

By: Representatives Holland, McCoy

To: Apportionment and  
Elections; Judiciary B

## HOUSE BILL NO. 653

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; provided, however,  
212 that if there shall be not more than one (1) person duly qualified  
213 to be a candidate for each office on the general election ballot,  
214 the election for all offices on the ballot shall be dispensed with  
215 and the appropriate election commission shall declare each  
216 candidate elected without opposition if the candidate meets all  
217 the qualifications to hold the office as determined pursuant to a  
218 review by the commission in accordance with the provisions of  
219 subsection (8) of this section and if the candidate has filed all  
220 required campaign finance disclosure reports as required by  
221 Section 23-15-807.

222 (10) The petition required by this section may not be filed  
223 by using the Internet.

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

226 23-15-973. It shall be the duty of the judges of the circuit  
227 court to give a reasonable time and opportunity to the candidates  
228 for the office of judge of the Supreme Court, judges of the Court  
229 of Appeals, circuit judge, chancellor and justice court judge to  
230 address the people during court terms. In order to give further  
231 and every possible emphasis to the fact that the \* \* \* judicial  
232 offices are not political but are to be held without favor and  
233 with absolute impartiality as to all persons, and because of the  
234 jurisdiction conferred upon the courts by this chapter, the judges  
235 thereof should be as far removed as possible from any political  
236 affiliations or obligations. It shall be unlawful for any



237 candidate for any of the offices mentioned in this section to  
238 align himself with any candidate or candidates for any other  
239 office or with any political faction or any political party at any  
240 time during any primary or general election campaign. Likewise it  
241 shall be unlawful for any candidate for any other office nominated  
242 or to be nominated at any primary election, wherein any candidate  
243 for any of the judicial offices in this section mentioned, is or  
244 are to be nominated, to align himself with any one or more of the  
245 candidates for the offices or to take any part whatever in any  
246 nomination for any one or more of the judicial offices, except to  
247 cast his individual vote. Any candidate for any office, whether  
248 nominated with or without opposition, at any primary wherein a  
249 candidate for any one of the judicial offices \* \* \* mentioned in  
250 this section is to be nominated who shall deliberately, knowingly  
251 and willfully violate the provisions of this section shall forfeit  
252 his nomination, or if elected at the following general election by  
253 virtue of said nomination, his election shall be void.

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

256 23-15-975. As used in Sections 23-15-974 through 23-15-985  
257 of this subarticle, the term "judicial office" includes the office  
258 of justice of the Supreme Court, judge of the Court of Appeals,  
259 circuit judge, chancellor, county court judge, family court judge  
260 and justice court judge. All \* \* \* justices and judges, except  
261 justice court judges, shall be full-time positions and the  
262 justices and judges shall not engage in the practice of law before  
263 any court, administrative agency or other judicial or  
264 quasi-judicial forum except as provided by law for finalizing  
265 pending cases after election to judicial office.

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

268 23-15-977. (1) All candidates for judicial office as  
269 defined in Section 23-15-975 of this subarticle shall file their





270 intent to be a candidate with the proper officials not later than  
271 5:00 p.m. on the first Friday after the first Monday in May prior  
272 to the general election for judicial office and shall pay to the  
273 proper officials the following amounts:

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

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

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

280 (2) Candidates for judicial offices listed in paragraphs (a)  
281 and (b) of subsection (1) of this section shall file their intent  
282 to be a candidate with, and pay the proper assessment made  
283 pursuant to subsection (1) of this section to, the State Board of  
284 Election Commissioners.

285 (3) Candidates for judicial offices listed in paragraph (c)  
286 of subsection (1) of this section shall file their intent to be a  
287 candidate with, and pay the proper assessment made pursuant to  
288 subsection (1) of this section to, the circuit clerk of the proper  
289 county. The circuit clerk shall notify the county commissioners  
290 of election of all persons who have filed their intent to be a  
291 candidate filed with, and paid the proper assessment to, such  
292 clerk. Such notification shall occur within two (2) business days  
293 and shall contain all necessary information.

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

296 9-5-7. There shall be three (3) chancellors for the First  
297 Chancery Court District. For purposes of appointment and election  
298 the three (3) chancellorships shall be separate and distinct and  
299 denominated for purposes of appointment and election only as  
300 "Place One," "Place Two" and "Place Three."

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



303 9-5-13. (1) There shall be three (3) chancellors for the  
304 Third Chancery Court District.

305 (2) The chancellor of Subdistrict 3-1 shall be elected from  
306 DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall  
307 be elected from Grenada County, Montgomery County, Panola County,  
308 Tate County and Yalobusha County. For purposes of appointment and  
309 election the two (2) chancellorships in Subdistrict 3-2 shall be  
310 separate and distinct and denominated for purposes of appointment  
311 and election only as "Place One" and "Place Two."

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

314 9-5-22. There shall be two (2) chancellors for the Sixth  
315 Chancery Court District. For purposes of appointment and election  
316 the two (2) chancellorships shall be separate and distinct and  
317 denominated for purposes of appointment and election only as  
318 "Place One" and "Place Two."

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

321 9-5-40. There shall be two (2) judges for the Twelfth  
322 Chancery Court District. For purposes of appointment and election  
323 the two (2) judgeships shall be separate and distinct and  
324 denominated for purposes of appointment and election only as  
325 "Place One" and "Place Two."

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

328 9-5-54. There shall be two (2) chancellors for the  
329 Eighteenth Chancery Court District. For purposes of appointment  
330 and election the two (2) chancellorships shall be separate and  
331 distinct and denominated for purposes of appointment and election  
332 only as "Place One" and "Place Two."

