

By: Nunnelee

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 506

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS  
 2 252, 34, 35, 36, 116, 133, 134, 135, 140, 168, 171, 173 AND 174,  
 3 MISSISSIPPI CONSTITUTION OF 1890, TO CHANGE, EFFECTIVE 2006, THE  
 4 YEARS IN WHICH STATEWIDE GENERAL ELECTIONS ARE HELD TO EVEN  
 5 NUMBERED YEARS; TO LOWER THE TERM OF OFFICE FOR OFFICERS ELECTED  
 6 IN 2003 TO THREE YEARS FOR ONE TERM ONLY TO EFFECTUATE SUCH  
 7 CHANGE; AND TO ADJUST THE LENGTH OF REGULAR LEGISLATIVE SESSIONS  
 8 TO CONFORM TO THE CHANGE TO ELECTIONS IN EVEN NUMBERED YEARS.

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 Amend Section 252, Mississippi Constitution of 1890, to read  
 14 as follows:

15 Section 252. The term of office of all elective officers  
 16 under this Constitution shall be four (4) years, except as  
 17 otherwise provided in this Constitution. The term of office for  
 18 elective officers that begins in A.D. 2004 shall be three (3)  
 19 years. A general election for all elective officers shall be held  
 20 on the Tuesday next after the first Monday of November, A.D. 2003,  
 21 thereafter a general election shall be held on the first Tuesday  
 22 after the first Monday of November, A.D. 2006, and every four (4)  
 23 years thereafter. \* \* \* The Legislature may change the day and  
 24 date of general elections to any day and date in October, November

25 or December.

26 Amend Section 34, Mississippi Constitution of 1890, to read  
27 as follows:

28 Section 34. The House of Representatives shall consist of  
29 members chosen \* \* \* by the qualified electors of the  
30 several \* \* \* representative districts.

31 Amend Section 35, Mississippi Constitution of 1890, to read  
32 as follows:

33 Section 35. The Senate shall consist of members chosen \* \* \*  
34 by the qualified electors of the several districts.

35 Amend Section 36, Mississippi Constitution of 1890, to read  
36 as follows:

37 Section 36. The Legislature shall meet at the seat of  
38 government in regular session on the Tuesday after the first  
39 Monday of January \* \* \*. A regular session is limited to ninety  
40 (90) calendar days, but the regular session following the state  
41 general election is limited to \* \* \* one hundred twenty-five (125)  
42 calendar days \* \* \*. \* \* \* The House of Representatives, by  
43 resolution with the Senate concurring therein, and by a two-thirds  
44 (2/3) vote of those present and voting in each house, may extend a  
45 regular session for a period of thirty (30) days with no limit on  
46 the number of extensions to each session.

47 Amend Section 116, Mississippi Constitution of 1890, to read  
48 as follows:

49 Section 116. The chief executive power of this state shall  
50 be vested in a Governor \* \* \*. Any person elected to the Office  
51 of Governor shall be eligible to succeed himself in office.  
52 However, no person shall be elected to the Office of Governor more  
53 than twice, and no person who has held the Office of Governor or  
54 has acted as Governor for more than two (2) years of a term to  
55 which another person was elected shall be elected to the Office of

56 Governor more than once.

57 Amend Section 133, Mississippi Constitution of 1890, to read  
58 as follows:

59 Section 133. There shall be a Secretary of State who shall  
60 be elected as herein provided. He shall be at least twenty-five  
61 (25) years of age and a citizen of the state five (5) years next  
62 preceding the day of his election. \* \* \* He shall be keeper of  
63 the Capitol; he shall keep a correct register of all official acts  
64 and proceedings of the Governor; and shall, when required, lay the  
65 same, and all papers, minutes and vouchers relative thereto,  
66 before the Legislature, and he shall perform such other duties as  
67 may be required of him by law. He shall receive such compensation  
68 as shall be prescribed.

69 Amend Section 134, Mississippi Constitution of 1890, to read  
70 as follows:

71 Section 134. A State Treasurer and an Auditor of Public  
72 Accounts shall be elected as herein provided \* \* \* and shall  
73 possess the same qualifications as required for the Secretary of  
74 State. They shall receive such compensation as may be provided by  
75 law.

76 Amend Section 135, Mississippi Constitution of 1890, to read  
77 as follows:

78 Section 135. \* \* \* There shall be a sheriff, coroner,  
79 assessor, tax collector and surveyor for each county to be  
80 selected as elsewhere provided herein, \* \* \* and who shall be  
81 eligible to immediately succeed themselves in office. \* \* \* If  
82 the offices of sheriff and tax collector are combined, the holder  
83 thereof shall not be eligible to immediately succeed himself in

84 office. The Legislature may combine any one or more of these  
85 offices in any county or counties and shall fix their  
86 compensation. The duties heretofore imposed on the county  
87 treasurer shall be discharged by some person or persons selected  
88 as required by law.

