

By: Representative Eaton

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 1311

1 AN ACT TO CREATE SECTION 9-5-42 MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE AN ADDITIONAL CHANCELLOR FOR THE THIRTEENTH CHANCERY COURT  
3 DISTRICT; TO PROVIDE FOR POSTS IN SUCH DISTRICT; TO PROVIDE A  
4 SPECIAL ELECTION FOR THE NEW CHANCELLORSHIP; TO AMEND SECTIONS  
5 23-15-977, 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section  
9 9-5-42, Mississippi Code of 1972:

10 9-5-42. (1) There shall be two (2) chancellors for the  
11 Thirteenth Chancery Court District.

12 (2) For the purposes of appointment and election, the two  
13 (2) chancellorships shall be separate and distinct and denominated  
14 for purposes of appointment and election only as "Place One" and  
15 "Place Two."

16 (3) There shall be an election in November of 2004 for the  
17 election of the chancellor to serve in Place 2 until the next  
18 general election for judges. The current chancellor in the  
19 district shall be designated as the chancellor in Place One. The  
20 special election shall be held at the same time as the general  
21 election for President. Should a runoff be necessary it shall be  
22 held two (2) weeks later in accordance with appropriate procedures  
23 followed in other elections involving runoff candidates.

24 **SECTION 2.** Section 23-15-977, Mississippi Code of 1972, is  
25 amended as follows:

26 23-15-977. (1) All candidates for judicial office as  
27 defined in Section 23-15-975 of this subarticle shall file their  
28 intent to be a candidate with the proper officials not later than  
29 5:00 p.m. on the first Friday after the first Monday in May prior

30 to the general election for judicial office and shall pay to the  
31 proper officials the following amounts:

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

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

36 (c) Candidates for county judge and family court judge,  
37 the sum of Fifteen Dollars (\$15.00).

38 (2) Candidates for judicial offices listed in paragraphs (a)  
39 and (b) of subsection (1) of this section shall file their intent  
40 to be a candidate with, and pay the proper assessment made  
41 pursuant to subsection (1) of this section to, the State Board of  
42 Election Commissioners.

43 (3) Candidates for judicial offices listed in paragraph (c)  
44 of subsection (1) of this section shall file their intent to be a  
45 candidate with, and pay the proper assessment made pursuant to  
46 subsection (1) of this section to, the circuit clerk of the proper  
47 county. The circuit clerk shall notify the county commissioners  
48 of election of all persons who have filed their intent to be a  
49 candidate \* \* \* with, and paid the proper assessment to, such  
50 clerk. Such notification shall occur within two (2) business days  
51 and shall contain all necessary information.

52 (4) For the purposes of the special election provided in  
53 Section 9-5-42(3) only, the qualifying deadline shall be 5:00 p.m.  
54 on the first Friday in September of 2004. This subsection shall  
55 stand repealed on July 1, 2005.

56 **SECTION 3.** Section 23-15-982, Mississippi Code of 1972, is  
57 amended as follows:

58 23-15-982. (1) Majority of vote equals any excess of the  
59 total vote for all candidates divided by the number of judgeships  
60 to be filled divided by two (2).

61 If some or all candidates in a multijudge election do not  
62 receive a majority of the vote, then candidates equal in number to

63 twice the number of remaining positions to be filled and having  
64 the highest votes shall run in a runoff election. In such event,  
65 if there is not a sufficient number of remaining candidates equal  
66 to twice the number of remaining positions to be filled, then all  
67 remaining candidates shall run in the runoff election.

68 (2) Any tie votes which require resolution to determine who  
69 shall enter a runoff election shall be determined by the  
70 commissioners of election in the manner prescribed by Sections  
71 23-15-601 and 23-15-605.

72 Candidates equal to the remaining number of positions to be  
73 filled who have the highest votes in the runoff election are  
74 elected.

75 Any tie votes which must be determined in order to decide who  
76 is elected as a result of a runoff election shall be determined by  
77 the State Election Commission in the manner prescribed by Sections  
78 23-15-601 and 23-15-605.

79 (3) The provisions of this section shall apply only to  
80 districts and subdistricts which are multijudge districts except  
81 for the Eighth, Tenth, Thirteenth, Sixteenth and Twentieth  
82 Chancery Court Districts and the Second, Eighth and Nineteenth  
83 Circuit Court Districts.

84 **SECTION 4.** Section 23-15-983, Mississippi Code of 1972, is  
85 amended as follows:

86 23-15-983. At the general election, the candidates equal to  
87 the number of positions to be filled and having the highest votes  
88 shall be elected.

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

92 The provisions of this section shall apply only to districts  
93 and subdistricts which are multijudge districts except for the  
94 Eighth, Tenth, Thirteenth, Sixteenth and Twentieth Chancery Court

95 Districts and the Second, Eighth and Nineteenth Circuit Court  
96 Districts.

97         **SECTION 5.** The Attorney General of the State of Mississippi  
98 shall submit this act, immediately upon approval by the Governor,  
99 or upon approval by the Legislature subsequent to a veto, to the  
100 Attorney General of the United States or to the United States  
101 District Court for the District of Columbia in accordance with the  
102 provisions of the Voting Rights Act of 1965, as amended and  
103 extended.

104         **SECTION 6.** This act shall take effect and be in force from  
105 and after the date it is effectuated under Section 5 of the Voting  
106 Rights Act of 1965, as amended and extended.