

By: Senator(s) Carmichael

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2205

1 AN ACT TO AMEND SECTION 9-7-32, MISSISSIPPI CODE OF 1972, TO
2 REPEAL RUNNING IN THE HERD FOR THE JUDGES OF THE TENTH CIRCUIT
3 COURT DISTRICT; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF
4 1972, TO PROVIDE THAT A PERSON MAY BE A CANDIDATE FOR ONLY ONE
5 JUDICIAL POST AT A TIME; TO AMEND SECTIONS 23-15-982 AND
6 23-15-983, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 9-7-32, Mississippi Code of 1972, is
10 amended as follows:

11 9-7-32. (1) There shall be two (2) judges for the Tenth
12 Circuit Court District.

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

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

19 23-15-977. (1) * * * Candidates for judicial office as
20 defined in Section 23-15-975 of this subarticle shall file the
21 intent to be a candidate with the proper officials not later than
22 5:00 p.m. on the first Friday after the first Monday in May prior
23 to the general election for judicial office and shall pay to the
24 proper officials the following amounts:

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

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

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

31 (2) Candidates for judicial offices listed in paragraphs (a)
32 and (b) of subsection (1) of this section shall file the intent to
33 be a candidate with, and pay the proper assessment made pursuant
34 to subsection (1) of this section to, the State Board of Election
35 Commissioners.

36 (3) Candidates for judicial offices listed in paragraph (c)
37 of subsection (1) of this section shall file the intent to be a
38 candidate with, and pay the proper assessment made pursuant to
39 subsection (1) of this section to, the circuit clerk of the proper
40 county. The circuit clerk shall notify the county commissioners
41 of election of all persons who have filed the intent to be a
42 candidate * * * with, and paid the proper assessment to, such
43 clerk. Such notification shall occur within two (2) business days
44 and shall contain all necessary information.

45 (4) A candidate may qualify for only one (1) judicial
46 office.

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

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

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

59 (2) Any tie votes which require resolution to determine who
60 shall enter a runoff election shall be determined by the

61 commissioners of election in the manner prescribed by Sections
62 23-15-601 and 23-15-605.

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

66 Any tie votes which must be determined in order to decide who
67 is elected as a result of a runoff election shall be determined by
68 the State Election Commission in the manner prescribed by Sections
69 23-15-601 and 23-15-605.

70 (3) The provisions of this section shall apply only to
71 districts and subdistricts which are multijudge districts except
72 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
73 Districts and the Second, Eighth, Tenth and Nineteenth Circuit
74 Court Districts.

75 **SECTION 4.** 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 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
86 and the Second, Eighth, Tenth and Nineteenth Circuit Court
87 Districts.

88 **SECTION 5.** This act shall take effect and be in force from
89 and after July 1, 2004.