

By: Representative Moak

To: Judiciary A;
Apportionment and Elections

HOUSE BILL NO. 238

1 AN ACT TO AMEND SECTIONS 9-5-7, 9-5-13, 9-5-22, 9-5-40 AND
2 9-5-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ELECTION BY POSTS
3 OF CHANCELLORS IN CERTAIN CHANCERY COURT DISTRICTS; TO AMEND
4 SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY THERETO; AND FOR 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:

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

14 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
15 amended as follows:

16 9-5-13. (1) There shall be three (3) chancellors for the
17 Third Chancery Court District.

18 (2) The chancellor of Subdistrict 3-1 shall be elected from
19 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall
20 be elected from Grenada County, Montgomery County, Panola County,
21 Tate County and Yalobusha County. For purposes of appointment and
22 election the two (2) chancellorships in Subdistrict 3-2 shall be
23 separate and distinct and denominated for purposes of appointment
24 and election only as "Place One" and "Place Two."

25 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
26 amended as follows:

27 9-5-22. There shall be two (2) chancellors for the Sixth
28 Chancery Court District. For purposes of appointment and election



29 the two (2) chancellorships shall be separate and distinct and
30 denominated for purposes of appointment and election only as
31 "Place One" and "Place Two."

32 **SECTION 4.** Section 9-5-40, Mississippi Code of 1972, is
33 amended as follows:

34 9-5-40. There shall be two (2) judges for the Twelfth
35 Chancery Court District. For purposes of appointment and election
36 the two (2) chancellorships shall be separate and distinct and
37 denominated for purposes of appointment and election only as
38 "Place One" and "Place Two."

39 **SECTION 5.** Section 9-5-54, Mississippi Code of 1972, is
40 amended as follows:

41 9-5-54. There shall be two (2) chancellors for the
42 Eighteenth Chancery Court District. For purposes of appointment
43 and election the two (2) chancellorships shall be separate and
44 distinct and denominated for purposes of appointment and election
45 only as "Place One" and "Place Two."

46 **SECTION 6.** Section 23-15-982, Mississippi Code of 1972, is
47 amended as follows:

48 23-15-982. (1) Majority of vote equals any excess of the
49 total vote for all candidates divided by the number of judgeships
50 to be filled divided by two (2).

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

58 (2) Any tie votes which require resolution to determine who
59 shall enter a runoff election shall be determined by the
60 commissioners of election in the manner prescribed by Sections
61 23-15-601 and 23-15-605.



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

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

69 (3) The provisions of this section shall apply only to
70 districts and subdistricts which are multijudge districts except
71 for the First, Sixth, Eighth, Tenth, Twelfth, Sixteenth,
72 Eighteenth and Twentieth Chancery Court Districts and Subdistrict
73 3-2 of the Third Chancery Court District and the Second, Eighth
74 and Nineteenth Circuit Court Districts.

75 **SECTION 7.** 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 First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and
86 Twentieth Chancery Court Districts and Subdistrict 3-2 of the
87 Third Chancery Court District and the Second, Eighth and
88 Nineteenth Circuit Court Districts.

89 **SECTION 8.** The Attorney General of the State of Mississippi
90 shall submit this act, immediately upon approval by the Governor,
91 or upon approval by the Legislature subsequent to a veto, to the
92 Attorney General of the United States or to the United States
93 District Court for the District of Columbia in accordance with the



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

96 **SECTION 9.** This act shall take effect and be in force from
97 and after the date it is effectuated under Section 5 of the Voting
98 Rights Act of 1965, as amended and extended.

