

By: Senator(s) Little

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2235

1 AN ACT TO AMEND SECTIONS 9-5-7 AND 9-7-7, MISSISSIPPI CODE OF
2 1972, TO REPEAL RUNNING IN THE HERD FOR THE CIRCUIT JUDGES AND
3 CHANCELLORS OF THE FIRST CIRCUIT AND CHANCERY DISTRICTS; TO AMEND
4 SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
5 PERSON MAY QUALIFY TO RUN FOR ONLY ONE JUDICIAL OFFICE AT A TIME;
6 TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF
7 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

11 9-5-7. (1) There shall be three (3) chancellors for the
12 First Chancery Court District.

13 (2) For purposes of appointment and election, the three (3)
14 chancellorships shall be separate and distinct and denominated for
15 purposes of appointment and election only as "Place One," "Place
16 Two" and "Place Three".

17 **SECTION 2.** Section 9-7-7, Mississippi Code of 1972, is
18 amended as follows:

19 9-7-7. (1) There shall be three (3) judges for the First
20 Circuit Court District.

21 (2) For purposes of appointment and election, the three (3)
22 judgeships shall be separate and distinct and denominated for
23 purposes of appointment and election only as "Place One," "Place
24 Two" and "Place Three".

25 **SECTION 3.** Section 23-15-977, Mississippi Code of 1972, is
26 amended as follows:

27 23-15-977. (1) * * * Candidates for judicial office as
28 defined in Section 23-15-975 of this subarticle shall file the
29 intent to be a candidate with the proper officials not later than

30 5:00 p.m. on the first Friday after the first Monday in May prior
31 to the general election for judicial office and shall pay to the
32 proper officials the following amounts:

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

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

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

39 (2) Candidates for judicial offices listed in paragraphs (a)
40 and (b) of subsection (1) of this section shall file the intent to
41 be a candidate with, and pay the proper assessment made pursuant
42 to subsection (1) of this section to, the State Board of Election
43 Commissioners.

44 (3) Candidates for judicial offices listed in paragraph (c)
45 of subsection (1) of this section shall file the intent to be a
46 candidate with, and pay the proper assessment made pursuant to
47 subsection (1) of this section to, the circuit clerk of the proper
48 county. The circuit clerk shall notify the county commissioners
49 of election of all persons who have filed the intent to be a
50 candidate * * * with, and paid the proper assessment to, such
51 clerk. Such notification shall occur within two (2) business days
52 and shall contain all necessary information.

53 (4) A candidate may qualify for only one (1) judicial
54 office.

55 **SECTION 4.** Section 23-15-982, Mississippi Code of 1972, is
56 amended as follows:

57 23-15-982. (1) Majority of vote equals any excess of the
58 total vote for all candidates divided by the number of judgeships
59 to be filled divided by two (2).

60 If some or all candidates in a multijudge election do not
61 receive a majority of the vote, then candidates equal in number to
62 twice the number of remaining positions to be filled and having

63 the highest votes shall run in a runoff election. In such event,
64 if there is not a sufficient number of remaining candidates equal
65 to twice the number of remaining positions to be filled, then all
66 remaining candidates shall run in the runoff election.

67 (2) Any tie votes which require resolution to determine who
68 shall enter a runoff election shall be determined by the
69 commissioners of election in the manner prescribed by Sections
70 23-15-601 and 23-15-605.

71 Candidates equal to the remaining number of positions to be
72 filled who have the highest votes in the runoff election are
73 elected.

74 Any tie votes which must be determined in order to decide who
75 is elected as a result of a runoff election shall be determined by
76 the State Election Commission in the manner prescribed by Sections
77 23-15-601 and 23-15-605.

78 (3) The provisions of this section shall apply only to
79 districts and subdistricts which are multijudge districts except
80 for the First, Eighth, Tenth, Sixteenth and Twentieth Chancery
81 Court Districts and the First, Second, Eighth and Nineteenth
82 Circuit Court Districts.

83 **SECTION 5.** Section 23-15-983, Mississippi Code of 1972, is
84 amended as follows:

85 23-15-983. At the general election, the candidates equal to
86 the number of positions to be filled and having the highest votes
87 shall be elected.

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

91 The provisions of this section shall apply only to districts
92 and subdistricts which are multijudge districts except for the
93 First, Eighth, Tenth, Sixteenth and Twentieth Chancery Court
94 Districts and the First, Second, Eighth and Nineteenth Circuit
95 Court Districts.

96 **SECTION 6.** The Attorney General of the State of Mississippi
97 shall submit this act, immediately upon approval by the Governor,
98 or upon approval by the Legislature subsequent to a veto, to the
99 Attorney General of the United States or to the United States
100 District Court for the District of Columbia in accordance with the
101 provisions of the Voting Rights Act of 1965, as amended and
102 extended.

103 **SECTION 7.** This act shall take effect and be in force from
104 and after the date it is effectuated under Section 5 of the Voting
105 Rights Act of 1965, as amended and extended.