

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1546

1 AN ACT TO BRING FORWARD SECTION 9-3-1, MISSISSIPPI CODE OF
2 1972, WHICH PROVIDES FOR THE SUPREME COURT DISTRICTS, FOR PURPOSES
3 OF AMENDMENT; TO BRING FORWARD SECTION 9-4-5, MISSISSIPPI CODE OF
4 1972, WHICH PROVIDES FOR THE JUDICIAL DISTRICTS OF THE COURT OF
5 APPEALS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION
6 23-15-993, MISSISSIPPI CODE OF 1972, WHICH DESIGNATES THE NINE
7 JUDGEShips FOR THE MISSISSIPPI SUPREME COURT, FOR PURPOSES OF
8 AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 9-3-1, Mississippi Code of 1972, is
11 brought forward as follows:

12 9-3-1. The state shall be divided into three (3) Supreme
13 Court districts, as follows, to wit:

14 The counties of Bolivar, Claiborne, Copiah, Hinds, Holmes,
15 Humphreys, Issaquena, Jefferson, Kemper, Lauderdale, Leake,
16 Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Sharkey,
17 Sunflower, Warren, Washington and Yazoo shall constitute the First
18 District.

19 The counties of Adams, Amite, Clarke, Covington, Forrest,
20 Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper,
21 Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl



River, Perry, Pike, Simpson, Smith, Stone, Walthall, Wayne, and
Wilkinson shall constitute the Second District.

The counties of Alcorn, Attala, Benton, Calhoun, Carroll,
Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Itawamba,
Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery,
Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie,
Tate, Tippah, Tishomingo, Tunica, Union, Webster, Winston and
Yalobusha, shall constitute the Third District.

SECTION 2. Section 9-4-5, Mississippi Code of 1972, is
brought forward as follows:

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

(2) (a) In order to provide that the offices of not more
than a majority of the judges of said court shall become vacant at
any one (1) time, the terms of office of six (6) of the judges
first to be elected shall expire in less than eight (8) years.
For the purpose of all elections of members of the court, each of



the ten (10) judges of the Court of Appeals shall be considered a separate office. The two (2) offices in each of the five (5) districts shall be designated Position Number 1 and Position Number 2, and in qualifying for office as a candidate for any office of judge of the Court of Appeals each candidate shall state the position number of the office to which he aspires and the election ballots shall so indicate.

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

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

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

(iv) In Congressional District Number 4, the judge of the Court of Appeals for Position Number 1 shall be that office for which the term ends on January 1, 1999, and the judge of the



72 Court of Appeals for Position Number 2 shall be that office for
73 which the term ends January 1, 2003.

74 (v) In Congressional District Number 5, the judge
75 of the Court of Appeals for Position Number 1 shall be that office
76 for which the term ends on January 1, 2003, and the judge of the
77 Court of Appeals for Position Number 2 shall be that office for
78 which the term ends January 1, 2001.

79 (b) The laws regulating the general elections shall
80 apply to and govern the elections of judges of the Court of
81 Appeals except as otherwise provided in Sections 23-15-974 through
82 23-15-985.

83 (c) In the year prior to the expiration of the term of
84 an incumbent, and likewise each eighth year thereafter, an
85 election shall be held in the manner provided in this section in
86 the district from which the incumbent Court of Appeals judge was
87 elected at which there shall be elected a successor to the
88 incumbent, whose term of office shall thereafter begin on the
89 first Monday of January of the year in which the term of the
90 incumbent he succeeds expires.

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



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

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

FIRST DISTRICT. The First Court of Appeals District shall be composed of the following counties and portions of counties: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba, Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge; in Montgomery County the precincts of North Winona, Lodi, Stewart, Nations and Poplar Creek; in Panola County the precincts of East Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North Springport, South Springport, Eureka, Williamson, East Batesville 4, West Batesville 4, Fern Hill, North Batesville A, East Batesville 5 and West Batesville 5; and in Tallahatchie County the precincts of Teasdale, Enid, Springhill, Charleston Beat 1, Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla, Murphreesboro and Rosebloom.

SECOND DISTRICT. The Second Court of Appeals District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



Tunica, Warren, Washington and Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Court of Appeals District; in Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41, 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga, Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas, St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the precincts of Conway, West Carthage, Wiggins, Thomastown and Ofahoma; in Madison County the precincts of Farmhaven, Canton Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6, Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora, Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon, Canton Precinct 1 and Canton Precinct 4; that portion of Montgomery County not included in the First Court of Appeals District; that portion of Panola County not included in the First Court of Appeals District; and that portion of Tallahatchie County not included in the First Court of Appeals District.

THIRD DISTRICT. The Third Court of Appeals District shall be composed of the following counties and portions of counties: Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that portion of Attala County not included in the Second Court of Appeals District; in Jones County the precincts of Northwest High School, Shady Grove, Sharon, Erata, Glade, Myrick School,



Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Court of Appeals District; that portion of Madison County not included in the Second Court of Appeals District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

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

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

(b) The boundaries of the Court of Appeals Districts described in paragraph (a) of this subsection shall be the boundaries of the counties and precincts listed in paragraph (a) of this subsection as such boundaries existed on October 1, 1990.

SECTION 3. Section 23-15-993, Mississippi Code of 1972, is brought forward as follows:



23-15-993. For the purpose of all elections, each of the nine (9) judgeships of the Supreme Court shall be considered a separate office. The three (3) offices in each of the three (3) Supreme Court districts shall be designated Position Number 1, Position Number 2 and Position Number 3, and in qualifying for office as a candidate for any office of judge of the Supreme Court each candidate shall state the position number of the office to which he aspires and the regular election ballots shall so indicate. In Supreme Court District Number 1: Position Number 1 shall be that office for which the term ends in January 1966; Position Number 2 shall be that office for which the term ends in January 1965; and Position Number 3 shall be that office for which the term ends in January 1969. In District Number 2: Position Number 1 shall be that office for which the term ends in January 1972; Position Number 2 shall be that office for which the term ends in January 1969; and Position Number 3 shall be for that office for which the term ends in January 1973. In District Number 3: Position Number 1 shall be that office for which the term ends in January 1969; Position Number 2 shall be that office for which the term ends in January 1969; and Position Number 3 shall be that office for which the term ends in January 1965.

SECTION 4. This act shall take effect and be in force from and after July 1, 2025.

