

By: Representative Eaton

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1496

1 AN ACT TO CREATE SECTION 9-5-42 MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL CHANCELLOR FOR THE THIRTEENTH CHANCERY COURT
3 DISTRICT; TO PROVIDE FOR POSTS IN SUCH DISTRICT; TO AMEND SECTIONS
4 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY
5 THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section

8 9-5-42, Mississippi Code of 1972:

9 9-5-42. (1) There shall be two (2) chancellors for the
10 Thirteenth Chancery Court District.

11 (2) For the purposes of appointment and election, the two
12 (2) chancellorships shall be separate and distinct and denominated
13 for purposes of appointment and election only as "Place One" and
14 "Place Two."

15 **SECTION 2.** Section 23-15-982, Mississippi Code of 1972, is
16 amended as follows:

17 23-15-982. (1) Majority of vote equals any excess of the
18 total vote for all candidates divided by the number of judgeships
19 to be filled divided by two (2).

20 If some or all candidates in a multijudge election do not
21 receive a majority of the vote, then candidates equal in number to
22 twice the number of remaining positions to be filled and having
23 the highest votes shall run in a runoff election. In such event,
24 if there is not a sufficient number of remaining candidates equal
25 to twice the number of remaining positions to be filled, then all
26 remaining candidates shall run in the runoff election.

27 (2) Any tie votes which require resolution to determine who
28 shall enter a runoff election shall be determined by the

29 commissioners of election in the manner prescribed by Sections
30 23-15-601 and 23-15-605.

31 Candidates equal to the remaining number of positions to be
32 filled who have the highest votes in the runoff election are
33 elected.

34 Any tie votes which must be determined in order to decide who
35 is elected as a result of a runoff election shall be determined by
36 the State Election Commission in the manner prescribed by Sections
37 23-15-601 and 23-15-605.

38 (3) The provisions of this section shall apply only to
39 districts and subdistricts which are multijudge districts except
40 for the Eighth, Tenth, Thirteenth, Sixteenth and Twentieth
41 Chancery Court Districts and the Second, Eighth and Nineteenth
42 Circuit Court Districts.

43 **SECTION 3.** Section 23-15-983, Mississippi Code of 1972, is
44 amended as follows:

45 23-15-983. At the general election, the candidates equal to
46 the number of positions to be filled and having the highest votes
47 shall be elected.

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

51 The provisions of this section shall apply only to districts
52 and subdistricts which are multijudge districts except for the
53 Eighth, Tenth, Thirteenth, Sixteenth and Twentieth Chancery Court
54 Districts and the Second, Eighth and Nineteenth Circuit Court
55 Districts.

56 **SECTION 4.** The Attorney General of the State of Mississippi
57 shall submit this act, immediately upon approval by the Governor,
58 or upon approval by the Legislature subsequent to a veto, to the
59 Attorney General of the United States or to the United States
60 District Court for the District of Columbia in accordance with the

61 provisions of the Voting Rights Act of 1965, as amended and
62 extended.

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