

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 296

1 AN ACT TO AMEND SECTIONS 9-5-7, 9-5-13, 9-5-22, 9-5-40 AND
2 9-5-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ELECTION BY POSTS
3 OF CHANCELLORS IN CERTAIN CHANCERY COURT DISTRICTS; TO AMEND
4 SECTIONS 9-7-7, 9-7-14, 9-7-20, 9-7-32, 9-7-39, 9-7-42, 9-7-44,
5 9-7-46 AND 9-7-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS
6 IN THE FIRST, THIRD, FIFTH, TENTH, FOURTEENTH, FIFTEENTH,
7 SIXTEENTH AND TWENTIETH CIRCUIT COURT DISTRICTS; TO BRING FORWARD
8 SECTION 9-7-45, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
9 AMENDMENT; TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI
10 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

14 9-5-7. There shall be three (3) chancellors for the First
15 Chancery Court District. For purposes of appointment and election
16 the three (3) chancellorships shall be separate and distinct and
17 denominated for purposes of appointment and election only as
18 "Place One," "Place Two" and "Place Three."

19 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
20 amended as follows:

21 9-5-13. (1) There shall be three (3) chancellors for the
22 Third Chancery Court District.

23 (2) The chancellor of Subdistrict 3-1 shall be elected from
24 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall
25 be elected from Grenada County, Montgomery County, Panola County,
26 Tate County and Yalobusha County. For purposes of appointment and
27 election the two (2) chancellorships in Subdistrict 3-2 shall be
28 separate and distinct and denominated for purposes of appointment
29 and election only as "Place One" and "Place Two."

30 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
31 amended as follows:

32 9-5-22. There shall be two (2) chancellors for the Sixth
33 Chancery Court District. For purposes of appointment and election
34 the two (2) chancellorships shall be separate and distinct and
35 denominated for purposes of appointment and election only as
36 "Place One" and "Place Two."

37 **SECTION 4.** Section 9-5-40, Mississippi Code of 1972, is
38 amended as follows:

39 9-5-40. There shall be two (2) judges for the Twelfth
40 Chancery Court District. For purposes of appointment and election
41 the two (2) judgeships shall be separate and distinct and
42 denominated for purposes of appointment and election only as
43 "Place One" and "Place Two."

44 **SECTION 5.** Section 9-5-54, Mississippi Code of 1972, is
45 amended as follows:

46 9-5-54. There shall be two (2) chancellors for the
47 Eighteenth Chancery Court District. For purposes of appointment
48 and election the two (2) chancellorships shall be separate and
49 distinct and denominated for purposes of appointment and election
50 only as "Place One" and "Place Two."

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

53 9-7-7. (1) There shall be three (3) judges for the First
54 Circuit Court District.

55 (2) For the purposes of appointment and election the three
56 (3) judgeships shall be separate and distinct and denominated for
57 purposes of appointment and election only as "Place One," "Place
58 Two" and "Place Three."

59 **SECTION 7.** Section 9-7-14, Mississippi Code of 1972, is
60 amended as follows:

61 9-7-14. (1) There shall be two (2) circuit judges for the
62 Third Circuit Court District.

63 (2) For the purposes of appointment and election the two (2)
64 judgeships shall be separate and distinct and denominated for

65 purposes of appointment and election only as "Place One" and
66 "Place Two."

67 **SECTION 8.** Section 9-7-20, Mississippi Code of 1972, is
68 amended as follows:

69 9-7-20. (1) There shall be two (2) judges for the Fifth
70 Circuit Court District.

71 (2) For the purposes of appointment and election the two (2)
72 judgeships shall be separate and distinct and denominated for
73 purposes of appointment and election only as "Place One" and
74 "Place Two."

75 **SECTION 9.** Section 9-7-32, Mississippi Code of 1972, is
76 amended as follows:

77 9-7-32. (1) There shall be two (2) judges for the Tenth
78 Circuit Court District.

79 (2) For the purposes of appointment and election the two (2)
80 judgeships shall be separate and distinct and denominated for
81 purposes of appointment and election only as "Place One" and
82 "Place Two."

83 **SECTION 10.** Section 9-7-39, Mississippi Code of 1972, is
84 amended as follows:

85 9-7-39. (1) The Fourteenth Circuit Court District shall be
86 comprised of the following counties:

- 87 (a) Lincoln County;
- 88 (b) Pike County; and
- 89 (c) Walthall County.

90 (2) There shall be two (2) judges for the Fourteenth Circuit
91 Court District.

92 (3) For the purposes of appointment and election the two (2)
93 judgeships shall be separate and distinct and denominated for
94 purposes of appointment and election only as "Place One" and
95 "Place Two."

96 **SECTION 11.** Section 9-7-42, Mississippi Code of 1972, is
97 amended as follows:

98 9-7-42. (1) There shall be two (2) judges for the Fifteenth
99 Circuit Court District.

