

By: Senator(s) Hawks, Johnson (19th), White (29th) To: Constitution

## SENATE CONCURRENT RESOLUTION NO. 535

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE  
2 MISSISSIPPI CONSTITUTION OF 1890 TO PROVIDE A RECALL PROCEDURE FOR  
3 THE RECALL OF COUNTY, CHANCERY, CIRCUIT, APPELLATE AND SUPREME  
4 COURT JUDGES; TO PROVIDE FOR A RECALL ELECTION.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
6 MISSISSIPPI, That the following amendment to the Mississippi  
7 Constitution of 1890 is proposed to the qualified electors of the  
8 state:

9 Amend by adding the following section:

10 Section. Citizens may petition for the recall of any  
11 county, chancery, circuit, Court of Appeals or Supreme Court judge  
12 by filing a petition signed by qualified electors equal in number  
13 to at least twelve percent (12%) of the votes cast in the judge's  
14 district at the last judicial election. The petition for the  
15 recall of a judge shall be filed with the Secretary of State. The  
16 circuit clerk shall certify that a petition has the requisite  
17 number of signatures for the recall of county, chancery and  
18 circuit judges. The Secretary of State shall certify that a  
19 petition has the requisite number of signatures for the recall of  
20 Court of Appeals and Supreme Court judges. Upon certification  
21 that a recall petition has the requisite number of signatures, the  
22 Governor shall call for a recall election within two (2) weeks of  
23 the certification. The ballot issue to be presented to the voters  
24 shall be as follows:

25 "Shall ( \_\_\_\_\_ judge's name \_\_\_\_\_ ) be recalled from office  
26 and a new election held to replace the judge?"

27 If a majority voting in the election vote in favor of the

28 proposition, the judge shall be deemed immediately removed from  
29 office and a special election to fill the position shall be called  
30 as provided by law.

31 The Legislature may enact laws to carry out the provisions of  
32 this section.

33 BE IT FURTHER RESOLVED, That this amendment shall be  
34 submitted to the qualified electors at an election held on the  
35 first Tuesday after the first Monday of November 1999, as provided  
36 by Section 273 of the Constitution and by law.

37 BE IT FURTHER RESOLVED, That the explanation of this  
38 amendment for the ballot shall read as follows: "This proposed  
39 constitutional amendment provides for a recall election for  
40 county, chancery, circuit, Court of Appeals and Supreme Court  
41 judges."

42 BE IT FURTHER RESOLVED, That the Attorney General of the  
43 State of Mississippi is hereby directed to submit this resolution,  
44 immediately upon adoption by the Legislature, to the Attorney  
45 General of the United States or to the United States District  
46 Court for the District of Columbia, in accordance with the  
47 provisions of the Voting Rights Act of 1965, as amended and  
48 extended.