

By: Representative Blackmon

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 36

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO THE  
2 MISSISSIPPI CONSTITUTION OF 1890, BY AMENDING SECTION 145 TO  
3 PROVIDE THAT THE LEGISLATURE SHALL DIVIDE THE SUPREME COURT INTO  
4 NINE DISTRICTS WITH ONE JUDGE BEING ELECTED FROM EACH DISTRICT AT  
5 A TIME AND IN THE MANNER PROVIDED BY LAW; BY REPEALING SECTIONS  
6 145-A AND 145-B, MISSISSIPPI CONSTITUTION OF 1890, WHICH PROVIDE  
7 FOR SIX JUDGES IN ADDITION TO THE ORIGINAL THREE JUDGES OF THE  
8 SUPREME COURT; AND FOR RELATED PURPOSES.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
10 MISSISSIPPI, That the following amendments to the Mississippi  
11 Constitution of 1890 are proposed to the qualified electors of the  
12 state:

13 I.

14 Amend Section 145, Mississippi Constitution of 1890, to read  
15 as follows:

16 "Section 145. The Supreme Court shall consist of nine (9)  
17 judges, any five (5) of whom, when convened, shall form a quorum.  
18 The Legislature shall divide the state into nine (9) Supreme Court  
19 districts, and there shall be elected one (1) judge for and from  
20 each district by the qualified electors thereof at a time and in  
21 the manner provided by law; but the removal of a judge to the  
22 State Capitol during his term of office shall not render him  
23 ineligible as his own successor for the districts from which he  
24 has removed. \* \* \* The adoption of this amendment shall not  
25 abridge the terms of any of the present incumbents, but they shall  
26 continue to hold their respective offices until the expiration of  
27 the terms for which they were respectively appointed."

28 II.

29 Repeal Section 145A, Mississippi Constitution of 1890, which  
30 reads as follows:

31 "Section 145A. The Supreme Court shall consist of six (6)  
32 judges, that is to say, of three (3) judges in addition to the  
33 three (3) provided for by Section 145 of this Constitution, any  
34 four (4) of whom when convened shall form a quorum. The  
35 additional judges herein provided for shall be selected one (1)  
36 for and from each of the Supreme Court districts in the manner  
37 provided by Section 145 of this Constitution, or any amendments  
38 thereto. Their terms of office shall be as provided by Section  
39 149 of this Constitution, or any amendment thereto."

40 III.

41 Repeal Section 145B, Mississippi Constitution of 1890, which  
42 reads as follows:

43 "Section 145B. The Supreme Court shall consist of nine (9)  
44 judges, that is to say, of three (3) judges in addition to the six  
45 (6) provided for by Section 145A of this Constitution, any five  
46 (5) of whom when convened shall constitute a quorum. The  
47 additional judges herein provided for shall be selected one (1)  
48 for and from each of the Supreme Court districts in the manner  
49 provided by Section 145A of this Constitution or any amendment  
50 thereto. Their terms of office shall be as provided by Section  
51 149 of this Constitution or any amendment thereto."

52 BE IT FURTHER RESOLVED, That these proposed amendments shall  
53 be submitted by the Secretary of State to the qualified electors  
54 at an election to be held on the first Tuesday after the first  
55 Monday of November 2006, as provided by Section 273 of the  
56 Constitution and by general law, with the amendments in this  
57 resolution being voted on as one (1) amendment since the proposed  
58 amendments pertain to one (1) subject.

59 BE IT FURTHER RESOLVED, That the explanation of this proposed  
60 amendment for the ballot shall read as follows: "This proposed  
61 constitutional amendment provides that the Legislature shall  
62 divide the Supreme Court into nine districts with one judge being

63 elected from each district at a time and in the manner provided by  
64 law."

65 BE IT FURTHER RESOLVED, That the Attorney General of the  
66 State of Mississippi shall submit this resolution, immediately  
67 upon adoption by the Legislature, to the Attorney General of the  
68 United States or to the United States District Court for the  
69 District of Columbia in accordance with the provisions of the  
70 Voting Rights Act of 1965, as amended and extended.