

By: Representative Moak

To: Apportionment and  
Elections; Judiciary BHOUSE BILL NO. 446  
(As Passed the House)

1 AN ACT TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT JUSTICE COURT JUDGES SHALL BE ELECTED AT THE  
 3 GENERAL STATE ELECTION IN A NONPARTISAN MANNER WITH A RUNOFF TWO  
 4 WEEKS LATER IF NECESSARY; TO AMEND SECTION 23-15-297, MISSISSIPPI  
 5 CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES FROM THE  
 6 LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN ELECTION  
 7 FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359, MISSISSIPPI CODE  
 8 OF 1972, TO PROVIDE THAT THIS SECTION, WHICH REQUIRES THE NAMES OF  
 9 ALL CANDIDATES NOMINATED FOR OFFICE TO BE PRINTED ON THE BALLOT,  
 10 SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO AMEND SECTION  
 11 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE COURT  
 12 JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE DURING COURT  
 13 TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE  
 14 OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER THE NONPARTISAN  
 15 JUDICIAL ELECTION ACT; TO AMEND SECTION 23-15-197, MISSISSIPPI  
 16 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND  
 17 SECTIONS 9-5-7, 9-5-13, 9-5-22, 9-5-40 AND 9-5-54, MISSISSIPPI  
 18 CODE OF 1972, TO PROVIDE FOR ELECTION BY POSTS OF CHANCELLORS IN  
 19 CERTAIN CHANCERY COURT DISTRICTS; TO AMEND SECTIONS 9-7-7, 9-7-14,  
 20 9-7-20, 9-7-32, 9-7-39, 9-7-42, 9-7-44, 9-7-45, 9-7-46 AND 9-7-54,  
 21 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS IN THE FIRST,  
 22 THIRD, FIFTH, TENTH, FOURTEENTH, FIFTEENTH, SIXTEENTH AND  
 23 TWENTIETH CIRCUIT COURT DISTRICTS; TO PROVIDE A SUBDISTRICT IN THE  
 24 FOURTEENTH CIRCUIT COURT DISTRICT AFTER DECEMBER 31, 2005; TO  
 25 PROVIDE FOR SUBDISTRICTS IN THE SEVENTEENTH CIRCUIT COURT  
 26 DISTRICT; TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI  
 27 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 23-15-193, Mississippi Code of 1972, is  
 30 amended as follows:

31 23-15-193. (1) At the election in 1995, and every four (4)  
 32 years thereafter, there shall be elected a Governor, Lieutenant  
 33 Governor, Secretary of State, Auditor of Public Accounts, State  
 34 Treasurer, Attorney General, three (3) public service  
 35 commissioners, three (3) Mississippi Transportation Commissioners,  
 36 Commissioner of Insurance, Commissioner of Agriculture and  
 37 Commerce, Senators and members of the House of Representatives in  
 38 the Legislature, district attorneys for the several districts,  
 39 clerks of the circuit and chancery courts of the several counties,



40 as well as sheriffs, coroners, assessors, surveyors and members of  
41 the boards of supervisors \* \* \* and constables, and all other  
42 officers to be elected by the people at the general state  
43 election. All \* \* \* officers shall hold their offices for a term  
44 of four (4) years, and until their successors are elected and  
45 qualified. The state officers shall be elected in the manner  
46 prescribed in Section 140 of the Constitution.

47 (2) Justice court judges shall be elected at the time for  
48 the election of the officers provided in subsection (1) of this  
49 section. The election of justice court judges shall be  
50 nonpartisan. If no candidate for such office receives a majority  
51 of the votes cast for such office in the general election, the  
52 names of the two (2) candidates receiving the highest number of  
53 votes for such office shall be placed on the ballot for a second  
54 election to be held three (3) weeks later in accordance with  
55 appropriate procedures followed in other elections involving  
56 runoff candidates.

57 **SECTION 2.** Section 23-15-197, Mississippi Code of 1972, is  
58 amended as follows:

59 23-15-197. (1) Times for holding primary and general  
60 elections for congressional offices shall be as prescribed in  
61 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

62 (2) Times for holding elections for the office of judge of  
63 the Supreme Court shall be as prescribed in Section 23-15-991 and  
64 Sections 23-15-974 through 23-15-985.

65 (3) Times for holding elections for the office of circuit  
66 court judge, the office of chancery court judge and the office of  
67 justice court judge shall be as prescribed in Sections 23-15-974  
68 through 23-15-985 and Section 23-15-1015.

