

By: Representative Blackmon

To: Judiciary A;  
Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 9-4-5, MISSISSIPPI CODE OF 1972, TO  
2 REDISTRIBUTE THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI; AND  
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-4-5, Mississippi Code of 1972, is  
6 amended as follows:

7 9-4-5. (1) The term of office of judges of the Court of  
8 Appeals shall be eight (8) years. An election shall be held on  
9 the first Tuesday after the first Monday in November 1994, to  
10 elect the ten (10) judges of the Court of Appeals, two (2) from  
11 each congressional district; provided, however, judges of the  
12 Court of Appeals who are elected to take office after the first  
13 Monday of January 2002, shall be elected from the Court of Appeals  
14 Districts described in subsection (5) of this section. The judges  
15 of the Court of Appeals shall begin service on the first Monday of  
16 January 1995.

17 (2) (a) In order to provide that the offices of not more  
18 than a majority of the judges of said court shall become vacant at  
19 any one (1) time, the terms of office of six (6) of the judges  
20 first to be elected shall expire in less than eight (8) years.  
21 For the purpose of all elections of members of the court, each of  
22 the ten (10) judges of the Court of Appeals shall be considered a  
23 separate office. The two (2) offices in each of the five (5)  
24 districts shall be designated Position Number 1 and Position  
25 Number 2, and in qualifying for office as a candidate for any  
26 office of judge of the Court of Appeals each candidate shall state

27 the position number of the office to which he aspires and the  
28 election ballots shall so indicate.

29 (i) In Congressional District Number 1, the judge  
30 of the Court of Appeals for Position Number 1 shall be that office  
31 for which the term ends January 1, 1999, and the judge of the  
32 Court of Appeals for Position Number 2 shall be that office for  
33 which the term ends January 1, 2003.

34 (ii) In Congressional District Number 2, the judge  
35 of the Court of Appeals for Position Number 1 shall be that office  
36 for which the term ends on January 1, 2003, and the judge of the  
37 Court of Appeals for Position Number 2 shall be that office for  
38 which the term ends January 1, 2001.

39 (iii) In Congressional District Number 3, the  
40 judge of the Court of Appeals for Position Number 1 shall be that  
41 office for which the term ends on January 1, 2001, and the judge  
42 of the Court of Appeals for Position Number 2 shall be that office  
43 for which the term ends January 1, 1999.

44 (iv) In Congressional District Number 4, the judge  
45 of the Court of Appeals for Position Number 1 shall be that office  
46 for which the term ends on January 1, 1999, and the judge of the  
47 Court of Appeals for Position Number 2 shall be that office for  
48 which the term ends January 1, 2003.

49 (v) In Congressional District Number 5, the judge  
50 of the Court of Appeals for Position Number 1 shall be that office  
51 for which the term ends on January 1, 2003, and the judge of the  
52 Court of Appeals for Position Number 2 shall be that office for  
53 which the term ends January 1, 2001.

54 (b) The laws regulating the general elections shall  
55 apply to and govern the elections of judges of the Court of  
56 Appeals except as otherwise provided in Sections 23-15-974 through  
57 23-15-985.

58 (c) In the year prior to the expiration of the term of  
59 an incumbent, and likewise each eighth year thereafter, an

60 election shall be held in the manner provided in this section in  
61 the district from which the incumbent Court of Appeals judge was  
62 elected at which there shall be elected a successor to the  
63 incumbent, whose term of office shall thereafter begin on the  
64 first Monday of January of the year in which the term of the  
65 incumbent he succeeds expires.

66 (3) No person shall be eligible for the office of judge of  
67 the Court of Appeals who has not attained the age of thirty (30)  
68 years at the time of his election and who has not been a  
69 practicing attorney and citizen of the state for five (5) years  
70 immediately preceding such election.

71 (4) Any vacancy on the Court of Appeals shall be filled by  
72 appointment of the Governor for that portion of the unexpired term  
73 prior to the election to fill the remainder of said term according  
74 to provisions of Section 23-15-849, Mississippi Code of 1972.