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



335           9-7-7. (1) There shall be three (3) judges for the First  
336 Circuit Court District.

337           (2) For the purposes of appointment and election the three  
338 (3) judgeships shall be separate and distinct and denominated for  
339 purposes of appointment and election only as "Place One," "Place  
340 Two" and "Place Three."

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

343           9-7-14. (1) There shall be two (2) circuit judges for the  
344 Third Circuit Court District.

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

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

351           9-7-20. (1) There shall be two (2) judges for the Fifth  
352 Circuit Court District.

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

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

359           9-7-32. (1) There shall be two (2) judges for the Tenth  
360 Circuit Court District.

361           (2) For the purposes of appointment and election the two (2)  
362 judgeships shall be separate and distinct and denominated for  
363 purposes of appointment and election only as "Place One" and  
364 "Place Two."

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



367 9-7-39. (1) The Fourteenth Circuit Court District shall be  
368 comprised of the following counties:

- 369 (a) Lincoln County;  
370 (b) Pike County; and  
371 (c) Walthall County.

372 (2) There shall be two (2) judges for the Fourteenth Circuit  
373 Court District.

374 (3) For the purposes of appointment and election the two (2)  
375 judgeships shall be separate and distinct and denominated for  
376 purposes of appointment and election only as "Place One" and  
377 "Place Two."

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

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

386 (b) Pike County: Precincts 4, 6, 14, 20, 16, 7, 10,  
387 10A, 6A, 2, 3, 11, 12, 13, 17 and 18; and

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

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

393 9-7-42. (1) There shall be two (2) judges for the Fifteenth  
394 Circuit Court District.

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



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

401           9-7-44. (1) There shall be two (2) judges for the Sixteenth  
402 Circuit Court District.

403           (2) For the purposes of appointment and election the two (2)  
404 judgeships shall be separate and distinct and denominated for  
405 purposes of appointment and election only as "Place One" and  
406 "Place Two."

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

409           9-7-45. The Seventeenth Circuit Court District shall be  
410 divided into three (3) subdistricts as follows:

411           (a) Subdistrict 17-1 shall consist of DeSoto  
412 County; \* \* \*

413           (b) Subdistrict 17-2 shall consist of \* \* \* Tate County  
414 and the following precincts from Panola County: East Sardis, East  
415 Como, Pleasant Mount, Cold Springs, Pope, Courtland, Batesville 3,  
416 Coles Point, North Springport, South Springport, Eureka, East  
417 Batesville 4, West Batesville 4, Fern Hill, North Batesville A and  
418 East Batesville 5; and

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

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

426           9-7-46. (1) There shall be three (3) circuit judges for the  
427 Seventeenth Circuit Court District.

428           (2) For the purpose of appointment and election, the three  
429 (3) judgeships shall be separate and distinct, and one (1) judge  
430 shall be elected from each subdistrict \* \* \*.



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

433           9-7-54. (1) There shall be two (2) judges for the Twentieth  
434 Circuit Court District.

435           (2) For the purposes of appointment and election the two (2)  
436 judgeships shall be separate and distinct and denominated for  
437 purposes of appointment and election only as "Place One" and  
438 "Place Two."

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

441           23-15-982. (1) Majority of vote equals any excess of the  
442 total vote for all candidates divided by the number of judgeships  
443 to be filled divided by two (2).

444           If some or all candidates in a multijudge election do not  
445 receive a majority of the vote, then candidates equal in number to  
446 twice the number of remaining positions to be filled and having  
447 the highest votes shall run in a runoff election. In such event,  
448 if there is not a sufficient number of remaining candidates equal  
449 to twice the number of remaining positions to be filled, then all  
450 remaining candidates shall run in the runoff election.

451           (2) Any tie votes which require resolution to determine who  
452 shall enter a runoff election shall be determined by the  
453 commissioners of election in the manner prescribed by Sections  
454 23-15-601 and 23-15-605.

455           Candidates equal to the remaining number of positions to be  
456 filled who have the highest votes in the runoff election are  
457 elected.

458           Any tie votes which must be determined in order to decide who  
459 is elected as a result of a runoff election shall be determined by  
460 the State Election Commission in the manner prescribed by Sections  
461 23-15-601 and 23-15-605.

462           (3) The provisions of this section shall apply only to  
463 districts and subdistricts which are multijudge districts except



464 for the First, Sixth, Eighth, Tenth, Twelfth, Sixteenth,  
465 Eighteenth and Twentieth Chancery Court Districts and Subdistrict  
466 3-2 of the Third Chancery Court District and the First, Second,  
467 Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth,  
468 Nineteenth and Twentieth Circuit Court Districts.

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

471 23-15-983. At the general election, the candidates equal to  
472 the number of positions to be filled and having the highest votes  
473 shall be elected.

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

477 The provisions of this section shall apply only to districts  
478 and subdistricts which are multijudge districts except for the  
479 First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and  
480 Twentieth Chancery Court Districts and Subdistrict 3-2 of the  
481 Third Chancery Court District and the First, Second, Third, Fifth,  
482 Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Nineteenth and  
483 Twentieth Circuit Court Districts.

484 **SECTION 25.** The Attorney General of the State of Mississippi  
485 shall submit this act, immediately upon approval by the Governor,  
486 or upon approval by the Legislature subsequent to a veto, to the  
487 Attorney General of the United States or to the United States  
488 District Court for the District of Columbia in accordance with the  
489 provisions of the Voting Rights Act of 1965, as amended and  
490 extended.

491 **SECTION 26.** This act shall take effect and be in force from  
492 and after January 1, 2004, or the date it is effectuated under  
493 Section 5 of the Voting Rights Act of 1965, as amended and  
494 extended, whichever date is later.

