

By: Senator(s) Hyde-Smith

To: Judiciary, Division A

SENATE BILL NO. 2653

1 AN ACT TO AMEND SECTIONS 9-7-39 AND 9-7-54, MISSISSIPPI CODE
2 OF 1972, TO REPEAL RUNNING IN THE HERD FOR THE JUDGES OF THE
3 FOURTEENTH and TWENTIETH CIRCUIT COURT DISTRICTS; TO AMEND
4 SECTIONS 23-15-977, 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF
5 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 9-7-39, Mississippi Code of 1972, is
8 amended as follows:

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

- 11 (a) Lincoln County;
- 12 (b) Pike County; and
- 13 (c) Walthall County.

14 (2) There shall be two (2) judges for the Fourteenth Circuit
15 Court District. For purposes of appointment and election, the two
16 (2) judgeships shall be separate and distinct and denominated for
17 purposes of appointment and election only as "Place One" and
18 "Place Two."

19 **SECTION 2.** Section 9-7-54, Mississippi Code of 1972, is
20 amended as follows:

21 9-7-54. (1) There shall be two (2) judges for the Twentieth
22 Circuit Court District.

23 (2) For purposes of appointment and election, the two (2)
24 judgeships shall be separate and distinct and denominated for
25 purposes of appointment and election only as "Place One" and
26 "Place Two."

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

29 23-15-977. (1) * * * Candidates for judicial office as
30 defined in Section 23-15-975 of this subarticle shall file the
31 intent to be a candidate with the proper officials not later than
32 5:00 p.m. on the first Friday after the first Monday in May prior
33 to the general election for judicial office and shall pay to the
34 proper officials the following amounts:

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

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

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

41 (2) Candidates for judicial offices listed in paragraphs (a)
42 and (b) of subsection (1) of this section shall file the intent to
43 be a candidate with, and pay the proper assessment made pursuant
44 to subsection (1) of this section to, the State Board of Election
45 Commissioners.

46 (3) Candidates for judicial offices listed in paragraph (c)
47 of subsection (1) of this section shall file the intent to be a
48 candidate with, and pay the proper assessment made pursuant to
49 subsection (1) of this section to, the circuit clerk of the proper
50 county. The circuit clerk shall notify the county commissioners
51 of election of all persons who have filed the intent to be a
52 candidate with, and paid the proper assessment to, such clerk.
53 Such notification shall occur within two (2) business days and
54 shall contain all necessary information.

55 (4) A candidate may qualify for only one (1) judicial
56 office.

57 **SECTION 4.** Section 23-15-982, Mississippi Code of 1972, is
58 amended as follows:

59 23-15-982. (1) Majority of vote equals any excess of the
60 total vote for all candidates divided by the number of judgeships
61 to be filled divided by two (2).

62 If some or all candidates in a multijudge election do not
63 receive a majority of the vote, then candidates equal in number to
64 twice the number of remaining positions to be filled and having
65 the highest votes shall run in a runoff election. In such event,
66 if there is not a sufficient number of remaining candidates equal
67 to twice the number of remaining positions to be filled, then all
68 remaining candidates shall run in the runoff election.

69 (2) Any tie votes which require resolution to determine who
70 shall enter a runoff election shall be determined by the
71 commissioners of election in the manner prescribed by Sections
72 23-15-601 and 23-15-605.

73 Candidates equal to the remaining number of positions to be
74 filled who have the highest votes in the runoff election are
75 elected.

76 Any tie votes which must be determined in order to decide who
77 is elected as a result of a runoff election shall be determined by
78 the State Election Commission in the manner prescribed by Sections
79 23-15-601 and 23-15-605.

80 (3) The provisions of this section shall apply only to
81 districts and subdistricts which are multijudge districts except
82 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
83 Districts and the Second, Eighth, Fourteenth, Nineteenth and
84 Twentieth Circuit Court Districts.

85 **SECTION 5.** Section 23-15-983, Mississippi Code of 1972, is
86 amended as follows:

87 23-15-983. At the general election, the candidates equal to
88 the number of positions to be filled and having the highest votes
89 shall be elected.

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

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

95 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
96 and the Second, Eighth, Fourteenth, Nineteenth and Twentieth
97 Circuit Court Districts.

98 **SECTION 6.** The Attorney General of the State of Mississippi
99 shall submit this act, immediately upon approval by the Governor,
100 or upon approval by the Legislature subsequent to a veto, to the
101 Attorney General of the United States or to the United States
102 District Court for the District of Columbia in accordance with the
103 provisions of the Voting Rights Act of 1965, as amended and
104 extended.

105 **SECTION 7.** This act shall take effect and be in force from
106 and after the date it is effectuated under Section 5 of the Voting
107 Rights Act of 1965, as amended and extended.