

By: Representatives Scott (17th), Holland,  
Franks, McCoy, Montgomery (15th)

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 851

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 9-7-7, 9-7-14, 9-7-20, 9-7-32, 9-7-39, 9-7-42, 9-7-44,  
5 9-7-46 AND 9-7-54, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR POSTS  
6 IN THE FIRST, THIRD, FIFTH, TENTH, FOURTEENTH, FIFTEENTH,  
7 SIXTEENTH AND TWENTIETH CIRCUIT COURT DISTRICTS; TO BRING FORWARD  
8 SECTION 9-7-45, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF  
9 AMENDMENT; TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI  
10 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-5-7, Mississippi Code of 1972, is  
13 amended as follows:

14 9-5-7. There shall be three (3) chancellors for the First  
15 Chancery Court District. For purposes of appointment and election  
16 the three (3) chancellorships shall be separate and distinct and  
17 denominated for purposes of appointment and election only as  
18 "Place One," "Place Two" and "Place Three."

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

21 9-5-13. (1) There shall be three (3) chancellors for the  
22 Third Chancery Court District.

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

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



32 9-5-22. There shall be two (2) chancellors for the Sixth  
33 Chancery Court District. For purposes of appointment and election  
34 the two (2) chancellorships shall be separate and distinct and  
35 denominated for purposes of appointment and election only as  
36 "Place One" and "Place Two."

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

39 9-5-40. There shall be two (2) judges for the Twelfth  
40 Chancery Court District. For purposes of appointment and election  
41 the two (2) judgeships shall be separate and distinct and  
42 denominated for purposes of appointment and election only as  
43 "Place One" and "Place Two."

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

46 9-5-54. There shall be two (2) chancellors for the  
47 Eighteenth Chancery Court District. For purposes of appointment  
48 and election the two (2) chancellorships shall be separate and  
49 distinct and denominated for purposes of appointment and election  
50 only as "Place One" and "Place Two."

51 **SECTION 6.** Section 9-7-7, Mississippi Code of 1972, is  
52 amended as follows:

53 9-7-7. (1) There shall be three (3) judges for the First  
54 Circuit Court District.

55 (2) For the purposes of appointment and election the three  
56 (3) judgeships shall be separate and distinct and denominated for  
57 purposes of appointment and election only as "Place One," "Place  
58 Two" and "Place Three."

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

61 9-7-14. (1) There shall be two (2) circuit judges for the  
62 Third Circuit Court District.

63 (2) For the purposes of appointment and election the two (2)  
64 judgeships shall be separate and distinct and denominated for



65 purposes of appointment and election only as "Place One" and  
66 "Place Two."

67 **SECTION 8.** Section 9-7-20, Mississippi Code of 1972, is  
68 amended as follows:

69 9-7-20. (1) There shall be two (2) judges for the Fifth  
70 Circuit Court District.

71 (2) For the purposes of appointment and election the two (2)  
72 judgeships shall be separate and distinct and denominated for  
73 purposes of appointment and election only as "Place One" and  
74 "Place Two."

75 **SECTION 9.** Section 9-7-32, Mississippi Code of 1972, is  
76 amended as follows:

77 9-7-32. (1) There shall be two (2) judges for the Tenth  
78 Circuit Court District.

79 (2) For the purposes of appointment and election the two (2)  
80 judgeships shall be separate and distinct and denominated for  
81 purposes of appointment and election only as "Place One" and  
82 "Place Two."

83 **SECTION 10.** Section 9-7-39, Mississippi Code of 1972, is  
84 amended as follows:

85 9-7-39. (1) The Fourteenth Circuit Court District shall be  
86 comprised of the following counties:

- 87 (a) Lincoln County;
- 88 (b) Pike County; and
- 89 (c) Walthall County.

90 (2) There shall be two (2) judges for the Fourteenth Circuit  
91 Court District.

92 (3) For the purposes of appointment and election the two (2)  
93 judgeships shall be separate and distinct and denominated for  
94 purposes of appointment and election only as "Place One" and  
95 "Place Two."

96 **SECTION 11.** Section 9-7-42, Mississippi Code of 1972, is  
97 amended as follows:



98           9-7-42. (1) There shall be two (2) judges for the Fifteenth  
99 Circuit Court District.

100           (2) For the purposes of appointment and election the two (2)  
101 judgeships shall be separate and distinct and denominated for  
102 purposes of appointment and election only as "Place One" and  
103 "Place Two."

104           **SECTION 12.** Section 9-7-44, Mississippi Code of 1972, is  
105 amended as follows:

106           9-7-44. (1) There shall be two (2) judges for the Sixteenth  
107 Circuit Court District.

