

By: Senator(s) Wilemon

To: Judiciary, Division A

SENATE BILL NO. 2656

1 AN ACT TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY COURT
3 DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO
4 ELIMINATE RUNNING IN THE HERD IN THE FIRST CIRCUIT COURT DISTRICT;
5 TO AMEND SECTIONS 23-15-982 AND 23-15-983, MISSISSIPPI CODE OF
6 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

10 9-5-7. (1) There shall be four (4) chancellors for the
11 First Chancery Court District.

12 (2) For purposes of appointment and election, the four (4)
13 chancellorships shall be separate and distinct and denominated for
14 purposes of appointment and election only as "Place One," "Place
15 Two," "Place Three" and "Place Four."

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

18 9-7-7. (1) There shall be three (3) judges for the First
19 Circuit Court District.

20 (2) For purposes of appointment and election, the three (3)
21 judgeships shall be separate and distinct and denominated for
22 purposes of appointment and election only as "Place One," "Place
23 Two" and "Place Three."

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

26 23-15-982. (1) Majority of vote equals any excess of the
27 total vote for all candidates divided by the number of judgeships
28 to be filled divided by two (2).

29 If some or all candidates in a multijudge election do not
30 receive a majority of the vote, then candidates equal in number to
31 twice the number of remaining positions to be filled and having
32 the highest votes shall run in a runoff election. In such event,
33 if there is not a sufficient number of remaining candidates equal
34 to twice the number of remaining positions to be filled, then all
35 remaining candidates shall run in the runoff election.

36 (2) Any tie votes which require resolution to determine who
37 shall enter a runoff election shall be determined by the
38 commissioners of election in the manner prescribed by Sections
39 23-15-601 and 23-15-605.

40 Candidates equal to the remaining number of positions to be
41 filled who have the highest votes in the runoff election are
42 elected.

43 Any tie votes which must be determined in order to decide who
44 is elected as a result of a runoff election shall be determined by
45 the State Election Commission in the manner prescribed by Sections
46 23-15-601 and 23-15-605.

47 (3) The provisions of this section shall apply only to
48 districts and subdistricts which are multijudge districts except
49 for the First, Eighth, Tenth, Sixteenth and Twentieth Chancery
50 Court Districts and the First, Second, Eighth and Nineteenth
51 Circuit Court Districts.

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

54 23-15-983. At the general election, the candidates equal to
55 the number of positions to be filled and having the highest votes
56 shall be elected.

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

60 The provisions of this section shall apply only to districts
61 and subdistricts which are multijudge districts except for the

62 First, Eighth, Tenth, Sixteenth and Twentieth Chancery Court
63 Districts and the First, Second, Eighth and Nineteenth Circuit
64 Court Districts.

65 **SECTION 5.** The Attorney General of the State of Mississippi
66 shall submit this act, immediately upon approval by the Governor,
67 or upon approval by the Legislature subsequent to a veto, to the
68 Attorney General of the United States or to the United States
69 District Court for the District of Columbia in accordance with the
70 provisions of the Voting Rights Act of 1965, as amended and
71 extended.

72 **SECTION 6.** This act shall take effect and be in force from
73 and after January 1, 2007, provided it is effectuated under
74 Section 5 of the Voting Rights Act of 1965, as amended and
75 extended.