

By: Senator(s) Ross

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 523

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.





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 the next possible statewide election as provided by  
114 Section 273 of the Constitution and by law.

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122 divisions, are repealed because the substance of these sections is  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

124 BE IT FURTHER RESOLVED, That the Attorney General of the  
125 State of Mississippi shall submit this resolution, immediately  
126 upon adoption by the Legislature, to the Attorney General of the  
127 United States or to the United States District Court for the  
128 District of Columbia, in accordance with the provisions of the  
129 Voting Rights Act of 1965, as amended and extended.