69 (4) Times for holding elections for the office of county  
70 election commissioners shall be as prescribed in Section  
71 23-15-213.



72           **SECTION 3.** Section 23-15-297, Mississippi Code of 1972, is  
73 amended as follows:

74           23-15-297. Any candidate \* \* \* entering the race for party  
75 nominations for office shall first pay to the proper officer as  
76 provided for in Section 23-15-299 for each primary election the  
77 following amounts:

78           (a) Candidates for Governor not to exceed Three Hundred  
79 Dollars (\$300.00).

80           (b) Candidates for Lieutenant Governor, Attorney  
81 General, Secretary of State, State Treasurer, Auditor of Public  
82 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
83 and Commerce, State Highway Commissioner and State Public Service  
84 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

85           (c) Candidates for district attorney, not to exceed One  
86 Hundred Dollars (\$100.00).

87           (d) Candidates for State Senator, State Representative,  
88 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
89 collector, county attorney, county superintendent of education and  
90 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

91           (e) Candidates for county surveyor, county  
92 coroner \* \* \* and constable, not to exceed Ten Dollars (\$10.00).

93           (f) Candidates for United States Senator, not to exceed  
94 Three Hundred Dollars (\$300.00).

95           (g) Candidates for United States Representative, not to  
96 exceed Two Hundred Dollars (\$200.00).

97           **SECTION 4.** Section 23-15-359, Mississippi Code of 1972, is  
98 amended as follows:

99           23-15-359. (1) The ballot shall contain the names of all  
100 party nominees certified by the appropriate executive committee,  
101 and independent and special election candidates who have timely  
102 filed petitions containing the required signatures. A petition  
103 requesting that an independent or special election candidate's  
104 name be placed on the ballot for any office shall be filed as



105 provided for in subsection (3) or (4) of this section, as  
106 appropriate, and shall be signed by not less than the following  
107 number of qualified electors:

108           (a) For an office elected by the state at large, not  
109 less than one thousand (1,000) qualified electors.

110           (b) For an office elected by the qualified electors of  
111 a Supreme Court district, not less than three hundred (300)  
112 qualified electors.

113           (c) For an office elected by the qualified electors of  
114 a congressional district, not less than two hundred (200)  
115 qualified electors.

116           (d) For an office elected by the qualified electors of  
117 a circuit or chancery court district, not less than one hundred  
118 (100) qualified electors.

119           (e) For an office elected by the qualified electors of  
120 a senatorial or representative district, not less than fifty (50)  
121 qualified electors.

122           (f) For an office elected by the qualified electors of  
123 a county, not less than fifty (50) qualified electors.

124           (g) For an office elected by the qualified electors of  
125 a supervisors district or justice court district, not less than  
126 fifteen (15) qualified electors.

127           (2) Unless the petition required above shall be filed as  
128 provided for in subsection (3) or (4) of this section, as  
129 appropriate, the name of the person requested to be a candidate,  
130 unless nominated by a political party, shall not be placed upon  
131 the ballot. The ballot shall contain the names of each candidate  
132 for each office, and such names shall be listed under the name of  
133 the political party such candidate represents as provided by law  
134 and as certified to the circuit clerk by the State Executive  
135 Committee of such political party. In the event such candidate  
136 qualifies as an independent as herein provided, he shall be listed  
137 on the ballot as an independent candidate.



138           (3) Petitions for offices described in paragraphs (a), (b),  
139 (c) and (d) of subsection (1) of this section, and petitions for  
140 offices described in paragraph (e) of subsection (1) of this  
141 section for districts composed of more than one (1) county or  
142 parts of more than one (1) county, shall be filed with the State  
143 Board of Election Commissioners by no later than 5:00 p.m. on the  
144 same date by which candidates for nominations in the political  
145 party primary elections are required to pay the fee provided for  
146 in Section 23-15-297, Mississippi Code of 1972.

147           (4) Petitions for offices described in paragraphs (f) and  
148 (g) of subsection (1) of this section, and petitions for offices  
149 described in paragraph (e) of subsection (1) of this section for  
150 districts composed of one (1) county or less, shall be filed with  
151 the proper circuit clerk by no later than 5:00 p.m. on the same  
152 date by which candidates for nominations in the political party  
153 elections are required to pay the fee provided for in Section  
154 23-15-297; provided, however, that no petition may be filed before  
155 January 1 of the year in which the election for the office is  
156 held. The circuit clerk shall notify the county commissioners of  
157 election of all persons who have filed petitions with such clerk.  
158 Such notification shall occur within two (2) business days and  
159 shall contain all necessary information.

