

By: Representative Franks

To: Judiciary A

HOUSE BILL NO. 1531

1 AN ACT TO AMEND SECTION 9-3-1, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE FOR FOUR SUPREME COURT DISTRICTS; TO AMEND SECTION 9-3-11,
 3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHIEF JUSTICE SHALL
 4 BE ELECTED STATEWIDE; TO AMEND SECTIONS 23-15-977 AND 23-15-933,
 5 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 9-5-7,
 6 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST
 7 CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE
 8 OF 1972, TO PROVIDE FOR POSTS IN THE EIGHTEENTH CHANCERY COURT
 9 DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO
 10 PROVIDE FOR POSTS IN THE FIRST CIRCUIT COURT DISTRICT; TO AMEND
 11 SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN
 12 THE THIRD CIRCUIT COURT DISTRICT; TO AMEND SECTIONS 23-15-982 AND
 13 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
 14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 9-3-1, Mississippi Code of 1972, is
 17 amended as follows:

18 9-3-1. The state shall be divided into four (4) Supreme
 19 Court districts, as follows, to wit:

20 The counties of Attala, Bolivar, Carroll, Claiborne, Coahoma,
 21 Copiah, Hinds, Holmes, Humphreys, Issaquena, Jefferson, * * *
 22 Leake, Leflore, Madison, Montgomery, Quitman, Sharkey, Sunflower,
 23 Tallahatchie, Tunica, Warren, Washington and Yazoo shall
 24 constitute the First District.

25 * * *

26 The counties of Alcorn, * * * Benton, Calhoun, * * *
 27 Chickasaw, Choctaw, Clay, * * * DeSoto, Grenada, Itawamba,
 28 Lafayette, Lee, * * * Lowndes, Marshall, Monroe, * * * Panola,
 29 Pontotoc, Prentiss, * * * Tate, Tippah, Tishomingo, * * * Union,
 30 Webster, * * * and Yalobusha, shall constitute the Second
 31 District.

32 The counties of Adams, Amite, Covington, Franklin, Jasper,
 33 Jefferson Davis, Kemper, Lauderdale, Lawrence, Lincoln, Neshoba,

34 Newton, Noxubee, Oktibbeha, Pike, Rankin, Scott, Simpson, Smith,
35 Walthall, Wilkinson and Winston shall constitute the Third
36 District.

37 The counties of Clarke, Forrest, George, Greene, Hancock,
38 Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone
39 and Wayne shall constitute the Fourth District.

40 **SECTION 2.** Section 9-3-11, Mississippi Code of 1972, is
41 amended as follows:

42 9-3-11. The Chief Justice of the Supreme Court shall be
43 elected statewide as provided in Section 23-15-993.

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

46 23-15-977. (1) All candidates for judicial office as
47 defined in Section 23-15-975 of this subarticle shall file their
48 intent to be a candidate with the proper officials not later than
49 5:00 p.m. on the first Friday after the first Monday in May prior
50 to the general election for judicial office and shall pay to the
51 proper officials the following amounts:

52 (a) Candidates for Chief Justice of the Supreme Court,
53 Supreme Court judge and Court of Appeals, the sum of Two Hundred
54 Dollars (\$200.00).

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

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

59 (2) Candidates for judicial offices listed in paragraphs (a)
60 and (b) of subsection (1) of this section shall file their intent
61 to be a candidate with, and pay the proper assessment made
62 pursuant to subsection (1) of this section to, the State Board of
63 Election Commissioners.

64 (3) Candidates for judicial offices listed in paragraph (c)
65 of subsection (1) of this section shall file their intent to be a
66 candidate with, and pay the proper assessment made pursuant to

67 subsection (1) of this section to, the circuit clerk of the proper
68 county. The circuit clerk shall notify the county commissioners
69 of election of all persons who have filed their intent to be a
70 candidate with, and paid the proper assessment to, such clerk.
71 Such notification shall occur within two (2) business days and
72 shall contain all necessary information.

73 **SECTION 4.** Section 23-15-993, Mississippi Code of 1972, is
74 amended as follows:

75 23-15-993. For the purpose of all elections, each of the
76 nine (9) judgeships of the Supreme Court shall be considered a
77 separate office. The two (2) offices in each of the four (4)
78 Supreme Court districts shall be designated Position Number 1 and
79 Position Number 2, and in qualifying for office as a candidate for
80 any office of judge of the Supreme Court each candidate shall
81 state the position number of the office to which he aspires and
82 the regular election ballots shall so indicate. The Chief Justice
83 shall be elected statewide and the office shall be a term that
84 ends in January, 2013. In Supreme Court District Number 1:
85 Position Number 1 shall be that office for which the term ends in
86 January 2006; and Position Number 2 shall be that office for which
87 the term ends in January 2005. In District Number 2: Position
88 Number 1 shall be that office for which the term ends in January
89 2012; and Position Number 2 shall be that office for which the
90 term ends in January 2009. In District Number 3: Position Number
91 1 shall be that office for which the term ends in January 2009;
92 and Position Number 2 shall be that office for which the term ends
93 in January 2009. In District Number 4: Position 1 shall be that
94 office for which the term ends in January 2009; and Position 2
95 shall be that office for which their term ends in January 2005.

