaries existed on October 1, 1990.

148 **SECTION 2.** The Attorney General of the State of Mississippi
149 shall submit this act, immediately upon approval by the Governor,
150 or upon approval by the Legislature subsequent to a veto, to the
151 Attorney General of the United States or to the United States
152 District Court for the District of Columbia in accordance with the
153 provisions of the Voting Rights Act of 1965, as amended and
154 extended.

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

