

By: Senator(s) Carmichael

To: Judiciary, Division A

SENATE BILL NO. 2147

1 AN ACT TO AMEND SECTION 9-7-32, MISSISSIPPI CODE OF 1972, TO  
2 REPEAL RUNNING IN THE HERD FOR THE JUDGES OF THE TENTH CIRCUIT  
3 COURT DISTRICT; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF  
4 1972, TO PROVIDE THAT A PERSON MAY BE A CANDIDATE FOR ONLY ONE  
5 JUDICIAL POST AT A TIME; TO AMEND SECTIONS 23-15-982 AND  
6 23-15-983, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 9-7-32, Mississippi Code of 1972, is  
10 amended as follows:

11 9-7-32. (1) There shall be two (2) judges for the Tenth  
12 Circuit Court District.

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

17 **SECTION 2.** Section 23-15-977, Mississippi Code of 1972, is  
18 amended as follows:

19 23-15-977. (1) \* \* \* Candidates for judicial office as  
20 defined in Section 23-15-975 of this subarticle shall file the  
21 intent to be a candidate with the proper officials not later than  
22 5:00 p.m. on the first Friday after the first Monday in May prior  
23 to the general election for judicial office and shall pay to the  
24 proper officials the following amounts:

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

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

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

31           (2) Candidates for judicial offices listed in paragraphs (a)  
32 and (b) of subsection (1) of this section shall file the intent to  
33 be a candidate with, and pay the proper assessment made pursuant  
34 to subsection (1) of this section to, the State Board of Election  
35 Commissioners.

36           (3) Candidates for judicial offices listed in paragraph (c)  
37 of subsection (1) of this section shall file the intent to be a  
38 candidate with, and pay the proper assessment made pursuant to  
39 subsection (1) of this section to, the circuit clerk of the proper  
40 county. The circuit clerk shall notify the county commissioners  
41 of election of all persons who have filed the intent to be a  
42 candidate with, and paid the proper assessment to, such clerk.  
43 Such notification shall occur within two (2) business days and  
44 shall contain all necessary information.

45           (4) A candidate may qualify for only one (1) judicial  
46 office.

47           **SECTION 3.** Section 23-15-982, Mississippi Code of 1972, is  
48 amended as follows:

49           23-15-982. (1) Majority of vote equals any excess of the  
50 total vote for all candidates divided by the number of judgeships  
51 to be filled divided by two (2).

52           If some or all candidates in a multijudge election do not  
53 receive a majority of the vote, then candidates equal in number to  
54 twice the number of remaining positions to be filled and having  
55 the highest votes shall run in a runoff election. In such event,  
56 if there is not a sufficient number of remaining candidates equal  
57 to twice the number of remaining positions to be filled, then all  
58 remaining candidates shall run in the runoff election.

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

61 commissioners of election in the manner prescribed by Sections  
62 23-15-601 and 23-15-605.

63 Candidates equal to the remaining number of positions to be  
64 filled who have the highest votes in the runoff election are  
65 elected.

66 Any tie votes which must be determined in order to decide who  
67 is elected as a result of a runoff election shall be determined by  
68 the State Election Commission in the manner prescribed by Sections  
69 23-15-601 and 23-15-605.

70 (3) The provisions of this section shall apply only to  
71 districts and subdistricts which are multijudge districts except  
72 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court  
73 Districts and the Second, Eighth, Tenth and Nineteenth Circuit  
74 Court Districts.

75 **SECTION 4.** Section 23-15-983, Mississippi Code of 1972, is  
76 amended as follows:

77 23-15-983. At the general election, the candidates equal to  
78 the number of positions to be filled and having the highest votes  
79 shall be elected.

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

83 The provisions of this section shall apply only to districts  
84 and subdistricts which are multijudge districts except for the  
85 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts  
86 and the Second, Eighth, Tenth and Nineteenth Circuit Court  
87 Districts.

88 **SECTION 5.** The Attorney General of the State of Mississippi  
89 shall submit this act, immediately upon approval by the Governor,  
90 or upon approval by the Legislature subsequent to a veto, to the  
91 Attorney General of the United States or to the United States  
92 District Court for the District of Columbia in accordance with the

93 provisions of the Voting Rights Act of 1965, as amended and  
94 extended.

95       **SECTION 6.** This act shall take effect and be in force from  
96 and after the date it is effectuated under Section 5 of the Voting  
97 Rights Act of 1965, as amended and extended.