160           (5) The commissioners may also have printed upon the ballot  
161 any local issue election matter that is authorized to be held on  
162 the same date as the regular or general election pursuant to  
163 Section 23-15-375; provided, however, that the ballot form of such  
164 local issue must be filed with the commissioners of election by  
165 the appropriate governing authority not less than sixty (60) days  
166 previous to the date of the election.

167           (6) The provisions of this section shall not apply to  
168 municipal elections or to the election of the offices of justice  
169 of the Supreme Court, judge of the Court of Appeals, circuit  
170 judge, chancellor, county court judge and justice court judge.



171 (7) Nothing in this section shall prohibit special elections  
172 to fill vacancies in either house of the Legislature from being  
173 held as provided in Section 23-15-851. In all elections conducted  
174 under the provisions of Section 23-15-851 the commissioner shall  
175 have printed on the ballot the name of any candidate who, not  
176 having been nominated by a political party, shall have been  
177 requested to be a candidate for any office by a petition filed  
178 with said commissioner by 5:00 p.m. not less than ten (10) working  
179 days prior to the election, and signed by not less than fifty (50)  
180 qualified electors.

181 (8) The appropriate election commission shall determine  
182 whether each candidate is a qualified elector of the state, state  
183 district, county or county district they seek to serve, and  
184 whether each candidate meets all other qualifications to hold the  
185 office he is seeking or presents absolute proof that he will,  
186 subject to no contingencies, meet all qualifications on or before  
187 the date of the general or special election at which he could be  
188 elected to office. The election commission also shall determine  
189 whether any candidate has been convicted of any felony in a court  
190 of this state, or has been convicted on or after December 8, 1992,  
191 of any offense in another state which is a felony under the laws  
192 of this state, or has been convicted of any felony in a federal  
193 court on or after December 8, 1992. Excepted from the above are  
194 convictions of manslaughter and violations of the United States  
195 Internal Revenue Code or any violations of the tax laws of this  
196 state, unless the offense also involved misuse or abuse of his  
197 office or money coming into his hands by virtue of his office. If  
198 the appropriate election commission finds that a candidate either  
199 (a) is not a qualified elector, (b) does not meet all  
200 qualifications to hold the office he seeks and fails to provide  
201 absolute proof, subject to no contingencies, that he will meet the  
202 qualifications on or before the date of the general or special  
203 election at which he could be elected, or (c) has been convicted



204 of a felony as described in this subsection, and not pardoned,  
205 then the name of such candidate shall not be placed upon the  
206 ballot.

207 (9) If after the deadline to qualify as a candidate for an  
208 office or after the time for holding any party primary for an  
209 office, there shall be only one (1) person who has duly qualified  
210 to be a candidate for the office in the general election, the name  
211 of such person shall be placed on the ballot.

212 (10) The petition required by this section may not be filed  
213 by using the internet.

214 **SECTION 5.** Section 23-15-973, Mississippi Code of 1972, is  
215 amended as follows:

216 23-15-973. It shall be the duty of the judges of the circuit  
217 court to give a reasonable time and opportunity to the candidates  
218 for the office of judge of the Supreme Court, judges of the Court  
219 of Appeals, circuit judge, chancellor and justice court judge to  
220 address the people during court terms. In order to give further  
221 and every possible emphasis to the fact that the \* \* \* judicial  
222 offices are not political but are to be held without favor and  
223 with absolute impartiality as to all persons, and because of the  
224 jurisdiction conferred upon the courts by this chapter, the judges  
225 thereof should be as far removed as possible from any political  
226 affiliations or obligations. It shall be unlawful for any  
227 candidate for any of the offices mentioned in this section to  
228 align himself with any candidate or candidates for any other  
229 office or with any political faction or any political party at any  
230 time during any primary or general election campaign. Likewise it  
231 shall be unlawful for any candidate for any other office nominated  
232 or to be nominated at any primary election, wherein any candidate  
233 for any of the judicial offices in this section mentioned, is or  
234 are to be nominated, to align himself with any one or more of the  
235 candidates for the offices or to take any part whatever in any  
236 nomination for any one or more of the judicial offices, except to



237 cast his individual vote. Any candidate for any office, whether  
238 nominated with or without opposition, at any primary wherein a  
239 candidate for any one of the judicial offices \* \* \* mentioned in  
240 this section is to be nominated who shall deliberately, knowingly  
241 and willfully violate the provisions of this section shall forfeit  
242 his nomination, or if elected at the following general election by  
243 virtue of said nomination, his election shall be void.