96 **SECTION 5.** Section 9-5-7, Mississippi Code of 1972, is
97 amended as follows:

98 9-5-7. (1) There shall be three (3) chancellors for the
99 First Chancery Court District.

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

104 **SECTION 6.** Section 9-5-54, Mississippi Code of 1972, is
105 amended as follows:

106 9-5-54. (1) There shall be two (2) chancellors for the
107 Eighteenth Chancery 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 7.** Section 9-7-7, Mississippi Code of 1972, is
113 amended as follows:

114 9-7-7. (1) There shall be three (3) judges for the First
115 Circuit Court District.

116 (2) For the purposes of appointment and election the three
117 (3) judgeships shall be separate and distinct and denominated for
118 purposes of appointment and election only as "Place One," "Place
119 Two" and "Place Three."

120 **SECTION 8.** Section 9-7-14, Mississippi Code of 1972, is
121 amended as follows:

122 9-7-14. (1) There shall be two (2) circuit judges for the
123 Third Circuit Court District.

124 (2) For the purposes of appointment and election the two (2)
125 judgeships shall be separate and distinct and denominated for
126 purposes of appointment and election only as "Place One" and
127 "Place Two."

128 **SECTION 9.** Section 23-15-982, Mississippi Code of 1972, is
129 amended as follows:

130 23-15-982. (1) Majority of vote equals any excess of the
131 total vote for all candidates divided by the number of judgeships
132 to be filled divided by two (2).

133 If some or all candidates in a multijudge election do not
134 receive a majority of the vote, then candidates equal in number to
135 twice the number of remaining positions to be filled and having
136 the highest votes shall run in a runoff election. In such event,
137 if there is not a sufficient number of remaining candidates equal
138 to twice the number of remaining positions to be filled, then all
139 remaining candidates shall run in the runoff election.

140 (2) Any tie votes which require resolution to determine who
141 shall enter a runoff election shall be determined by the
142 commissioners of election in the manner prescribed by Sections
143 23-15-601 and 23-15-605.

144 Candidates equal to the remaining number of positions to be
145 filled who have the highest votes in the runoff election are
146 elected.

147 Any tie votes which must be determined in order to decide who
148 is elected as a result of a runoff election shall be determined by
149 the State Election Commission in the manner prescribed by Sections
150 23-15-601 and 23-15-605.

151 (3) The provisions of this section shall apply only to
152 districts and subdistricts which are multijudge districts except
153 for the First, Eighth, Tenth, Sixteenth, Eighteenth and Twentieth
154 Chancery Court Districts and the First, Second, third, Eighth and
155 Nineteenth Circuit Court Districts.

156 **SECTION 10.** Section 23-15-983, Mississippi Code of 1972, is
157 amended as follows:

158 23-15-983. At the general election, the candidates equal to
159 the number of positions to be filled and having the highest votes
160 shall be elected.

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

164 The provisions of this section shall apply only to districts
165 and subdistricts which are multijudge districts except for the

166 First, Eighth, Tenth, Sixteenth, Eighteenth and Twentieth Chancery
167 Court Districts and the First, Second, Third, Eighth and
168 Nineteenth Circuit Court Districts.

169 **SECTION 11.** The Attorney General of the State of Mississippi
170 shall submit this act, immediately upon approval by the Governor,
171 or upon approval by the Legislature subsequent to a veto, to the
172 Attorney General of the United States or to the United States
173 District Court for the District of Columbia in accordance with the
174 provisions of the Voting Rights Act of 1965, as amended and
175 extended.

176 **SECTION 12.** Sections 5 through 10 of this act shall take
177 effect and be in force from and after the date it is effectuated
178 under Section 5 of the Voting Rights Act of 1965, as amended and
179 extended. Sections 1 through 4 shall take effect and be in force
180 from and after the date it is effectuated under Section 5 of the
181 Voting Rights Act of 1965, as amended and extended, provided that
182 House Concurrent Resolution No. 1531, 2005 Regular Session, is
183 ratified by the electorate.