

By: Representative Akins

To: Judiciary A

HOUSE BILL NO. 539

1 AN ACT TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE POSTS IN THE EIGHTEENTH CHANCERY COURT DISTRICT; TO AMEND  
3 SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN  
4 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-5-54, Mississippi Code of 1972, is  
7 amended as follows:

8 9-5-54. There shall be two (2) chancellors for the  
9 Eighteenth Chancery Court District. For purposes of appointment  
10 and election the two (2) chancellorships shall be separate and  
11 distinct and denominated for purposes of appointment and election  
12 only as "Place One" and "Place Two."

13 **SECTION 2.** Section 23-15-982, Mississippi Code of 1972, is  
14 amended as follows:

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

18 If some or all candidates in a multijudge election do not  
19 receive a majority of the vote, then candidates equal in number to  
20 twice the number of remaining positions to be filled and having  
21 the highest votes shall run in a runoff election. In such event,  
22 if there is not a sufficient number of remaining candidates equal  
23 to twice the number of remaining positions to be filled, then all  
24 remaining candidates shall run in the runoff election.

25 (2) Any tie votes which require resolution to determine who  
26 shall enter a runoff election shall be determined by the  
27 commissioners of election in the manner prescribed by Sections  
28 23-15-601 and 23-15-605.

29 Candidates equal to the remaining number of positions to be  
30 filled who have the highest votes in the runoff election are  
31 elected.

32 Any tie votes which must be determined in order to decide who  
33 is elected as a result of a runoff election shall be determined by  
34 the State Election Commission in the manner prescribed by Sections  
35 23-15-601 and 23-15-605.

36 (3) The provisions of this section shall apply only to  
37 districts and subdistricts which are multijudge districts except  
38 for the Eighth, Tenth, Sixteenth, Eighteenth and Twentieth  
39 Chancery Court Districts and the Second, Eighth and Nineteenth  
40 Circuit Court Districts.

41 **SECTION 3.** Section 23-15-983, Mississippi Code of 1972, is  
42 amended as follows:

43 23-15-983. At the general election, the candidates equal to  
44 the number of positions to be filled and having the highest votes  
45 shall be elected.

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

49 The provisions of this section shall apply only to districts  
50 and subdistricts which are multijudge districts except for the  
51 Eighth, Tenth, Sixteenth, Eighteenth and Twentieth Chancery Court  
52 Districts and the Second, Eighth and Nineteenth Circuit Court  
53 Districts.

54 **SECTION 4.** The Attorney General of the State of Mississippi  
55 shall submit this act, immediately upon approval by the Governor,  
56 or upon approval by the Legislature subsequent to a veto, to the  
57 Attorney General of the United States or to the United States  
58 District Court for the District of Columbia in accordance with the  
59 provisions of the Voting Rights Act of 1965, as amended and  
60 extended.

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