108           (2) For the purposes of appointment and election the two (2)  
109 judgeships shall be separate and distinct and denominated for  
110 purposes of appointment and election only as "Place One" and  
111 "Place Two."

112           **SECTION 13.** Section 9-7-45, Mississippi Code of 1972, is  
113 brought forward as follows:

114           9-7-45. The Seventeenth Circuit Court District shall be  
115 divided into two (2) subdistricts as follows:

116           (a) Subdistrict 17-1 shall consist of DeSoto County;  
117 and

118           (b) Subdistrict 17-2 shall consist of Panola County,  
119 Tallahatchie County, Tate County and Yalobusha County.

120           **SECTION 14.** Section 9-7-46, Mississippi Code of 1972, is  
121 amended as follows:

122           9-7-46. (1) There shall be three (3) circuit judges for the  
123 Seventeenth Circuit Court District.

124           (2) For the purpose of appointment and election, the three  
125 (3) judgeships shall be separate and distinct, and one (1) judge  
126 shall be elected from subdistrict 17-1 and two (2) judges shall be  
127 elected from subdistrict 17-2. The two (2) judgeships in  
128 subdistrict 17-2 shall be separate and distinct and denominate for  
129 purposes of appointment and election only as "Place One" and  
130 "Place Two."



131           **SECTION 15.** Section 9-7-54, Mississippi Code of 1972, is  
132 amended as follows:

133           9-7-54. (1) There shall be two (2) judges for the Twentieth  
134 Circuit Court District.

135           (2) For the purposes of appointment and election the two (2)  
136 judgeships shall be separate and distinct and denominated for  
137 purposes of appointment and election only as "Place One" and  
138 "Place Two."

139           **SECTION 16.** Section 23-15-982, Mississippi Code of 1972, is  
140 amended as follows:

141           23-15-982. (1) Majority of vote equals any excess of the  
142 total vote for all candidates divided by the number of judgeships  
143 to be filled divided by two (2).

144           If some or all candidates in a multijudge election do not  
145 receive a majority of the vote, then candidates equal in number to  
146 twice the number of remaining positions to be filled and having  
147 the highest votes shall run in a runoff election. In such event,  
148 if there is not a sufficient number of remaining candidates equal  
149 to twice the number of remaining positions to be filled, then all  
150 remaining candidates shall run in the runoff election.

151           (2) Any tie votes which require resolution to determine who  
152 shall enter a runoff election shall be determined by the  
153 commissioners of election in the manner prescribed by Sections  
154 23-15-601 and 23-15-605.

155           Candidates equal to the remaining number of positions to be  
156 filled who have the highest votes in the runoff election are  
157 elected.

158           Any tie votes which must be determined in order to decide who  
159 is elected as a result of a runoff election shall be determined by  
160 the State Election Commission in the manner prescribed by Sections  
161 23-15-601 and 23-15-605.

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



164 for the First, Sixth, Eighth, Tenth, Twelfth, Sixteenth,  
165 Eighteenth and Twentieth Chancery Court Districts and Subdistrict  
166 3-2 of the Third Chancery Court District and the First, Second,  
167 Third, Fifth, Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth,  
168 Subdistrict 17-2 of the Seventeenth Circuit Court District,  
169 Nineteenth and Twentieth Circuit Court Districts.

170 **SECTION 17.** Section 23-15-983, Mississippi Code of 1972, is  
171 amended as follows:

172 23-15-983. At the general election, the candidates equal to  
173 the number of positions to be filled and having the highest votes  
174 shall be elected.

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

178 The provisions of this section shall apply only to districts  
179 and subdistricts which are multijudge districts except for the  
180 First, Sixth, Eighth, Tenth, Twelfth, Sixteenth, Eighteenth and  
181 Twentieth Chancery Court Districts and Subdistrict 3-2 of the  
182 Third Chancery Court District and the First, Second, Third, Fifth,  
183 Eighth, Tenth, Fourteenth, Fifteenth, Sixteenth, Subdistrict 17-2  
184 of the Seventeenth Circuit Court District, Nineteenth and  
185 Twentieth Circuit Court Districts.

186 **SECTION 18.** The Attorney General of the State of Mississippi  
187 shall submit this act, immediately upon approval by the Governor,  
188 or upon approval by the Legislature subsequent to a veto, to the  
189 Attorney General of the United States or to the United States  
190 District Court for the District of Columbia in accordance with the  
191 provisions of the Voting Rights Act of 1965, as amended and  
192 extended.

193 **SECTION 19.** This act shall take effect and be in force from  
194 and after the date it is effectuated under Section 5 of the Voting  
195 Rights Act of 1965, as amended and extended, whichever date is  
196 later.

