

By: Representative McBride

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 40

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 145, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT JUDGES OF
3 THE SUPREME COURT SHALL BE APPOINTED; AND FOR RELATED PURPOSES.

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

8 Amend Section 145, Mississippi Constitution of 1890, to read
9 as follows:

10 "Section 145. The Supreme Court shall consist of three (3)
11 judges, any two (2) of whom, when convened, shall form a quorum.
12 The Legislature shall divide the state into three (3) Supreme
13 Court districts, and there shall be appointed one (1) judge for
14 and from each district by the Governor with the advice and consent
15 of the Senate and such judge shall stand for an election during
16 the last year of his term to determine if such judge shall be
17 retained in service or removed from office and a successor
18 appointed at a time and in the manner provided by law; but the
19 removal of a judge to the state capitol during his term of office
20 shall not render him ineligible as his own successor for the
21 districts from which he has removed. The present incumbents shall
22 be considered as holding their terms of office from the state at
23 large. The adoption of this amendment shall not abridge the terms
24 of any of the present incumbents, but they shall continue to hold
25 their respective offices until the expiration of the terms for
26 which they were respectively appointed."



27 BE IT FURTHER RESOLVED, That this proposed amendment shall be
28 submitted by the Secretary of State to the qualified electors at
29 an election to be held on the first Tuesday after the first Monday
30 of November 2002, as provided by Section 273 of the Constitution
31 and by general law.

32 BE IT FURTHER RESOLVED, That the explanation of this proposed
33 amendment for the ballot shall read as follows: "This proposed
34 constitutional amendment will provide that judges of the Supreme
35 Court shall be appointed by the Governor with the advice and
36 consent of the Senate and shall stand for an election for
37 retention or removal during the last year of the term of office."

