

By: Senator(s) Little, Robertson, Pickering

To: Judiciary, Division A

SENATE BILL NO. 2252

1 AN ACT TO CREATE NEW SECTION 9-3-4, MISSISSIPPI CODE OF 1972,
 2 TO PLACE THE PROVISIONS CONCERNING THE TERMS AND SERVICE OF JUDGES
 3 OF THE SUPREME COURT IN THE SUPREME COURT CHAPTER OF THE
 4 MISSISSIPPI CODE AND TO EXTEND OR CONTRACT SOME OF THE TERMS OF
 5 SOME OF THE JUDGES FOR ONE TERM ONLY TO MORE EVENLY STAGGER THE
 6 TERMS OF JUDGES OF THE SUPREME COURT; TO PROVIDE THAT ALL REGULAR
 7 ELECTIONS OCCUR IN THE NOVEMBER IMMEDIATELY PRECEDING EXPIRATION
 8 OF EACH TERM; TO AMEND SECTION 23-15-991, MISSISSIPPI CODE OF
 9 1972, TO PROVIDE THAT ELECTION OF SUPREME COURT JUDGES SHALL OCCUR
 10 IN THE NOVEMBER IMMEDIATELY PRECEDING EXPIRATION OF TERM; TO AMEND
 11 SECTION 23-15-993, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified as Section 9-3-4,
 15 Mississippi Code of 1972:

16 9-3-4. (1) The term of office of judges of the Supreme
 17 Court shall be eight (8) years and shall begin on the first Monday
 18 of January of the year in which the prior term expires.

19 (2) (a) For the purpose of appointment and election, each
 20 of the nine (9) judgeships of the Supreme Court shall be
 21 considered a separate office. The three (3) offices in each of
 22 the three (3) Supreme Court districts shall be designated Position
 23 Number 1, Position Number 2 and Position Number 3, and in
 24 qualifying for election for any office of judge of the Supreme
 25 Court, each candidate shall state the position number of the
 26 office he wishes to retain and the ballots shall so indicate. In
 27 Supreme Court District Number 1: Position Number 1 shall be that
 28 office for which the term ends in January 1966, provided, however,
 29 that for the term beginning in January 2006, that term shall be
 30 for nine (9) years, with subsequent terms reverting to the
 31 constitutionally mandated eight-year term; Position Number 2 shall
 32 be that office for which the term ends in January 1965; and

33 Position Number 3 shall be that office for which the term ends in
34 January 1969. In District Number 2: Position Number 1 shall be
35 that office for which the term ends in January 1972; Position
36 Number 2 shall be that office for which the term ends in January
37 1969; and Position Number 3 shall be for that office for which the
38 term ends in January 1973. In District Number 3: Position Number
39 1 shall be that office for which the term ends in January 1969;
40 Position Number 2 shall be that office for which the term ends in
41 January 1969; and Position Number 3 shall be that office for which
42 the term ends in January 1965.

43 **SECTION 2.** Section 23-15-991, Mississippi Code of 1972, is
44 amended as follows:

45 23-15-991. * * * An election shall be held on the first
46 Tuesday after the first Monday in November immediately preceding
47 the expiration of the term of an incumbent in the Supreme Court
48 district or Court of Appeals district from which each incumbent
49 was elected at which there shall be elected a successor to the
50 incumbent, whose term of office shall thereafter begin on the
51 first Monday of January of the year in which the term of the
52 incumbent he succeeds expires.

53 **SECTION 3.** Section 23-15-993, Mississippi Code of 1972, is
54 amended as follows:

55 23-15-993. For the purpose of all elections, each of the
56 nine (9) judgeships of the Supreme Court and the ten (10)
57 judgeships of the Court of Appeals shall be considered a separate
58 office. * * *

59 **SECTION 4.** The Attorney General of the State of Mississippi
60 shall submit this act, immediately upon approval by the Governor,
61 or upon approval by the Legislature subsequent to a veto, to the
62 Attorney General of the United States or to the United States
63 District Court for the District of Columbia in accordance with the
64 provisions of the Voting Rights Act of 1965, as amended and
65 extended.

66 **SECTION 5.** This act shall take effect and be in force from
67 and after January 1, 2006, provided that it is effectuated under
68 Section 5 of the Voting Rights Act of 1965, as amended and
69 extended and further provided that the amendments to the
70 Mississippi Constitution of 1890 as proposed by Senate Concurrent
71 Resolution No. 523, 2004 Regular Session, are certified by the
72 Secretary of State as having been ratified by the people.