

By: Senator(s) Chamberlin, Flowers

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2199

1 AN ACT TO AMEND SECTION 9-7-46, MISSISSIPPI CODE OF 1972, TO
2 CREATE A NEW CIRCUIT JUDGESHIP IN CIRCUIT COURT SUBDISTRICT 17-1
3 FOR DESOTO COUNTY; TO AMEND SECTIONS 23-15-982 AND 23-15-983,
4 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-7-46, Mississippi Code of 1972, is
7 amended as follows:

8 9-7-46. (1) There shall be four (4) circuit judges for the
9 Seventeenth Circuit Court District.

10 (2) (a) * * * Two (2) judges shall be elected from
11 Subdistrict 17-1. For the purposes of appointment and election,
12 the two (2) judgeships shall be separate and distinct and
13 denominated for purposes of appointment and election only as
14 "Place One" and "Place Two."

15 (b) Two (2) judges shall be elected from Subdistrict
16 17-2.

17 **SECTION 2.** Section 23-15-982, Mississippi Code of 1972, is
18 amended as follows:

19 23-15-982. (1) Majority of vote equals any excess of the
20 total vote for all candidates divided by the number of judgeships
21 to be filled divided by two (2).

22 If some or all candidates in a multijudge election do not
23 receive a majority of the vote, then candidates equal in number to
24 twice the number of remaining positions to be filled and having
25 the highest votes shall run in a runoff election. In such event,
26 if there is not a sufficient number of remaining candidates equal
27 to twice the number of remaining positions to be filled, then all
28 remaining candidates shall run in the runoff election.

29 (2) Any tie votes which require resolution to determine who
30 shall enter a runoff election shall be determined by the
31 commissioners of election in the manner prescribed by Sections
32 23-15-601 and 23-15-605.

33 Candidates equal to the remaining number of positions to be
34 filled who have the highest votes in the runoff election are
35 elected.

36 Any tie votes which must be determined in order to decide who
37 is elected as a result of a runoff election shall be determined by
38 the State Election Commission in the manner prescribed by Sections
39 23-15-601 and 23-15-605.

40 (3) The provisions of this section shall apply only to
41 districts and subdistricts which are multijudge districts except
42 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
43 Districts and the Second, Eighth, Subdistrict One of the
44 Seventeenth, and Nineteenth Circuit Court Districts.

45 **SECTION 3.** Section 23-15-983, Mississippi Code of 1972, is
46 amended as follows:

47 23-15-983. At the general election, the candidates equal to
48 the number of positions to be filled and having the highest votes
49 shall be elected.

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

53 The provisions of this section shall apply only to districts
54 and subdistricts which are multijudge districts except for the
55 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
56 and the Second, Eighth, Subdistrict One of the Seventeenth, and
57 Nineteenth Circuit Court Districts.

58 **SECTION 4.** The Attorney General of the State of Mississippi
59 shall submit this act, immediately upon approval by the Governor,
60 or upon approval by the Legislature subsequent to a veto, to the
61 Attorney General of the United States or to the United States

62 District Court for the District of Columbia in accordance with the
63 provisions of the Voting Rights Act of 1965, as amended and
64 extended.

65 **SECTION 5.** This act shall take effect and be in force from
66 and after July 1, 2003, or the date it is effectuated under
67 Section 5 of the Voting Rights Act of 1965, as amended and
68 extended, whichever is later.