

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 23

1 AN ACT TO AMEND SECTIONS 9-7-7, 9-7-14, 9-7-20, 9-7-32,
2 9-7-39, 9-7-42, 9-7-44 AND 9-7-54, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE FOR POSTS IN THE FIRST, THIRD, FIFTH, TENTH, FOURTEENTH,
4 FIFTEENTH, SIXTEENTH AND TWENTIETH CIRCUIT COURT DISTRICTS; TO
5 AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972,
6 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

10 9-7-7. (1) There shall be three (3) judges for the First
11 Circuit Court District.

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

16 **SECTION 2.** Section 9-7-14, Mississippi Code of 1972, is
17 amended as follows:

18 9-7-14. (1) There shall be two (2) circuit judges for the
19 Third Circuit Court District.

20 (2) For the purposes of appointment and election the two (2)
21 judgeships shall be separate and distinct and denominated for
22 purposes of appointment and election only as "Place One" and
23 "Place Two."

24 **SECTION 3.** Section 9-7-20, Mississippi Code of 1972, is
25 amended as follows:

26 9-7-20. (1) There shall be two (2) judges for the Fifth
27 Circuit Court District.

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

30 purposes of appointment and election only as "Place One" and
31 "Place Two."

32 **SECTION 4.** Section 9-7-32, Mississippi Code of 1972, is
33 amended as follows:

34 9-7-32. (1) There shall be two (2) judges for the Tenth
35 Circuit Court District.

36 (2) For the purposes of appointment and election the two (2)
37 judgeships shall be separate and distinct and denominated for
38 purposes of appointment and election only as "Place One" and
39 "Place Two."

40 **SECTION 5.** Section 9-7-39, Mississippi Code of 1972, is
41 amended as follows:

42 9-7-39. (1) The Fourteenth Circuit Court District shall be
43 comprised of the following counties:

- 44 (a) Lincoln County;
- 45 (b) Pike County; and
- 46 (c) Walthall County.

47 (2) There shall be two (2) judges for the Fourteenth Circuit
48 Court District.

49 (3) For the purposes of appointment and election the two (2)
50 judgeships shall be separate and distinct and denominated for
51 purposes of appointment and election only as "Place One" and
52 "Place Two."

53 **SECTION 6.** Section 9-7-42, Mississippi Code of 1972, is
54 amended as follows:

55 9-7-42. (1) There shall be two (2) judges for the Fifteenth
56 Circuit Court District.

57 (2) For the purposes of appointment and election the two (2)
58 judgeships shall be separate and distinct and denominated for
59 purposes of appointment and election only as "Place One" and
60 "Place Two."

61 **SECTION 7.** Section 9-7-44, Mississippi Code of 1972, is
62 amended as follows:

63 9-7-44. (1) There shall be two (2) judges for the Sixteenth
64 Circuit Court District.

65 (2) For the purposes of appointment and election the two (2)
66 judgeships shall be separate and distinct and denominated for
67 purposes of appointment and election only as "Place One" and
68 "Place Two."

69 **SECTION 8.** Section 9-7-54, Mississippi Code of 1972, is
70 amended as follows:

71 9-7-54. (1) There shall be two (2) judges for the Twentieth
72 Circuit Court District.

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

77 **SECTION 9.** Section 23-15-982, Mississippi Code of 1972, is
78 amended as follows:

79 23-15-982. (1) Majority of vote equals any excess of the
80 total vote for all candidates divided by the number of judgeships
81 to be filled divided by two (2).

82 If some or all candidates in a multijudge election do not
83 receive a majority of the vote, then candidates equal in number to
84 twice the number of remaining positions to be filled and having
85 the highest votes shall run in a runoff election. In such event,
86 if there is not a sufficient number of remaining candidates equal
87 to twice the number of remaining positions to be filled, then all
88 remaining candidates shall run in the runoff election.

89 (2) Any tie votes which require resolution to determine who
90 shall enter a runoff election shall be determined by the
91 commissioners of election in the manner prescribed by Sections
92 23-15-601 and 23-15-605.

93 Candidates equal to the remaining number of positions to be
94 filled who have the highest votes in the runoff election are
95 elected.

96 Any tie votes which must be determined in order to decide who
97 is elected as a result of a runoff election shall be determined by
98 the State Election Commission in the manner prescribed by Sections
99 23-15-601 and 23-15-605.

100 (3) The provisions of this section shall apply only to
101 districts and subdistricts which are multijudge districts except
102 for the Eighth, Tenth, Sixteenth and Twentieth Chancery Court
103 Districts and the First, Second, Third, Fifth, Eighth, Tenth,
104 Fourteenth, Fifteenth, Sixteenth, Nineteenth and Twentieth Circuit
105 Court Districts.

106 **SECTION 10.** Section 23-15-983, Mississippi Code of 1972, is
107 amended as follows:

108 23-15-983. At the general election, the candidates equal to
109 the number of positions to be filled and having the highest votes
110 shall be elected.

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

114 The provisions of this section shall apply only to districts
115 and subdistricts which are multijudge districts except for the
116 Eighth, Tenth, Sixteenth and Twentieth Chancery Court Districts
117 and the First, Second, Third, Fifth, Eighth, Tenth, Fourteenth,
118 Fifteenth, Sixteenth, Nineteenth and Twentieth Circuit Court
119 Districts.

120 **SECTION 11.** The Attorney General of the State of Mississippi
121 shall submit this act, immediately upon approval by the Governor,
122 or upon approval by the Legislature subsequent to a veto, to the
123 Attorney General of the United States or to the United States
124 District Court for the District of Columbia in accordance with the
125 provisions of the Voting Rights Act of 1965, as amended and
126 extended.

127 **SECTION 12.** This act shall take effect and be in force from
128 and after the date it is effectuated under Section 5 of the Voting
129 Rights Act of 1965, as amended and extended.