

By: Senator(s) Tollison, Doxey

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2395

1 AN ACT TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE CHANCELLORS OF THE EIGHTEENTH CHANCERY COURT
3 DISTRICT SHALL RUN BY POSTS RATHER THAN IN THE HERD; TO AMEND
4 SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
5 JUDGES OF THE THIRD CIRCUIT COURT DISTRICT SHALL RUN BY POSTS
6 RATHER THAN IN THE HERD; TO AMEND SECTION 23-15-977, MISSISSIPPI
7 CODE OF 1972, TO PROVIDE THAT A PERSON MAY QUALIFY AS A CANDIDATE
8 FOR ONLY ONE JUDICIAL OFFICE AT A TIME; TO AMEND SECTIONS
9 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-5-54, Mississippi Code of 1972, is
13 amended as follows:

14 9-5-54. (1) There shall be two (2) chancellors for the
15 Eighteenth Chancery Court District.

16 (2) For purposes of appointment and election, the two (2)
17 chancellorships shall be separate and distinct and denominated for
18 purposes of appointment and election only as "Place One" and
19 "Place Two."

20 **SECTION 2.** Section 9-7-14, Mississippi Code of 1972, is
21 amended as follows:

22 9-7-14. (1) There shall be two (2) circuit judges for the
23 Third Circuit Court District.

24 (2) For purposes of appointment and election, the two (2)
25 judgeships shall be separate and distinct and denominated for
26 purposes of appointment and election only as "Place One" and
27 "Place Two."

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

30 23-15-977. (1) * * * Candidates for judicial office as
31 defined in Section 23-15-975 of this subarticle shall file the

32 intent to be a candidate with the proper officials not later than
33 5:00 p.m. on the first Friday after the first Monday in May prior
34 to the general election for judicial office and shall pay to the
35 proper officials the following amounts:

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

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

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

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

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

56 (4) A candidate may qualify for only one (1) judicial
57 office.

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

60 23-15-982. (1) Majority of vote equals any excess of the
61 total vote for all candidates divided by the number of judgeships
62 to be filled divided by two (2).

63 If some or all candidates in a multijudge election do not
64 receive a majority of the vote, then candidates equal in number to

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

70 (2) Any tie votes which require resolution to determine who
71 shall enter a runoff election shall be determined by the
72 commissioners of election in the manner prescribed by Sections
73 23-15-601 and 23-15-605.

74 Candidates equal to the remaining number of positions to be
75 filled who have the highest votes in the runoff election are
76 elected.

77 Any tie votes which must be determined in order to decide who
78 is elected as a result of a runoff election shall be determined by
79 the State Election Commission in the manner prescribed by Sections
80 23-15-601 and 23-15-605.

81 (3) The provisions of this section shall apply only to
82 districts and subdistricts which are multijudge districts except
83 for the Eighth, Tenth, Sixteenth, Eighteenth and Twentieth
84 Chancery Court Districts and the Second, Third, Eighth and
85 Nineteenth Circuit Court Districts.

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

88 23-15-983. At the general election, the candidates equal to
89 the number of positions to be filled and having the highest votes
90 shall be elected.

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

94 The provisions of this section shall apply only to districts
95 and subdistricts which are multijudge districts except for the
96 Eighth, Tenth, Sixteenth, Eighteenth and Twentieth Chancery Court

97 Districts and the Second, Third, Eighth and Nineteenth Circuit
98 Court Districts.

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

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