244 **SECTION 6.** Section 23-15-975, Mississippi Code of 1972, is  
245 amended as follows:

246 23-15-975. As used in Sections 23-15-974 through 23-15-985  
247 of this subarticle, the term "judicial office" includes the office  
248 of justice of the Supreme Court, judge of the Court of Appeals,  
249 circuit judge, chancellor, county court judge, family court judge  
250 and justice court judge. All \* \* \* justices and judges, except  
251 justice court judges, shall be full-time positions and the  
252 justices and judges shall not engage in the practice of law before  
253 any court, administrative agency or other judicial or  
254 quasi-judicial forum except as provided by law for finalizing  
255 pending cases after election to judicial office.

256 **SECTION 7.** Section 23-15-977, Mississippi Code of 1972, is  
257 amended as follows:

258 23-15-977. (1) All candidates for judicial office as  
259 defined in Section 23-15-975 of this subarticle shall file their  
260 intent to be a candidate with the proper officials not later than  
261 5:00 p.m. on the first Friday after the first Monday in May prior  
262 to the general election for judicial office and shall pay to the  
263 proper officials the following amounts:

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

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

268 (c) Candidates for county judge and justice court  
269 judge, the sum of Fifteen Dollars (\$15.00).





270 (2) Candidates for judicial offices listed in paragraphs (a)  
271 and (b) of subsection (1) of this section shall file their intent  
272 to be a candidate with, and pay the proper assessment made  
273 pursuant to subsection (1) of this section to, the State Board of  
274 Election Commissioners.

275 (3) Candidates for judicial offices listed in paragraph (c)  
276 of subsection (1) of this section shall file their intent to be a  
277 candidate with, and pay the proper assessment made pursuant to  
278 subsection (1) of this section to, the circuit clerk of the proper  
279 county. The circuit clerk shall notify the county commissioners  
280 of election of all persons who have filed their intent to be a  
281 candidate filed with, and paid the proper assessment to, such  
282 clerk. Such notification shall occur within two (2) business days  
283 and shall contain all necessary information.

284 **SECTION 8.** Section 9-5-7, Mississippi Code of 1972, is  
285 amended as follows:

286 9-5-7. There shall be three (3) chancellors for the First  
287 Chancery Court District. For purposes of appointment and election  
288 the three (3) chancellorships shall be separate and distinct and  
289 denominated for purposes of appointment and election only as  
290 "Place One," "Place Two" and "Place Three."

291 **SECTION 9.** Section 9-5-13, Mississippi Code of 1972, is  
292 amended as follows:

293 9-5-13. (1) There shall be three (3) chancellors for the  
294 Third Chancery Court District.

295 (2) The chancellor of Subdistrict 3-1 shall be elected from  
296 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall  
297 be elected from Grenada County, Montgomery County, Panola County,  
298 Tate County and Yalobusha County. For purposes of appointment and  
299 election the two (2) chancellorships in Subdistrict 3-2 shall be  
300 separate and distinct and denominated for purposes of appointment  
301 and election only as "Place One" and "Place Two."



302        **SECTION 10.** Section 9-5-22, Mississippi Code of 1972, is  
303 amended as follows:

304            9-5-22. There shall be two (2) chancellors for the Sixth  
305 Chancery Court District. For purposes of appointment and election  
306 the two (2) chancellorships shall be separate and distinct and  
307 denominated for purposes of appointment and election only as  
308 "Place One" and "Place Two."

309        **SECTION 11.** Section 9-5-40, Mississippi Code of 1972, is  
310 amended as follows:

311            9-5-40. There shall be two (2) judges for the Twelfth  
312 Chancery Court District. For purposes of appointment and election  
313 the two (2) chancellorships shall be separate and distinct and  
314 denominated for purposes of appointment and election only as  
315 "Place One" and "Place Two."

316        **SECTION 12.** Section 9-5-54, Mississippi Code of 1972, is  
317 amended as follows:

318            9-5-54. There shall be two (2) chancellors for the  
319 Eighteenth Chancery Court District. For purposes of appointment  
320 and election the two (2) chancellorships shall be separate and  
321 distinct and denominated for purposes of appointment and election  
322 only as "Place One" and "Place Two."

