

By: Senator(s) Ross

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 501

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
 2 145, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE FOR THE
 3 APPOINTMENT OF THE SUPREME COURT JUDGES; TO ADD A NEW SECTION
 4 144A, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE FOR THE
 5 SELECTION OF JUDGES; TO PROVIDE THAT THE GOVERNOR SHALL FILL
 6 VACANCIES BY APPOINTMENT; TO ESTABLISH THE TERM OF OFFICE; TO
 7 AUTHORIZE THE LEGISLATURE TO PROVIDE FOR STAGGERED TERMS; TO
 8 REPEAL SECTIONS 145A AND 145B, MISSISSIPPI CONSTITUTION OF 1890,
 9 WHICH PROVIDE FOR ADDITIONAL SUPREME COURT JUDGES; TO REPEAL
 10 SECTIONS 149 AND 149A, MISSISSIPPI CONSTITUTION OF 1890, WHICH
 11 PROVIDE FOR THE TERMS OF OFFICE OF JUDGES OF THE SUPREME COURT AND
 12 AUTHORIZE THAT COURT TO SIT IN DIVISIONS; AND FOR RELATED
 13 PURPOSES.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
 15 MISSISSIPPI, That the following amendments to the Mississippi
 16 Constitution of 1890 be submitted to the qualified electors of the
 17 state.

I.

18 Amend Section 145, Mississippi Constitution of 1890, to read
 19 as follows:

20 Section 145. The Supreme Court shall consist of nine (9)
 21 judges, any five (5) of whom, when convened, shall form a quorum.
 22 The Legislature shall divide the state into three (3) Supreme
 23 Court districts, and the Governor shall appoint three (3) judges
 24 for and from each district * * * in the manner provided by this
 25 Constitution. * * * The removal of a judge to the State Capitol
 26 during his term of office shall not render him ineligible as his
 27 own successor for the districts from which he has removed. * * *
 28 The adoption of this amendment shall not abridge the terms of any
 29 incumbent who shall continue to hold his respective office until
 30 the expiration of the terms for which he was elected.



32 The Supreme Court may sit in divisions of three (3) judges
33 each. Each division shall have full power to hear and adjudge all
34 cases that may be assigned to it by the court. Two (2) judges
35 shall constitute a quorum of a division. If the decision of a
36 division is not unanimous, or if a judge of a division shall
37 certify that in his opinion a decision of any division of the
38 court is in conflict with a prior decision of the court or of a
39 division, the cause shall then be considered and adjudged by the
40 court.

41 II.

42 Amend Article 6 of the Mississippi Constitution of 1890 by
43 adding a new section to be designated as Section 144A, Mississippi
44 Constitution of 1890, to read as follows:

45 Section 144A. (1) Whenever a vacancy occurs in the Office
46 of Judge of the Supreme Court, the Governor shall fill the vacancy
47 by appointment, subject to the advice and consent of the Senate.

48 (2) Any judge holding office at the time which this section
49 becomes applicable to his office, shall, unless removed for cause,
50 remain in office for the remainder of his term. A vacancy
51 resulting from the expiration of a term of office shall be filled
52 by appointment. If a vacancy occurs before the expiration of a
53 term, the appointment shall be for the remainder of the term.

54 (3) The term of office shall be eight (8) years.

55 III.

56 Repeal Section 145A, Mississippi Constitution of 1890, which
57 reads as follows:

58 Section 145A. The Supreme Court shall consist of six (6)
59 judges, that is to say, of three (3) judges in addition to the
60 three (3) provided for by Section 145 of this Constitution, any
61 four (4) of whom when convened shall form a quorum. The
62 additional judges herein provided for shall be selected one (1)
63 for and from each of the Supreme Court districts in the manner
64 provided by Section 145 of this Constitution, or any amendments



65 thereto. Their terms of office shall be as provided by Section
66 149 of this Constitution, or any amendment thereto.

67 IV.

68 Repeal Section 145B, Mississippi Constitution of 1890, which
69 reads as follows:

70 Section 145B. The Supreme Court shall consist of nine (9)
71 judges, that is to say, of three (3) judges in addition to the six
72 (6) provided for by Section 145A of this Constitution, any five
73 (5) of whom when convened shall constitute a quorum. The
74 additional judges herein provided for shall be selected one (1)
75 for and from each of the Supreme Court districts in the manner
76 provided by Section 145A of this Constitution or any amendment
77 thereto. Their terms of office shall be as provided by Section
78 149 of this Constitution or any amendment thereto.

79 V.

80 Repeal Section 149, Mississippi Constitution of 1890, which
81 reads as follows:

82 Section 149. The term of Office of the Judges of the Supreme
83 Court shall be eight (8) years. The Legislature shall provide as
84 near as can be conveniently done that the offices of not more than
85 a majority of the judges of said court shall become vacant at any
86 one time; and if necessary for the accomplishment of that purpose,
87 it shall have power to provide that the terms of office of some of
88 the judges first to be elected shall expire in less than eight (8)
89 years. The adoption of this amendment shall not abridge the terms
90 of any of the present incumbents of the Office of Judge of the
91 Supreme Court; but they shall continue to hold their respective
92 offices until the expiration of the terms for which they were
93 respectively appointed.

94 VI.

95 Repeal Section 149A, Mississippi Constitution of 1890, which
96 reads as follows:



97 Section 149A. The Supreme Court shall have power, under such
98 rules and regulations as it may adopt, to sit in two (2) divisions
99 of three (3) judges each, any two (2) of whom when convened shall
100 form a quorum; each division shall have full power to hear and
101 adjudge all cases that may be assigned to it by the court. In
102 event the judges composing any division shall differ as to the
103 judgment to be rendered in any cause, or in event any judge of
104 either division, within a time and in a manner to be fixed by the
105 rules to be adopted by the court, shall certify that in his
106 opinion any decision of any division of the court is in conflict
107 with any prior decision of the court or of any division thereof,
108 the cause shall then be considered and adjudged by the full court
109 or a quorum thereof.

110 BE IT FURTHER RESOLVED, That the amendments in this
111 resolution shall be submitted to the qualified electors as one (1)
112 amendment since the proposed amendments pertain to one (1)
113 subject, at an election to be held on the first Tuesday after the
114 first Monday of November 2002, as provided by Section 273 of the
115 Constitution and by law.

116 BE IT FURTHER RESOLVED, That the explanation of the amendment
117 for the ballot shall read as follows: "This proposed
118 constitutional amendment provides for the appointment of the
119 Judges of the Supreme Court. The Governor shall appoint a judge
120 subject to the advice and consent of the Senate. Sections which
121 increased the size of the court, provided for the term of office
122 to be eight (8) years and authorized the hearing of cases in
123 divisions, are repealed because the substance of these sections is
124 included in the proposed amendment."

125 BE IT FURTHER RESOLVED, That the Attorney General of the
126 State of Mississippi shall submit this resolution, immediately
127 upon adoption by the Legislature, to the Attorney General of the
128 United States or to the United States District Court for the



129 District of Columbia, in accordance with the provisions of the
130 Voting Rights Act of 1965, as amended and extended.