75 (5) (a) The State of Mississippi is hereby divided into  
76 five (5) Court of Appeals Districts as follows:

77 **FIRST DISTRICT.** The First Court of Appeals District shall be  
78 composed of the following counties and portions of counties:  
79 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
80 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
81 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
82 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
83 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
84 Nations and Poplar Creek; in Oktibbeha County the precincts of  
85 Double Springs, Maben and Sturgis; in Panola County the precincts  
86 of East Sardis, Cold Springs, North Asa, Tocowa, Pope, Courtland,  
87 Batesville 3, Cole's Point, North Springport, South Springport,  
88 Eureka, \* \* \* East Batesville 4, West Batesville 4, Fern Hill,  
89 North Batesville A and East Batesville 5; in Panola County the  
90 partial precincts of Curtis and North Batesville B; and in  
91 Tallahatchie County the precincts of Teasdale, Enid, Springhill,

92 Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes,  
93 Leverette, Cascilla, Murphreesboro and Rosebloom.

94       **SECOND DISTRICT.** The Second Court of Appeals District shall  
95 be composed of the following counties and portions of counties:  
96 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
97 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,  
98 Tunica, Warren, Washington and Yazoo; in Attala County the  
99 precincts of \* \* \* Hesterville, Possomneck, North Central,  
100 McAdams, Newport and Sallis \* \* \*; in Attala County the partial  
101 precincts of Northeast and Southwest; that portion of Grenada  
102 County not included in the First Court of Appeals District; in  
103 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
104 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
105 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
106 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
107 precincts of North Carthage, Conway, West Carthage, Wiggins,  
108 Thomastown, and Ofahoma, South Carthage, Good Hope and Lena; in  
109 Madison County the precincts of Ratliff Ferry, Canton Precinct 2,  
110 Canton Precinct 3, Canton Precinct 7, Cameron Street, \* \* \* Smith  
111 School, Magnolia Heights, Flora, Virililia, Canton Precinct 5,  
112 Liberty, Now Industrial Park, Madison County Baptist Family Life  
113 Center, Cameron, Couparle, Camden, Sharon, Canton Precinct 1,  
114 Canton Precinct 4, Luther Branson School and Bible Church; that  
115 portion of Montgomery County not included in the First Court of  
116 Appeals District; that portion of Panola County not included in  
117 the First Court of Appeals District; and that portion of  
118 Tallahatchie County not included in the First Court of Appeals  
119 District.

120       **THIRD DISTRICT.** The Third Court of Appeals District shall be  
121 composed of the following counties and portions of counties:  
122 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
123 Newton, Noxubee, \* \* \* Rankin, Scott, Smith and Winston; that  
124 portion of Attala County not included in the Second Court of

125 Appeals District; in Jones County the precincts of \* \* \* Shady  
126 Grove, Sharon, West Jones, Erata, Glade School, Myrick School,  
127 Powers Community Center, Rustin, Sandersville Civic Center,  
128 Tuckers, Antioch and Landrum Community Center; that portion of  
129 Leake County not included in the Second Court of Appeals District;  
130 that portion of Madison County not included in the Second Court of  
131 Appeals District; that portion of Oktibbeha County not included in  
132 the First Court of Appeals District; and in Wayne County the  
133 precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral,  
134 Matherville, Coit and Eucutta.

135 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
136 be composed of the following counties and portions of counties:  
137 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
138 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
139 that portion of Hinds County not included in the Second Court of  
140 Appeals District; and that portion of Jones County not included in  
141 the Third Court of Appeals District.

142 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
143 composed of the following counties and portions of counties:  
144 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
145 River, Perry and Stone; and that portion of Wayne County not  
146 included in the Third Court of Appeals District.

147 (b) The boundaries of the Court of Appeals Districts  
148 described in paragraph (a) of this subsection shall be the  
149 boundaries of the counties and precincts listed in paragraph (a)  
150 of this subsection as such boundaries existed on October 1, 2000.

151 (c) The Split Precinct Block List developed in  
152 conjunction with Chapter 761, Laws of 2002, that details portions  
153 of partial or split precincts that are contained within a district  
154 by census tract and block number and was utilized in developing  
155 the partial or split precincts of districts in this section is  
156 hereby incorporated and shall be construed to be an integral part  
157 of this section.

158           **SECTION 2.** The Attorney General of the State of Mississippi  
159 shall submit this act, immediately upon approval by the Governor,  
160 or upon approval by the Legislature subsequent to a veto, to the  
161 Attorney General of the United States or to the United States  
162 District Court for the District of Columbia in accordance with the  
163 provisions of the Voting Rights Act of 1965, as amended and  
164 extended.

165           **SECTION 3.** This act shall take effect and be in force from  
166 and after the date it is effectuated under Section 5 of the Voting  
167 Rights Act of 1965, as amended and extended.