323        **SECTION 13.** Section 9-7-7, Mississippi Code of 1972, is  
324 amended as follows:

325            9-7-7. (1) There shall be three (3) judges for the First  
326 Circuit Court District.

327            (2) For the purposes of appointment and election the three  
328 (3) judgeships shall be separate and distinct and denominated for  
329 purposes of appointment and election only as "Place One," "Place  
330 Two" and "Place Three."

331        **SECTION 14.** Section 9-7-14, Mississippi Code of 1972, is  
332 amended as follows:

333            9-7-14. (1) There shall be two (2) circuit judges for the  
334 Third Circuit Court District.



335       (2) For the purposes of appointment and election the two (2)  
336 judgeships shall be separate and distinct and denominated for  
337 purposes of appointment and election only as "Place One" and  
338 "Place Two."

339       **SECTION 15.** Section 9-7-20, Mississippi Code of 1972, is  
340 amended as follows:

341       9-7-20. (1) There shall be two (2) judges for the Fifth  
342 Circuit Court District.

343       (2) For the purposes of appointment and election the two (2)  
344 judgeships shall be separate and distinct and denominated for  
345 purposes of appointment and election only as "Place One" and  
346 "Place Two."

347       **SECTION 16.** Section 9-7-32, Mississippi Code of 1972, is  
348 amended as follows:

349       9-7-32. (1) There shall be two (2) judges for the Tenth  
350 Circuit Court District.

351       (2) For the purposes of appointment and election the two (2)  
352 judgeships shall be separate and distinct and denominated for  
353 purposes of appointment and election only as "Place One" and  
354 "Place Two."

355       **SECTION 17.** Section 9-7-39, Mississippi Code of 1972, is  
356 amended as follows:

357       9-7-39. (1) The Fourteenth Circuit Court District shall be  
358 comprised of the following counties:

- 359               (a) Lincoln County;
- 360               (b) Pike County; and
- 361               (c) Walthall County.

362       (2) There shall be two (2) judges for the Fourteenth Circuit  
363 Court District.

364       (3) For the purposes of appointment and election the two (2)  
365 judgeships shall be separate and distinct and denominated for  
366 purposes of appointment and election only as "Place One" and  
367 "Place Two."



368        (4) From and after December 31, 2005, in addition to the two  
369 (2) judgeships provided in this section there shall be one (1)  
370 judgeship in the subdistrict comprised of the following precincts  
371 in the following counties:

372            (a) Lincoln County: Alexander Jr. High, East Lincoln,  
373 Forrestry, Fair River, Government Complex, High School, Little  
374 Bahala, Big Springs, New Pearlhaven, Brignal, Rogers Circle,  
375 Enterprise, Bogue Chitto, Ruth and Norfield Precincts;

376            (b) Pike County: Precincts 4, 6, 14, 20, 16, 7, 10,  
377 10A, 6A, 2, 3, 11, 12, 13, 17 and 18; and

378            (c) Walthall County: West Tylertown, North Knoxo,  
379 Sartinville, Darbun, Varnell, District 4 West, Enon, Dinan, Hope  
380 and St. Paul Precincts.

381        **SECTION 18.** Section 9-7-42, Mississippi Code of 1972, is  
382 amended as follows:

383            9-7-42. (1) There shall be two (2) judges for the Fifteenth  
384 Circuit Court District.

385            (2) For the purposes of appointment and election the two (2)  
386 judgeships shall be separate and distinct and denominated for  
387 purposes of appointment and election only as "Place One" and  
388 "Place Two."

389        **SECTION 19.** Section 9-7-44, Mississippi Code of 1972, is  
390 amended as follows:

391            9-7-44. (1) There shall be two (2) judges for the Sixteenth  
392 Circuit Court District.

393            (2) For the purposes of appointment and election the two (2)  
394 judgeships shall be separate and distinct and denominated for  
395 purposes of appointment and election only as "Place One" and  
396 "Place Two."