89 Amend Section 140, Mississippi Constitution of 1890, to read  
90 as follows:

91 Section 140. The Governor of the state shall be chosen in  
92 the following manner: On the first Tuesday after the first Monday  
93 of November of A.D. 2003, and on the first Tuesday after the first  
94 Monday of November of A.D. 2006, and every four (4) years  
95 thereafter, until the day shall be changed by law, an election  
96 shall be held in the several counties and districts created for  
97 the election of members of the House of Representatives in this  
98 state, for Governor, and the person receiving in any county or  
99 such legislative district the highest number of votes cast  
100 therein, for said office, shall be holden to have received as many  
101 votes as such county or district is entitled to members in the  
102 House of Representatives, which last named votes are hereby  
103 designated "electoral votes." In all cases where a Representative  
104 is apportioned to two (2) or more counties or districts, the  
105 electoral vote based on such Representative shall be equally  
106 divided among such counties or districts. The returns of said  
107 election shall be certified by the election commissioners, or the  
108 majority of them, of the several counties and transmitted, sealed,  
109 to the seat of government, directed to the Secretary of State, and  
110 shall be by him safely kept and delivered to the Speaker of the  
111 House of Representatives on the first day of the next ensuing

112 session of the Legislature.

113         The Speaker shall, on the same day he shall have received  
114 said returns, open and publish them in the presence of the House  
115 of Representatives, and said House shall ascertain and count the  
116 vote of each county and legislative district and decide any  
117 contest that may be made concerning the same, and said decision  
118 shall be made by a majority of the whole number of members of the  
119 House of Representatives concurring therein by a viva voce vote,  
120 which shall be recorded in its journal; provided, in case the two  
121 (2) highest candidates have an equal number of votes in any county  
122 or legislative district, the electoral vote of such county or  
123 legislative district shall be considered as equally divided  
124 between them. The person found to have received a majority of all  
125 the electoral votes, and also a majority of the popular vote,  
126 shall be declared elected.

127         Amend Section 168, Mississippi Constitution of 1890, to read  
128 as follows:

129         Section 168. The Clerk of the Supreme Court shall be  
130 appointed by the Supreme Court in the manner and for a term as  
131 shall be provided by the Legislature, and the clerk of the circuit  
132 court and the clerk of the chancery court shall be selected in  
133 each county in the manner provided by law. \* \* \* The Legislature  
134 shall provide by law what duties shall be performed during  
135 vacation by the clerks of the circuit and chancery courts, subject  
136 to the approval of the court.

137         Amend Section 171, Mississippi Constitution of 1890, to read  
138 as follows:

139         Section 171. A competent number of justice court judges and

140 constables shall be chosen in each county in the manner provided  
141 by law, but not less than two (2) such judges in any county \* \* \*.

142 Each justice court judge shall have resided two (2) years in the  
143 county next preceding his selection and shall be a high school  
144 graduate or have a general equivalency diploma unless he shall  
145 have served as a justice of the peace or been elected to the  
146 office of justice of the peace prior to January 1, 1976. All  
147 persons elected to the office of justice of the peace in November  
148 1975, shall take office in January 1976, as justice court judges.

149 The maximum civil jurisdiction of the justice court shall  
150 extend to causes in which the principal amount in controversy is  
151 Five Hundred Dollars (\$500.00) or such higher amount as may be  
152 prescribed by law. The justice court shall have jurisdiction  
153 concurrent with the circuit court over all crimes whereof the  
154 punishment prescribed does not extend beyond a fine and  
155 imprisonment in the county jail; but the Legislature may confer on  
156 the justice court exclusive jurisdiction in such petty  
157 misdemeanors as the Legislature shall see proper.

158 In all causes tried in justice court, the right of appeal  
159 shall be secured under such rules and regulations as shall be  
160 prescribed by law, and no justice court judge shall preside at the  
161 trial of any cause where he may be interested, or the parties or  
162 either of them shall be connected with him by affinity or  
163 consanguinity, except by the consent of the justice court judge  
164 and of the parties.

165 All reference in the Mississippi Code to justice of the peace  
166 shall mean justice court judge.

167 Amend Section 173, Mississippi Constitution of 1890, to read

168 as follows:

169 Section 173. There shall be an Attorney General elected at  
170 the same time and in the same manner as the Governor is  
171 elected, \* \* \* and whose compensation shall be fixed by law. The  
172 qualifications for the Attorney General shall be the same as  
173 herein prescribed for judges of the circuit and chancery courts.

174 Amend Section 174, Mississippi Constitution of 1890, to read  
175 as follows:

176 Section 174. A district attorney for each circuit court  
177 district shall be selected in the manner provided by law. \* \* \*  
178 The duties shall be prescribed by law, and \* \* \* compensation  
179 shall be a fixed salary.

180 BE IT FURTHER RESOLVED, That the amendments in this  
181 resolution shall be submitted to the qualified electors as one (1)  
182 amendment since the proposed amendments pertain to one (1)  
183 subject, at an election to be held on the first Tuesday after the  
184 first Monday of November 2000, as provided by Section 273 of the  
185 Constitution and by law.

186 BE IT FURTHER RESOLVED, That the explanation of the amendment  
187 for the ballot shall read as follows: "This amendment provides  
188 that the general election shall be held in an even year beginning  
189 in 2006. The term of office of elective offices beginning in 2004  
190 is reduced to three (3) years for one (1) term only to carry out  
191 this change. Legislative session lengths are adjusted to  
192 conform."

193 BE IT FURTHER RESOLVED, That the Attorney General of the  
194 State of Mississippi shall submit this resolution, immediately  
195 upon adoption by the Legislature of the State of Mississippi, to

196 the Attorney General of the United States or to the United States  
197 District Court for the District of Columbia in accordance with the  
198 provisions of the Voting Rights Act of 1965, as amended and  
199 extended.