

By: Little

To: Elections; Judiciary

SENATE BILL NO. 2538

1 AN ACT TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE CHANCELLORS OF THE FIRST CHANCERY DISTRICT SHALL
3 RUN BY POST RATHER THAN IN THE HERD; TO AMEND SECTIONS 23-15-982
4 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 9-5-7, Mississippi Code of 1972, is
8 amended as follows:[CSQ1]

9 9-5-7. There shall be three (3) chancellors for the First
10 Chancery Court District. For purposes of appointment and
11 election, the three (3) chancellorships shall be separate and
12 distinct and denominated for purposes of appointment and election
13 only as "Place One," "Place Two" and "Place Three."

14 SECTION 2. Section 23-15-982, Mississippi Code of 1972, is
15 amended as follows:[CSQ2]

16 23-15-982. (1) Majority of vote equals any excess of the
17 total vote for all candidates divided by the number of judgeships
18 to be filled divided by two (2).

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

23 if there is not a sufficient number of remaining candidates equal
24 to twice the number of remaining positions to be filled, then all
25 remaining candidates shall run in the runoff election.

26 (2) Any tie votes which require resolution to determine who
27 shall enter a runoff election shall be determined by the
28 commissioners of election in the manner prescribed by Sections
29 23-15-601 and 23-15-605.

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

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

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

42 SECTION 3. Section 23-15-983, Mississippi Code of 1972, is
43 amended as follows:[CSQ3]

44 23-15-983. At the general election, the candidates equal to
45 the number of positions to be filled and having the highest votes
46 shall be elected.

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

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

54 Districts.

55 SECTION 4. The Attorney General of the State of Mississippi
56 shall submit this act, immediately upon approval by the Governor,
57 or upon approval by the Legislature subsequent to a veto, to the
58 Attorney General of the United States or to the United States
59 District Court for the District of Columbia in accordance with the
60 provisions of the Voting Rights Act of 1965, as amended and
61 extended.

62 SECTION 5. This act shall take effect and be in force from
63 and after July 1, 2000, or the date it is effectuated under
64 Section 5 of the Voting Rights Act of 1965, as amended and
65 extended.