397        **SECTION 20.** Section 9-7-45, Mississippi Code of 1972, is  
398 amended as follows:

399            9-7-45. The Seventeenth Circuit Court District shall be  
400 divided into three (3) subdistricts as follows:



401 (a) Subdistrict 17-1 shall consist of DeSoto  
402 County; \* \* \*

403 (b) Subdistrict 17-2 shall consist of \* \* \* Tate County  
404 and the following precincts from Panola County: East Sardis, East  
405 Como, Pleasant Mount, Cold Springs, Pope, Courtland, Batesville 3,  
406 Coles Point, North Springport, South Springport, Eureka, East  
407 Batesville 4, West Batesville 4, Fern Hill, North Batesville A and  
408 East Batesville 5; and

409 (c) Subdistrict 17-3 shall consist of Tallahatchie  
410 County, Yalobusha County and the following precincts from Panola  
411 County: West Sardis, West Como, Longtown, Crenshaw, Pleasant  
412 Grove, South Sardis, Belmont-Hebron, Curtis, North Asa, East  
413 Crowder, Tocowa and North Batesville B.

414 **SECTION 21.** Section 9-7-46, Mississippi Code of 1972, is  
415 amended as follows:

416 9-7-46. (1) There shall be three (3) circuit judges for the  
417 Seventeenth Circuit Court District.

418 (2) For the purpose of appointment and election, the three  
419 (3) judgeships shall be separate and distinct, and one (1) judge  
420 shall be elected from each subdistrict.

421 **SECTION 22.** Section 9-7-54, Mississippi Code of 1972, is  
422 amended as follows:

423 9-7-54. (1) There shall be two (2) judges for the Twentieth  
424 Circuit Court District.

425 (2) For the purposes of appointment and election the two (2)  
426 judgeships shall be separate and distinct and denominated for  
427 purposes of appointment and election only as "Place One" and  
428 "Place Two."

429 **SECTION 23.** Section 23-15-982, Mississippi Code of 1972, is  
430 amended as follows:

431 23-15-982. (1) Majority of vote equals any excess of the  
432 total vote for all candidates divided by the number of judgeships  
433 to be filled divided by two (2).



434 If some or all candidates in a multijudge election do not  
435 receive a majority of the vote, then candidates equal in number to  
436 twice the number of remaining positions to be filled and having  
437 the highest votes shall run in a runoff election. In such event,  
438 if there is not a sufficient number of remaining candidates equal  
439 to twice the number of remaining positions to be filled, then all  
440 remaining candidates shall run in the runoff election.

441 (2) Any tie votes which require resolution to determine who  
442 shall enter a runoff election shall be determined by the  
443 commissioners of election in the manner prescribed by Sections  
444 23-15-601 and 23-15-605.

445 Candidates equal to the remaining number of positions to be  
446 filled who have the highest votes in the runoff election are  
447 elected.

448 Any tie votes which must be determined in order to decide who  
449 is elected as a result of a runoff election shall be determined by  
450 the State Election Commission in the manner prescribed by Sections  
451 23-15-601 and 23-15-605.

452 (3) The provisions of this section shall apply only to  
453 districts and subdistricts which are multijudge districts except  
454 for the First, Sixth, Eighth, Tenth, Twelfth, Sixteenth,  
455 Eighteenth and Twentieth Chancery Court Districts and Subdistrict  
456 3-2 of the Third Chancery Court District and the First, Second,  
457 Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth,  
458 Nineteenth and Twentieth Circuit Court Districts.

459 **SECTION 24.** Section 23-15-983, Mississippi Code of 1972, is  
460 amended as follows:

461 23-15-983. At the general election, the candidates equal to  
462 the number of positions to be filled and having the highest votes  
463 shall be elected.

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



467           The provisions of this section shall apply only to districts  
468 and subdistricts which are multijudge districts except for the  
469 First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and  
470 Twentieth Chancery Court Districts and Subdistrict 3-2 of the  
471 Third Chancery Court District and the First, Second, Third, Fifth,  
472 Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Nineteenth and  
473 Twentieth Circuit Court Districts.

474           **SECTION 25.** The Attorney General of the State of Mississippi  
475 shall submit this act, immediately upon approval by the Governor,  
476 or upon approval by the Legislature subsequent to a veto, to the  
477 Attorney General of the United States or to the United States  
478 District Court for the District of Columbia in accordance with the  
479 provisions of the Voting Rights Act of 1965, as amended and  
480 extended.

481           **SECTION 26.** This act shall take effect and be in force from  
482 and after January 1, 2003, or the date it is effectuated under  
483 Section 5 of the Voting Rights Act of 1965, as amended and  
484 extended, whichever date is later.