100 (2) For the purposes of appointment and election the two (2)
101 judgeships shall be separate and distinct and denominated for
102 purposes of appointment and election only as "Place One" and
103 "Place Two."

104 **SECTION 12.** Section 9-7-44, Mississippi Code of 1972, is
105 amended as follows:

106 9-7-44. (1) There shall be two (2) judges for the Sixteenth
107 Circuit Court District.

108 (2) For the purposes of appointment and election the two (2)
109 judgeships shall be separate and distinct and denominated for
110 purposes of appointment and election only as "Place One" and
111 "Place Two."

112 **SECTION 13.** Section 9-7-45, Mississippi Code of 1972, is
113 brought forward as follows:

114 9-7-45. The Seventeenth Circuit Court District shall be
115 divided into two (2) subdistricts as follows:

116 (a) Subdistrict 17-1 shall consist of DeSoto County;
117 and

118 (b) Subdistrict 17-2 shall consist of Panola County,
119 Tallahatchie County, Tate County and Yalobusha County.

120 **SECTION 14.** Section 9-7-46, Mississippi Code of 1972, is
121 amended as follows:

122 9-7-46. (1) There shall be three (3) circuit judges for the
123 Seventeenth Circuit Court District.

124 (2) For the purpose of appointment and election, the three
125 (3) judgeships shall be separate and distinct, and one (1) judge
126 shall be elected from Subdistrict 17-1 and two (2) judges shall be
127 elected from Subdistrict 17-2. The two (2) judgeships in
128 Subdistrict 17-2 shall be separate and distinct and denominated
129 for purposes of appointment and election only as "Place One" and
130 "Place Two."

131 **SECTION 15.** Section 9-7-54, Mississippi Code of 1972, is
132 amended as follows:

133 9-7-54. (1) There shall be two (2) judges for the Twentieth
134 Circuit Court District.

135 (2) For the purposes of appointment and election the two (2)
136 judgeships shall be separate and distinct and denominated for
137 purposes of appointment and election only as "Place One" and
138 "Place Two."

139 **SECTION 16.** Section 23-15-982, Mississippi Code of 1972, is
140 amended as follows:

141 23-15-982. (1) Majority of vote equals any excess of the
142 total vote for all candidates divided by the number of judgeships
143 to be filled divided by two (2).

144 If some or all candidates in a multijudge election do not
145 receive a majority of the vote, then candidates equal in number to
146 twice the number of remaining positions to be filled and having
147 the highest votes shall run in a runoff election. In such event,
148 if there is not a sufficient number of remaining candidates equal
149 to twice the number of remaining positions to be filled, then all
150 remaining candidates shall run in the runoff election.

151 (2) Any tie votes which require resolution to determine who
152 shall enter a runoff election shall be determined by the
153 commissioners of election in the manner prescribed by Sections
154 23-15-601 and 23-15-605.

155 Candidates equal to the remaining number of positions to be
156 filled who have the highest votes in the runoff election are
157 elected.

158 Any tie votes which must be determined in order to decide who
159 is elected as a result of a runoff election shall be determined by
160 the State Election Commission in the manner prescribed by Sections
161 23-15-601 and 23-15-605.

162 (3) The provisions of this section shall apply only to
163 districts and subdistricts which are multijudge districts except

164 for the First, Sixth, Eighth, Tenth, Twelfth, Sixteenth,
165 Eighteenth and Twentieth Chancery Court Districts and Subdistrict
166 3-2 of the Third Chancery Court District and the First, Second,
167 Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth,
168 Subdistrict 17-2 of the Seventeenth Circuit Court District,
169 Nineteenth and Twentieth Circuit Court Districts.

170 **SECTION 17.** Section 23-15-983, Mississippi Code of 1972, is
171 amended as follows:

172 23-15-983. At the general election, the candidates equal to
173 the number of positions to be filled and having the highest votes
174 shall be elected.

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

178 The provisions of this section shall apply only to districts
179 and subdistricts which are multijudge districts except for the
180 First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and
181 Twentieth Chancery Court Districts and Subdistrict 3-2 of the
182 Third Chancery Court District and the First, Second, Third, Fifth,
183 Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Subdistrict 17-2
184 of the Seventeenth Circuit Court District, Nineteenth and
185 Twentieth Circuit Court Districts.

186 **SECTION 18.** The Attorney General of the State of Mississippi
187 shall submit this act, immediately upon approval by the Governor,
188 or upon approval by the Legislature subsequent to a veto, to the
189 Attorney General of the United States or to the United States
190 District Court for the District of Columbia in accordance with the
191 provisions of the Voting Rights Act of 1965, as amended and
192 extended.

193 **SECTION 19.** This act shall take effect and be in force from
194 and after the date it is effectuated under Section 5 of the Voting
195 Rights Act of 1965, as amended and extended, whichever date is
196 later.